

FEELING ABORTION RHETORIC: COLLECTIVIZING MORAL EMOTIONS  
IN A POST-ROE ERA

by

EMILY M. WINDERMAN

(Under the Direction of Celeste M. Condit)

ABSTRACT

This dissertation project examines the emotional and moral dynamics of contemporary abortion rhetoric by examining three case studies between the years of 2011 and 2013. I ask the question: how do public emotions function to define the contours of collective affiliation in one of the most heated public disagreements in the last 150 years. I coin a reading strategy entitled *emotional adherence* that seeks to understand how the emotions of sympathy, disgust, and anger circulate and adhere to bodies, objects, and spaces and thereby solidify the permeable boundaries of collective identity. Each chapter provides a history of the emotion and examines how the emotion functions to suture collective affiliation. I examine various texts that exemplify some of the major debates occurring in abortion-rights discourse today including visual imaging technologies, abortion clinic surveillance, and public modes of resistance. Each chapter teases out the circulation and uptake of the emotion in question and then applies the theoretical framework to the case at hand. In the conclusion, I argue for the continued significance of studying *emotion* in rhetorical studies at the juncture of the affective turn and consider the role of the academic in voicing reproductive health controversies in the 21<sup>st</sup> century.

INDEX WORDS: rhetoric, abortion, pro-life, pro-choice, emotions, affect, morality,  
collective identity

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## DEDICATION

This project is dedicated to my family, without whom none of this would have ever been possible.

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TABLE OF CONTENTS

	Page
ACKNOWLEDGEMENTS .....	v
1 EMOTION, MORALITY, AND ABORTION RHETORIC.....	1
Introduction.....	1
Why Moral Emotions in Abortion Rhetoric? A Purpose and Rationale.....	4
Abortion Rhetorical Scholarship: Where Have We Been?.....	8
Inquiry and Intervention: Towards a Rhetorical Theory of Moral Emotion .....	19
Chapter Outlines .....	34
2 FETAL IMAGING AND RHETORICAL SYMPATHY IN OHIO HOUSE BILL	
125: THE HEARTBEAT BILL .....	42
Introduction.....	42
Feeling versus Seeing Pregnancy: From Quickening to the Ultrasound .....	45
Towards Theorizing Sympathy as a Moral Emotion .....	53
Analysis.....	63
Conclusion .....	75
3 GREEDY AND GROSS: MORAL DISGUST AND THE CONSTITUTION OF	
ABORTION’S CONTEMPORARY ‘BACK ALLEY’ IN THE CASE OF DR.	
KERMIT GOSNELL .....	79
Introduction.....	79
Aversions and Opportunities to Theorizing Rhetorical Disgust.....	82

Historical Context: Clinical, Political, and Jurisprudential Disgust .....	95
Analysis.....	102
Conclusion .....	122
4 STANDING WITH WENDY DAVIS: ANGRY RHETORIC’S CONSTITUTION OF THE FEMINIST ARMY AND HYBRIDIZED SPACES OF PROTEST.....	125
Introduction.....	125
Context.....	128
Theorizing Angry Rhetoric as a Moral Emotion .....	138
Analysis.....	146
Conclusion .....	158
5 CONCLUSION.....	160
Introduction.....	160
Emotion and Contemporary Abortion Rhetoric.....	161
Theory and Method: Rhetoric and Emotion in the Affective Turn .....	165
Towards a Pathos of Perpetuation.....	170
After Birth Abortion, Academic Affiliation, and Alternatives .....	171
REFERENCES .....	175

CHAPTER 1:  
EMOTION, MORALITY, AND ABORTION RHETORIC

**Introduction**

On February 23<sup>rd</sup> 2012, the *Journal of Medical Ethics*, a subsidiary publication of the *British Medical Journal* published an essay entitled “After-birth Abortion: Why Should the Baby Live?”<sup>1</sup> In less than three pages, Professors Alberto Giubilini and Francesca Minerva argue, “when circumstances occur *after birth* such that they would have justified abortion, what we call *after-birth abortion* should be permissible.”<sup>2</sup> The two main arguments supporting their claim included:

(1) The moral status of an infant is equivalent to that of a fetus in the sense that both lack those properties that justify the attribution of a right to life to an individual,” and (2) “The fetus and newborn are potential persons....if the interests of actual people should prevail, then after-birth abortion should be considered a permissible option for women who would be damaged by giving up their newborns for adoption.”<sup>3</sup>

A powerful eruption of public anger emerged almost immediately, leading editor Julian Savulescu to issue a brief response legitimating his editorial judgment. Justifying that “The ethical discussion of infanticide dates back several thousand years,” with “[a]t least 100 articles hav[ing] been published in the Journal over its history, with articles both for and many against it,” Savulescu maintained that the article had undergone rigorous double-blind review. However, he couched the entirety of his response by assuring readers that “I am personally opposed to the

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<sup>1</sup> Alberto Giubilini and Francesca Minerva, “After-Birth Abortion: Why Should the Baby Live?” *Journal of Medical Ethics* 39 no.5 (2013): 261-263. While the print publication is dated 2013, it was first published online on February 23<sup>rd</sup> 2012.

<sup>2</sup> Giubilini and Minerva, “After-Birth Abortion,” 2.

<sup>3</sup> Giubilini and Minerva, “After-Birth Abortion,” 2-3.

legislation of infanticide,” and “I don’t personally agree with it.”<sup>4</sup> Professor Minerva issued a similar statement defending herself: “I didn’t mean to change any laws, I’m not in favour of infanticide. I’m just using logical arguments.”<sup>5</sup>

Suffice it to say, not everyone who read the rhetorical question embedded in the article’s title agreed that the issue was at all up for debate. One response that Savulescu published in his justification read (and I reprint the textual style exactly): “Right now I think these two devils in human skin need to be delivered for immediate execution under their code of ‘after birth abortions’ they want to commit murder—that is all it is! MURDER!!!” Another, writing in the user comment section, blamed the academic scholarly enterprise for this display of perceived moral bankruptcy. As reader Eric Dunham responded:

While logic is certainly laudable, and academic freedom is certainly necessary, you cannot hide behind them when your publications evoke a justified ire. There is a deep disorder in academia that causes its participants and advocates to dismiss the disbelief of humanity at large. Academia is no longer a bastion of intelligence, nor is it a wellspring of knowledge. It is a clique of self-admiring, self-aggrandizing, self-proclaimed “intellectuals” that ignore the basic tenets of humanity at will....Please, Madame, pour another round for your ivory tower colleagues....

Responses echoing these sentiments pervade the hundreds of comments that readers left on the *Journal of Medical Ethics*’ website. What is perhaps most interesting is that severe criticisms are detected from those who would identify as pro-choice in addition to pro-life, demonstrating at least *some* overlap in relationship to this argument.<sup>6</sup>

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<sup>4</sup> Julian Savulescu, “Why Did the Journal Publish an Article Defending Infanticide?” *Journal of Medical Ethics* 39 no.5 (2013), online data supplement available:

<http://jme.bmj.com/content/early/2012/03/01/medethics-2011-100411/suppl/DC2>

<sup>5</sup> Henrietta Cook, “Abortion Paper Led to Death Threats,” *The Sydney Morning Herald* (March 2, 2012), <http://www.smh.com.au/national/abortion-paper-led-to-death-threats-20120301-1u60a.html>.

<sup>6</sup> William Saletan, “After-Birth Abortion: The Pro-Choice Case for Infanticide,” *Slate*, [http://www.slate.com/articles/health\\_and\\_science/human\\_nature/2012/03/after\\_birth\\_abortion\\_the\\_pro\\_choice\\_case\\_for\\_infanticide.html](http://www.slate.com/articles/health_and_science/human_nature/2012/03/after_birth_abortion_the_pro_choice_case_for_infanticide.html). I also want to take this opportunity to elaborate upon how I will be using terms that refer to different positions of abortion advocacy in this dissertation. First, I would be making a critical error if I did not acknowledge the ways that the labels “pro-life” and “pro-choice” have

I would be remiss to not acknowledge the considerable irony in opening a dissertation with an exchange that highlights how a public controversy questioned some of the fundamental assumptions of the scholarly enterprise. However, this case study is an apt entry to what this dissertation explores: *what does contemporary abortion discourse teach us about how public emotions function rhetorically to suture collective identities and moral boundaries?* At its most basic, this dissertation asks the following questions: How do public emotions function as a common point for politically divergent positions? What kind of rhetorical boundaries are emotions capable of producing? In other words, how do public emotions constitute the tenuous distinctions between public and private spaces, collective affiliations, and moral judgment? Finally, might we be able to trace the public emotions of selected abortion discourses historically to better understand their durability, productivity, and limitations?

The purpose of this dissertation is to map the rhetorical work of public emotions in contemporary abortion discourse and determine the extent to which these public sentiments function as *moral emotions*.<sup>7</sup> This introductory chapter details why this project is an important endeavor in our present moment and in our field. First, I begin by elaborating the rationale behind this project, justifying the turn to analyze moral emotion in abortion discourses. Second,

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an extensive rhetorical history of their own. While teasing out the nuanced rhetorical histories of “pro-life” and “pro-choice” are an important, worthwhile project, it is beyond the scope of this dissertation to do so. However, since I will be referring to these terms frequently, I want to acknowledge how I intend to do so. When talking about a particular collective such as *Faith2Action*, *NARAL*, or *Planned Parenthood*, I will use the terms that they employ to define themselves. However, when I speak of advocate positions more generally, I engage the terms “abortion rights advocates” and “anti-abortion rights advocates.” This, of course, betrays my own political position in relationship to the issue—one of an advocate—yet I believe this move takes seriously the ways in which the monikers “pro-choice” and “pro-life” have been troubled in scholarship and advocacy.

<sup>7</sup> While I will more fully explicate what I mean by “moral emotions” throughout this chapter and others, I wish to provide a brief definitional orientation to this term here. Borrowing from Celeste Condit, I argue that moral emotions can be defined in two ways: First, moral emotions are “more focused on the well being of bodies located at other space/times” (65). Second, moral emotions are those “whose direct object can be shared” (71). See Celeste M. Condit, *Pathos for Us* (unpublished manuscript, August 5, 2011).

I provide an overview of how rhetorical studies have treated abortion controversies, carving out space for a productive supplement to the extant scholarship. Third, I describe the interdisciplinary scholarly line of inquiry known as the “affective turn,” tease out some of the relevant theoretical assumptions on which this project leans, and offer a reading strategy of *emotional adherence* to characterize how emotions function in public discourse. Finally, I provide an overview of each chapter to come.

### **Why Moral Emotions in Abortion Rhetoric? A Purpose and Rationale**

To say that the abortion controversy is considered a thoroughly emotional and moral issue does not solely justify this research project. In this section, I argue that we are in an opportune moment for an extensive examination into the emotions that act as the defining moral contours of the persistent abortion controversy. Using the “After Birth Abortion” essay’s missteps as my guide, I provide three justifications for this project. First, we have to begin rethinking the grounds by which we analyze the longstanding controversy in order to account for the critical blind spots that some of our theoretical frameworks have produced. Moral emotions, I argue, can provide an important theoretical corrective to these blind spots. Second, while U.S. abortion politics have been both binding and divisive for at least the past 150 years, scholars have examined moral discourses without seriously attending to the public emotions that at least partially constitute the moral arguments. Finally, because access to abortion services since *Roe v. Wade* has been increasingly constrained despite its legality, progressive advocates should want to forge ahead to examine the emotions that are deployed in order to legitimate and resist such access restrictions.

To begin, the authors of the “After Birth Abortion” essay could not fully foresee the potential for their work to evoke “justified ire” because their critical frameworks of philosophical

deduction were ill-equipped to consider the emotional and affiliative implications of their arguments. I argue that a similar blind spot occurred with some of our most esteemed reproductive scholars who expressed surprise and disappointment with the legacy of *Roe v. Wade*. In her recent book about the histories of reproductive politics, Rickie Solinger recounted her surprise that *Roe v. Wade* did not simply end the controversy. She writes:

I was twenty-six when the *Roe v. Wade* decision legalized abortion in 1973, and like others of my generation assumed that it had settled the matter. Perhaps because the political culture was less divided and divisive, perhaps because the claims of the women's rights movement seemed so persuasive, I didn't doubt that *Roe v. Wade* had established a new order, one that would change women's lives forever.<sup>8</sup>

Solinger is certainly not alone to juxtapose *Roe v. Wade*'s victory with surprise about a "backlash" afterwards.<sup>9</sup> Consider also that in January 2012, *Time* magazine's cover displayed the bold headline that, "Abortion rights advocates won epic victory with *Roe v. Wade*. **They've been losing ever since.**"<sup>10</sup> Scholars have offered a number of meditations about *Roe v. Wade*'s shortcomings, ranging from Rosalind Petchesky's argument that "abortion became legal in the first place...because at a particular historical moment social need, feminist activism, and populationist ideology came together," to Laurie Shrage's assertion that since *Roe* was such an overwhelming victory for one side (and therefore an overwhelming loss for another) that the viability standard must be expunged in order for either side to meet any common ground.<sup>11</sup> If *Roe v. Wade* indeed was not the last word, and *if* this was so baffling to the feminist scholars

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<sup>8</sup> Rickie Solinger, *Reproductive Politics: What Everyone Needs to Know* (New York: Oxford University Press, 2013), xv.

<sup>9</sup> See Susan Faludi, *Backlash: The Undeclared War Against American Women* (New York: Crown, 1991). and Gloria Feldt, *The War on Choice: The Right-Wing Attack on Women's Rights and How to Fight Back* (New York: Bantam Dell, 2004).

<sup>10</sup> Kate Pickert, "What Choice? Abortion-rights Activists Won Epic Victory with *Roe v. Wade*. They've Been Losing Ever Since," *Time* (January 14, 2013), 38-46.

<sup>11</sup> See Rosalind Pollack Petchesky, *Abortion and Woman's Choice: The State, Sexuality, and Reproductive Freedom* (New York: Longman, 1984), 132; Laurie Shrage, *Abortion and Social Responsibility: Depolarizing the Debate* (New York: Oxford University Press, 2003).



who have been on the front lines of the self-described “battle,” this moment is kairotic for rhetoricians to shift our attention toward other explanations for the loss of this “battle.” As I will argue, moral emotions offer critics a productive way to analyze the formation and duration of the affiliative boundaries in reproductive politics.

Second, the “After-Birth Abortion” article addressed the moral status of the fetus and newborn, but completely ignored the moral emotions that contributed to the definitional status of fetal and neo-natal moral subjectivity. In a similar vein, abortion has long been framed as a moral issue, yet the generative role of moral *emotions* in the formation of abortion’s moral landscape are either a peripheral concern of such studies or are rejected as an impediment to political action or moral reasoning. In their ethnographic research, published in a University of Chicago Press series “Morality and Society,” Andrea L. Press and Elizabeth R. Cole sought to use the “abortion issue...as a window onto women’s moral thinking” and came away with a firmer understanding of “differences in women’s political perspectives.”<sup>12</sup> While these authors sought to tease out the moral attachments of their participants, they found themselves focused on the political ideologies associated with the controversy while ignoring the possibility that emotions may not be neatly collapsed into ideological commitments.

At the most extreme, some scholars also flat out dismiss the role of emotions in moral reasoning, potentially leading to an impoverished view of the role emotions hold in constituting our complex public morality. In 1982, David Mall penned a book that dealt with moral reasoning in abortion issues using theoretical frameworks from Piaget and Kohlberg. While Mall does admit that the affective (as he defines feelings and emotions) has a role in mental functioning and human motivation, he later cites Aristotle to claim: “Emotions can block moral

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<sup>12</sup> Andrea L. Press and Elizabeth R. Cole, *Speaking of Abortion: Television and Authority in the Lives of Women* (Chicago: University of Chicago Press, 1999), 23.

development,” and “may not be as reliable as reason in making moral decisions.”<sup>13</sup> While I will return to the theoretical underpinnings of this issue in my inquiry and intervention section, this dissertation argues that we must begin extending our thinking beyond Mall’s premature dismissal of emotions in moral judgment.

Third, post-*Roe* accessibility restrictions act as an ever-evolving rhetorical exigency, demanding attention to how these material conditions can generate strong moral emotions. While Solinger and her feminist affiliates did not foresee the extent to which backlashes from the Conservative Right would roll back abortion accessibility, Melody Rose persuasively argues: that is exactly what happened. In her book *Safe, Legal, and Unavailable?* Rose asserts that abortion restrictions are more severe today than at any other time since the 1973 *Roe v. Wade* decision, leading her to lament that “Given the present restrictions and obstacles, *Roe* appears increasingly obsolete.”<sup>14</sup> The Guttmacher Institute has also produced sobering information that echoes Rose’s research. As Heather D. Boonstra and Elizabeth Nash lament, “Abortion restrictions at the state level are hardly new....However, more state abortion restrictions were enacted in 2011-2013 than in the entire previous decade.”<sup>15</sup> I provide these scholarly anecdotes to demonstrate that the issue is vibrant and ever evolving between groups that have had their own respective “victories” over the years. Moral emotions also provide a possible explanation for the underlying motivations behind abortion access restrictions and attempts to resist the restrictions.

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<sup>13</sup> David Mall, *In Good Conscience: Abortion and Moral Necessity* (Libertyville, IL: Kairos Books, 1982), 45. Glancing at the indexical entries for “affective mental functioning,” we can find the following page directions: “moral development disrupted by, 45,” primitive structuring of, 131,” role-taking and 128” and “thinking separated from, 102.”

<sup>14</sup> Melody Rose, *Safe, Legal and Unavailable? Abortion Politics in the United States* (Washington, DC: CQ Press, 2007), 157.

<sup>15</sup> Heather D. Boonstra and Elizabeth Nash, “A Surge of State Abortion Restrictions Puts Providers—And the Women They Serve—in the Crosshairs,” *Guttmacher Policy Review* 17 no.1 (2014), 10.

Taken together, women’s reproductive rights in our present moment present notable challenges for scholars and activists. Yet, these reproductive exigencies have produced an opportunity for an extensive study of the powerful public emotions that constitute the moral collectivization processes shaping the U.S. landscape of abortion advocacy.

### **Abortion Rhetorical Scholarship—Where Have We Been?**

This dissertation examines our contemporary moment of abortion rhetoric by first reflecting upon where the discourses have emerged. There is perhaps no better place to do this than in the field of Rhetorical Studies. The field has done exemplary work treating this profound point of public disagreement. In a relatively obscure footnote, Melody Rose directed readers to a veritable “cottage industry” analyzing the rhetorical framings of terminology in the abortion debates.<sup>16</sup> From numerous dimensions and frameworks, the discipline of Rhetorical Studies has led the academic pack in interrogating the formation of abortion-related belief, policy, and identity.

Within current scholarship on abortion rhetoric, treatment of the abortion controversy’s emotionality are certainly present, yet emotions occupy different points in relationship to what I glean as the central purposes of the respective projects. In what follows, I suggest that this is due, in part, to the theoretical levers that, using *Roe v. Wade* as a point of disruption, tend to have been a guiding force in the scholarship. For the purposes of identifying my position within this landscape, I break common treatments of abortion rhetoric into the following areas: *rhetorical narratives*, *argumentation*, and *ideographic criticism*. I end this section with a discussion of how scholars have turned to genealogies of the “fetal citizen” and treatments of the *biopolitical function of medical discourse* to move away from individualistic, speaker-centered models of

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<sup>16</sup> See footnote number 19 in Melody Rose and Mark O. Hatfield, “Republican Mother Redux? Women as Contingent Citizens in 21<sup>st</sup> Century America,” *Journal of Women, Politics, and Policy* 29 no.1 (2007), 27.

rhetorical action. This breakdown is certainly not intended to ignore the considerable overlap among these frameworks. However, the concepts provide foundational coordinates by which to situate this project.

### *Narrative Analyses*

To date, scholars have repeatedly pointed to the historical importance of narrative as force in major social change in two related fronts: narrative accounts were an important mechanism for social transition that brought a sense of awareness to abortion-related issues, yet narratives have also been cast as incomplete and limiting.

Celeste M. Condit identified the ways that pre-*Roe* narratives functioned to help articulate the individual experiential body into a space of public consideration—thereby instigating social change processes. Casting the narrative form as a “transitional device,” or a “direct and stout rhetorical bridge,” it held expansive emotive possibilities to translate women’s private experiences into larger social argument.<sup>17</sup> Condit recounted the 1962 story of Romper Room host Sherri Finkbine who had unwittingly ingested thalidomide during her fourth pregnancy. After Finkbine learned of thalidomide’s effects, she anonymously published her story and sought to quietly terminate her pregnancy. Upon experiencing significant obstacles within the U.S. medical system after her name was publicly revealed, Finkbine traveled to Sweden where she was ultimately able to procure the procedure. Condit suggested that the narrative generated sympathy both because Finkbine’s story situated her as a pawn in a larger battle between medical, legal, and religious entities *and* because she was a middle-class woman

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<sup>17</sup> Celeste Michelle Condit, *Decoding Abortion Rhetoric: Communicating Social Change* (Urbana, IL: University of Illinois Press, 1990), 25. For a non-rhetorical studies inquiry into the function of individual narratives in the larger, social reproductive enterprise, see Gloria Feldt, *Behind Every Choice is a Story* (Denton: University of North Texas Press, 2002). Feldt cites the powerful narratives contained in Margaret Sanger’s 1928 *Motherhood in Bondage* as the grounds for connecting “real-life stories” to an awakening of a larger social movement.

who otherwise embodied the ideological imperatives of a “family woman who loved children and surrounded herself with them even in her work.”<sup>18</sup>

Expanding upon the exemplary logic of an individual, sympathetic, middle-class woman trying to procure an illegal procedure, others have examined abortion narratives as practices of collectivization and consciousness-raising within social movements. Tasha N. Dubriwny builds upon Condit’s framework and identifies abortion “speak-outs” as both a rhetorical form and “co-constructed narratives” as a strategy of consciousness-raising in the 1969 Redstockings speak-out. As Dubriwny maintains: “The Redstockings’ speak-out explicitly illustrates collective rhetoric as a persuasive process through which a group of people contribute their own stories, note ironies, share humor, and reverse aspects of the symbolic order as a means of creating a new public vocabulary for framing their lives and the law.”<sup>19</sup> Importantly, speak-outs, which were to become popular forms of collectivization outside of the scope of abortion, helped to instantiate what is traditionally seen as “private experience” into “public life.”<sup>20</sup>

Despite these generative works, scholars have simultaneously identified narrative limitations and have framed abortion narratives as an incomplete (and sometimes counterproductive) tool in fostering social change. Framing her observations against what was

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<sup>18</sup> Condit, *Decoding Abortion Rhetoric*, 29.

<sup>19</sup> Tasha N. Dubriwny, “Consciousness-Raising as Collective Rhetoric: The Articulation of Experience in the Redstockings’ Abortion Speak-Out of 1969,” *Quarterly Journal of Speech* 91 no.4 (2005), 418.

<sup>20</sup> There has been considerable scholarship in the field of sociology that attends to practices of issue framing in the abortion controversy’s social movements. While they do not explicitly address narrative, the following essays allude to the *framing process* as a rhetorical undertaking. See: Dawn McCaffrey and Jennifer Keys, “Competitive Framing Processes in the Abortion Debate: Polarization-vilification, Frame Saving, and Frame Debunking,” *The Sociological Quarterly* 41 no.1 (2000): 41-61. See also: Anne W. Esacove, “Dialogic Framing: The Framing/Counterframing of “Partial-Birth” Abortion,” *Sociological Inquiry* 74 no.1 (2004): 70-101. Within the field of Women’s Studies, there has been considerable work attending to recording women’s abortion experiences: Cara MariAnna, *Abortion: A Collective Story* (Westport, Conn: Praeger/Greenwood, 2002). For an interesting read about why some researchers are reticent to attend to abortion narratives, see: Jeannie Ludlow, “The Things We Cannot Say: Witnessing the Trauma-tization of Abortion in the United States,” *Women’s Studies Quarterly* 36 no.1-2 (2008): 28-41. For abortion media narratives, see: Maggie Jones Patterson and Megan Williams Hail, “Abortion, Moral Maturity, and Civic Journalism,” *Critical Studies in Mass Communication* 15 no.2 (1998): 91-115.

Walter Fisher's recent contribution about narrative coherence, Condit argued: "In contrast to recent claims that narrative thought can provide us with a complete 'paradigm,' the narratives in the abortion controversy provided incomplete discussions. They did not fully communicate the beliefs, values, and conditions which generated them."<sup>21</sup> Mari Boor Tonn castigated abortion rights advocates in the wake of *Webster v. Reproductive Health Services* for infusing their narratives with a rhetoric of *moral agony* that, in conceding their anguish, recapitulated traditional gender roles and threatened the frameworks of legal abortion.<sup>22</sup>

Reaching further, Lynda Myrsiades explains that as new and multiple cultural, legal, and technological narratives emerge, there is a destabilization of *both* women's rights and fetal rights narratives. Myrsiades demonstrates how the contingency of these narratives, as they are continually modified in the courts, holds the potential to disrupt their original purposes.<sup>23</sup> As she puts it: "Without narrative acceptance (that which a dysfunctional narrative cannot deliver), legal narratives lose legitimacy as a form of knowledge, de-legitimizing the Court's decisions and undermining its authority."<sup>24</sup> Yet, in the disciplinary niche of legal consciousness research, there is tacit agreement of an existing lacuna between the law on the books and the law in action. This recognition has led scholars like Joshua C. Wilson to examine the "meaning work" that occurs through the narratives of abortion advocates and adversaries as they battle over limitations to First Amendment rights in their respective direct action initiatives.<sup>25</sup> In sum, abortion narratives served important purposes: they could weave together personal stories to elicit sympathy while

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<sup>21</sup> Condit, *Decoding Abortion Rhetoric*, 36.

<sup>22</sup> Mari Boor Tonn, "Donning Sackcloth and Ashes: *Webster v. Reproductive Health Services* and Moral Agony in Abortion Rights Rhetoric," *Communication Quarterly* 44 no.3 (1996): 265-276.

<sup>23</sup> Linda Myrsiades, "Split at the Root: Narrative Collapse in Abortion Jurisprudence," *Cultural Studies* 16 no.3 (2002): 365-500.

<sup>24</sup> Myrsiades, "Split at the Root," 385

<sup>25</sup> Joshua C. Wilson, *The Street Politics of Abortion: Speech, Violence, and America's Culture Wars* (Stanford, CA: Stanford University Press, 2013), 172. Wilson examined narratives as "an object of inquiry, the method of inquiry, and a product of inquiry."

servicing a collectivizing function. Yet, others have simultaneously identified how narrative accounts, while powerful energizing tools, illuminate the contingencies of the legal frameworks that structure reproductive lives.

### *Legal Rhetoric and Public Argument*

The advent of *Roe v. Wade* ushered in profound changes in the lives of women who had been faced with unwanted pregnancies. Rather than having to procure abortions illegally and endure the life-threatening risks of complication, the procedure became safer and somewhat more accessible to women nationwide. As the Guttmacher Institute reported, the number of deaths attributed to abortion declined dramatically, from approximately two hundred women per year in 1960 to fewer than fifty in 1973.<sup>26</sup> The newly won right to a full range of reproductive health care seemed to signal progress for the voices and choices of women in the United States.

This optimism that *Roe* would close the public controversy was short-lived. Almost immediately following the historic decision, legal, political, public, religious, and medical critique from liberal and conservative voices alike flourished. While a defeated right-to-life community issued scathing polemics that indicted reproductive rights supporters on charges of the future generation's mass murder, enclaves of feminist scholars and activists also voiced their concerns about the implications of the decision.<sup>27</sup> Analyses of abortion-related public argument have been generative for this area of scholarship because they have allowed scholars to address

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<sup>26</sup> Rachel Benson Gold, "Lessons From Before Roe: Will Past be Prologue?" *The Guttmacher Report on Public Policy* 6 (2003). <http://www.guttmacher.org/pubs/tgr/06/1/gr060108.html#chart1>. Benson Gold argues in 1930, prior to the introduction of antibiotics, the death rate was closer to 2,700 women. By 1965, illegal abortion accounted for 17% of pregnancy and childbirth related deaths.

<sup>27</sup> For critiques of the "pro-choice" framework generated by *Roe v. Wade*, see: Susan Bordo, *Unbearable Weight: Feminism, Western Culture, and the Body*. (Berkeley: University of California Press, 1993); Catherine A. MacKinnon, *Toward a Feminist Theory of the State* (Cambridge: Harvard U.P., 1989), 186, emphasis in original. For further discussion of MacKinnon's critique of *Roe v. Wade*, see: Catharine MacKinnon, "The Male Ideology of Privacy: A Feminist Perspective on the Right to Abortion," *Radical America* 17 (1983): 22-35.

the implications of flagship court cases and provide critique of the argumentative frameworks themselves. Condit argues that at the time, “the public import of abortion cases has been poorly understood,” because the jurisprudential standards presume too narrow a field of analysis.<sup>28</sup> Condit’s rhetorical perspective made major headway by reminding readers that the public domain has an integral role in abortion’s technical, medical, and legal milieu. More specifically, argumentation scholarship addresses two important sub-areas of this controversy including criticisms of *Roe v. Wade* and the definitional levers around which this controversy turns.

Argumentative criticisms of the *Roe* decision have identified possible strategic slippages in the public moral argument and the battle over fetal personhood in landmark cases. David Zarefsky analyzes how anti-abortion advocates have successfully deployed slavery analogies to bolster their own claims to moral righteousness. Drawing astute comparisons between the Dred Scott decision and *Roe*’s foundation in privacy-rights, Zarefsky identified “pro-life” arguments that situated “the fetus as slave,” “Pro-Choice as popular sovereignty,” and “Federal Funding as extension to the territories.”<sup>29</sup> Observing that the conflict between procedural moral standards and substantive standards aligns slavery and abortion in fundamental ways, Zarefsky identifies these two domains of argument as “incommensurable,” arguing “Abortion is probably the most complex moral issue confronting us today, just as slavery was in its time.”<sup>30</sup> Zarefsky’s important contribution centered the potentially precarious impacts of using moral and procedural arguments in the same argumentative sphere. Along those lines, Edward Schiappa hones into how arguments over the definition of personhood in the *Roe v. Wade* hearings pivoted around whether or not the fetus could be protected under the U.S Constitution’s Fourteenth

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<sup>28</sup> Condit, *Decoding Abortion Rhetoric*, 96-97

<sup>29</sup> David Zarefsky, “Echoes of the Slavery Controversy in the Current Abortion Debate,” *Proceedings of the seventh SCA/AFA conference on argumentation* (1991), 94.

<sup>30</sup> Zarefsky, “Echoes of Slavery,” 94.



Amendment.<sup>31</sup> Although Schiappa concedes that “the abortion controversy is not going to be resolved by the articulation of any particular definition of ‘person,’” he still maintains that the definitional dispute is a useful way to track the evolution of this seemingly intractable social issue.

### *Abortion and its Ideographs*

Despite the insights from argumentation scholars, Michael Calvin McGee asserted (somewhat ironically for our purposes here) that ideographs, defined as “the building blocks of ideology,” are “more pregnant than propositions ever could be.”<sup>32</sup> For McGee, ideographs have this potentiality because they can encompass multiple ideological commitments, all while evading the ability for publics to question their foundational logics. These “ordinary language term[s] found in political discourse...represent[t] collective commitment to a particular but equivocal and ill-defined normative goal.”<sup>33</sup> By developing a technique for analyzing the synchronic and diachronic manifestations of ideographs, McGee equipped future scholars to understand how public discourse functioned in the service of particular ideological commitments. Taking up McGee’s challenge, Condit tracked how ideographs such as <life>, <choice>, and <equality> had been deployed, contested, and claimed by various coalitional groups. As just one example, Condit points to <choice> functioning as an “articulation of maternal demands faced by women” prior to *Roe’s* passage.<sup>34</sup> Yet, as the Hyde Amendment gained traction in limiting government funding for abortion procedures, “the vocabulary of

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<sup>31</sup> Edward Schiappa, “Analyzing Argumentative Discourse from a Rhetorical Perspective: Defining ‘Person’ and ‘Human Life’ in Constitutional Disputes Over Abortion,” *Argumentation* 14 (2000), 315.

<sup>32</sup> Michael Calvin McGee, “The ‘Ideograph’: A Link Between Rhetoric and Ideology,” *Quarterly Journal of Speech* 66 no.1 (1980), 7.

<sup>33</sup> McGee, “The Ideograph,” 15.

<sup>34</sup> Condit, *Decoding Abortion Rhetoric*, 68.

Choice was thus turned back against itself as a limiting condition.”<sup>35</sup> In short, the Federal government could *choose* whether to fund a procedure that so many considered morally reprehensible.

The nuance offered by ideographic analyses has germinated scholarship in rhetorical studies, and continues to be productive in the sub-area of abortion rhetoric. For example, Sara Hayden’s insightful ideographic analysis of <life> and <choice> formation at the March of Moms attributes stagnating public abortion debate to the sedimentation and intractability of the ideographs themselves.<sup>36</sup> She argues that by complicating the placement of traditionally oriented ideographs, the March of Moms was able to open space for greater control and ideographic flexibility.

### *Fetal Imaging*

To say that the ultrasound has been a “game changer” in public and private understandings of pregnancy would be an understatement. The emergence and evolving sophistication of fetal imaging technologies have played a major role in how society and individuals relate to pregnancy. Scholarship addressing how people *see* the fetus largely concentrates on the use of visual evidence in anti-abortion discourse and the ideological effects of women’s erasure vis-à-vis ultrasound images.<sup>37</sup> If Melody Rose is correct in her assertion that rhetorical studies’ systematic examination into choice-based language is a “cottage industry,” then interdisciplinary efforts to understand the agency of fetal images should be considered a

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<sup>35</sup> Condit, *Decoding Abortion Rhetoric*, 115.

<sup>36</sup> Sara Hayden, “Revitalizing the Debate between <Life> and <Choice>: The 2004 March for Women’s Lives,” *Communication and Critical/Cultural Studies* 6 no.2 (2009): 111-131; See also: Jason Edward Black, “Extending the Rights of Personhood, Voice, and Life to Sensate Others: A Homology of Right to Life and Animal Rights Rhetoric,” *Communication Quarterly* 51 no.3 (2003): 312-331.

<sup>37</sup> Rosalind Petchesky, “Fetal Images: The Power of Visual Culture in the Politics of Reproduction,” *Feminist Studies* 13 no.2 (1987): 263-292; Carol Stabile, “Shooting the Mother: Fetal Photography and the Politics of Disappearance,” *Camera Obscura* 28 (1992): 178-205.

vibrant metropolis. While I will return to review fetal imaging scholarship to a greater extent in chapter two, I briefly gesture towards the major contributions that those in rhetorical studies and closely related fields have offered.

For anti-abortion activists, the use of fetal imagery has long been a powerfully effective tool in their rhetorical arsenal. Referring to legislative activism, Paul Lauritzen writes, “the battle over abortion is increasingly being fought in visual terms.”<sup>38</sup> The deployment of fetal imagery has largely assumed two forms: photographic representation of the living baby-in-utero and gory remains of an aborted fetus. Condit argues that there were major impacts of the deployment of fetal images: emotional investment in the pro-life position, and judicial rejection of visual claims based on imprecision. First, fetal images were publicly persuasive in that they generated and reinforced the “public fervor” of pro-life advocates. Strong emotional response in the public resulted from the metonymic reduction of the multiplicity of developmental terms of the fetus to that of “unborn baby.” Second, a metaphoric extension of the fetus’ equivalence with a fully formed human being created identification between the public and the fetus. Third, synecdochal deployment of the bodily parts of the fetus to stand in for the entire “baby” were useful insofar as they reduced the differences between fetus and human to make an argument of equivalence.<sup>39</sup> While this strengthened the pro-life support bases, it was largely thrown out in courts. In other words, although the images affected an affiliative bond, they were not as salient in the sphere of judicial argument.

### *Biopolitical Inquiries and Fetal Genealogy*

What I hope to stress at this point in my literature review is that a good deal of our disciplinary scholarship addressing abortion rhetoric has analyzed the rhetorical strategies that

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<sup>38</sup> Paul Lauritzen, “Visual Bioethics,” *The American Journal of Bioethics* 8.12 (2008), 51.

<sup>39</sup> Celeste Condit, *Decoding Abortion Rhetoric*, 81-92.

advocates have used to navigate the recurrent public controversy. Between narrative, public argument, and ideographic formation, and the strategic deployment of fetal imaging, the focus has more or less centered upon humanistic intentionality in rhetorical action. Working against this trend, a growing number of scholars have taken the abortion controversy's longstanding impasse as a radical point of departure. I generalize the trajectories of these emergent projects into two basic trends: how abortion's medical discourses about abortion articulate collective memory and how the fetus has emerged as an object of deliberation in the first place.

Rhetorical critic Nathan Stormer turns away from studies of rhetoric that center upon the study of strategic persuasion in advocacy. As he writes: "To presume an intentional rights-bearing subject operating in a civil discursive environment is to share the same ideological ground as those who argue for the sovereignty of the fetus or the pregnant woman."<sup>40</sup> As Stormer identifies foundational assumptions that the traditionally labeled "pro-life" and "pro-choice" advocates share, he opens the door to study what abortion rhetoric *does* on a larger scale. In particular, Stormer's overarching contribution to the study of abortion rhetoric has been to read how medical rhetoric materialized collective memory in relationship to social mandates upon women's maternal duties in the nineteenth century. This, of course, was especially important as concerns about reproduction amongst the Anglo-Saxon upper-class were becoming increasingly acute.<sup>41</sup> Part of Stormer's Foucauldian orientation encourages scholars "to frame abortion opposition as a restorative rhetoric that attempted to counteract white women's perceived estrangement from their maternal duty. The memory of that duty, or the recollection

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<sup>40</sup> Nathan Stormer, *Articulating Life's Memory: U.S. Medical Rhetoric about Abortion in the Nineteenth Century* (Langham, MD: Lexington Books, 2002), xii.

<sup>41</sup> There has been extensive scholarly inquiry into this historical phenomenon and those in the conversation take multiple positions on the issue. However, I borrow this argument from Nicola Beisel, *Imperiled Innocents: Anthony Comstock and Family Reproduction in Victorian America* (Princeton, NJ: Princeton University Press, 1997). Beisel has been particularly influential for my work thus far through her focus on reproductive moral rhetorics of the late nineteenth and early twentieth centuries.

of lost knowledge was articulated through medical practices.”<sup>42</sup> Put all too briefly, Stormer’s tour of nineteenth century U.S. medical rhetoric about abortion can be read as symptomatic of how our nation attempted to “quicken itself alongside the fetus.”<sup>43</sup>

Scholars working at the periphery of rhetorical studies have also been quite productive in asking: how has the fetus *itself* quickened as a cultural object since the nineteenth century? A fascinating area of emerging scholarship addresses how a multiplicity of discourses—legal, medical, religious, to name a few—has historically functioned to constitute and inscribe fetal life into the social imaginary.<sup>44</sup> As an exemplar of the scholarship in this niche, Sara Dubow’s book, *Ourselves Unborn*—a recipient of the 2011 Columbia University Bancroft Award—compiles a century’s worth of disparate discourses in her archive in order to tell a unique form of American history.<sup>45</sup> With chapters that describe the discovery and interpretation of fetal life, fetal personhood, fetal rights, and fetal pain, Dubow situates the fetus as the vehicle through which cultural, legal, racial, and gendered anxieties have been historically negotiated.

Within rhetorical studies, this literature review has suggested that there has been ample exploration of the textual issues at stake in the issue of abortion, but a relative dearth of study on emotion. Discussions of emotion have certainly been implicit, but they have not yet been

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<sup>42</sup> Stormer, *Articulating Life’s Memory*, 23.

<sup>43</sup> Stormer, *Articulating Life’s Memory*, 3.

<sup>44</sup> Studies that trace how the fetus has been materialized are primarily conducted outside of the conventional boundaries of rhetorical studies. The following provides an apt starting point for fetal citizenship: Alison McCullough, “The Rise of the Fetal Citizen,” *Women’s Studies Journal* 26 no.2 (2012): 17-25; Janine P. Holc, “The Purest Democrat: Fetal Citizenship and Subjectivity in the Construction of Democracy in Poland,” *Signs* 29 no.3 (2004), 755-782; Laurie Oats, “Smoke-Filled Wombs and Fragile Fetuses: The Social Politics of Fetal Representation,” *Signs* 26 no.1 (2000): 63-108; For research about the constitution of a “fetal patient,” vis-à-vis the technological advances that have made fetal surgery feasible, see: Monica J. Casper, *The Making of the Unborn Patient: A Social Anatomy of Fetal Surgery* (New Brunswick, NJ: Rutgers University Press, 1998). For more about the intersection of fetal citizenship and fetal medicine, see: Carol Mason, “Cracked Babies and the Partial Birth of a Nation: Millennialism and Fetal Citizenship,” *Cultural Studies* 14 no.1 (2000): 35-60.

<sup>45</sup> Sara Dubow, *Ourselves Unborn: A History of the Fetus in Modern America* (New York: Cambridge University Press, 2010).

systematically centered in rhetorical treatments of abortion discourse. What I will argue in the next section is that this scholarly elision on abortion rhetoric is symptomatic of a wider academic (and rhetorical) history on the treatment of emotions. Additionally, throughout this introductory chapter, I have gestured toward “moral emotions” as a promising frontier for understanding the intractable, yet ever shifting contours of contemporary abortion politics. In the next section, I will first gesture towards the larger theoretical conversations that my dissertation enters: the study of emotions and morality. I outline the stakes associated with the interdisciplinary *affective turn* and explain some of the fundamental assumptions that this line of inquiry offers my project. Third, I expand upon a reading strategy entitled *emotional adherence* that attends to the circulation and uptake of moral emotions.

### **Inquiry and Intervention: Towards a Rhetorical Theory of Moral Emotions**

The study of human emotion has long been a central problematic for Western theory in general and rhetorical inquiries, in particular. Yet, feminist philosopher Alison M. Jaggar laments that, “Within the Western philosophical tradition, emotions have been considered potentially or actually subversive of knowledge.”<sup>46</sup> Importantly, Jaggar maintains that emotions were certainly not *ignored*: “In the *Phaedrus*, Plato portrayed emotions, such as anger or curiosity, as irrational urges (horses) that must always be controlled by reason (the charioteer). On this model, the emotions were not seen as needing to be totally suppressed, but rather as needing direction by reason.”<sup>47</sup> In line with a general proclivity to subordinate feeling and emotion to reason in philosophical thought, scholars have lamented that this line of inquiry has played a significant role in the social materialization of gender differences. This, in turn, has justified a strict boundary defining public and private spheres and the agents capable of

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<sup>46</sup> Alison Jaggar, “Love and Knowledge: Emotion in Feminist Epistemology,” *Inquiry: An Interdisciplinary Journal of Philosophy* 32 no.2 (1989), 151.

<sup>47</sup> Jaggar, “Love and Knowledge,” 151.

legitimately making decisions therein. According to feminist philosopher Margaret Olivia Little, “Certain conceptions of affect and reason, that is, seem to be *gendered* conceptions: what is said about each—what functions they are capable of or supposed to play, what relationships they stand in with respect to each other, how they are each valued—seems to have been subtly shaped by their respective associations with certain narrow, distorted conceptions of male and female.”<sup>48</sup> By identifying these parallel subordinations, feminist scholars such as Little, Jaggar, and a number of others spawned important attempts to break apart such common associations.

Considering that influential scholarly inquiries have dissociated emotion from processes of reasoning, it is hardly surprising that in systematic theoretical inquiries into morality, emotions tend to be situated as an impediment to moral being.<sup>49</sup> More specifically, foundational theorists of moral philosophy tend to purposefully exclude emotions in order to cast moral operations at the level of individual, autonomous, and rational actors. For instance, although Immanuel Kant recognized that morality related to the maintenance of a collective dignity, his theorization of morality operates upon an individual subject’s intention and motive. Kant argues that when we seek pleasure and avoid pain, we are not acting freely, but are merely slaves to our animalistic appetites. Moral actions are only considered such when an individual has the proper intention, motive, and quality of will. Such a conception generally excludes a serious theorization of the role of emotions in our moral codes, insofar as a Kantian inspired critique

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<sup>48</sup> Margaret Olivia Little, “Seeing and Caring: The Role of Affect in Feminist Moral Epistemology,” *Hypatia* 10(3) (1995), 119. See also: Kathleen Wallace, “Reconstructing Judgment: Emotion and Moral Judgment.” *Hypatia* 8 (1993): 61-83.

<sup>49</sup> *Morality’s* definitional ubiquity demonstrates its prevalence in our social histories and collective life. The *OED* provides several etymological strands to help situate what it has, historically, meant to be moral or have moral attributes, including: “treating of or concerned with the nature of good and evil, right and wrong, or the rules of right conduct, as a subject of study.” The *OED* also implies an epideictic function of morality: “Of an idea, speech, ect.: involving ethical praise or blame.”

equates emotion with heteronomy, or un-chosen desires.<sup>50</sup> While there have been notable attempts within philosophical inquiry to work against Kant,<sup>51</sup> exemplars of those who have extended Kant's reasoning to the field of moral psychology include Jean Piaget and Lawrence Kohlberg who have similarly excluded the function of emotion in moral reasoning.<sup>52</sup>

Morality has been an enduring concern for rhetorical theorists when theorizing collective decision making and reflecting upon the purpose of rhetorical criticism. On the one hand, John Louis Lucaites, Celeste Michelle Condit, and Sally Caudill devote a section of their *Contemporary Rhetorical Theory* reader to addressing how others have theorized morality's role in collective decision-making, arguing: "...judgments must be made, and in many instances they must be made in ways that draw upon and implicate the moral bearings and considerations of the public or community being enacted and/or addressed."<sup>53</sup> In other words, the editors remind us that despite the impasses inherent in some of the most tenuous controversies of our society, decisions are necessary—requiring collective moral resources to enact the tough choices. On the other hand, a recurrent theme in theorizing the role of rhetorical criticism and the position of the critic has been what role (if any) morality should play in the analysis and judgment of rhetorical action.<sup>54</sup>

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<sup>50</sup> John Rawls, "Constructivism in Moral Theory," *The Journal of Philosophy* 77 no.9 (1980): 515-572; Onora O'Neill, *Constructions of Reason: Explorations of Kant's Practical Philosophy* (Cambridge: Cambridge University Press, 1989)

<sup>51</sup> Don Paul Abbott, "Kant, Theremin, and the Morality of Rhetoric," *Philosophy and Rhetoric* 40 no.3 (2007): 274-292.

<sup>52</sup> Jean Piaget, *The Child's Conception of the World* (London: Routledge and Kegan Paul, 1929); Lawrence Kohlberg, *The Development of Modes of Moral Thinking and Choice in the Years 10 to 16* (Chicago: University of Chicago Press, 1958).

<sup>53</sup> John Louis Lucaites, Celeste Michelle Condit, and Sally Caudill, "Part 4: Rhetoric, Reason, and Public Morality," in *Contemporary Rhetorical Theory: A Reader*, eds. John Louis Lucaites, Celeste Michelle Condit, and Sally Caudill (New York: Guilford Press, 1999), 247.

<sup>54</sup> As a germinal example of this, the exchange between Forbes Hill and Karlyn Kohrs Campbell fiercely debated the moral (in)adequacies of a neo-Aristotelian framework for criticism. Campbell administers a particularly strong blow to Hill's readings of Aristotle: "As I see it, Hill is arguing for the truth and acceptability of the major premises while recognizing the deception central to the *logos* of this address."



Even contemporary rhetorical inquiries, which might initially seem to give more to the collective formulations of morality, tend to follow this Kantian trajectory. While rhetorical scholars have attempted to tease out the complex relationship between public morality and rhetoric, many have seen emotion as individualistic, and therefore highly antithetical to moral reasoning. Thomas S. Frenz, for instance, builds his theory of moral action by working against what he considers to be a damaging “emotivism,” that “premises moral action in the desires, preferences, and needs of the individual...”<sup>55</sup> Condit makes major strides by situating morality as a collective craft against Frenz’ theory that supposes a “conversational” framework, metaphorically privatizing the moral domain, yet she still does not provide a complete treatment of emotions associated with morality.<sup>56</sup> To summarize, social psychologist David Pizarro synthesizes three historical objections to the emotion-based moral frameworks: “(a) Emotions are always partial, arbitrary, and passive; (b) Moral judgments should be impartial, well-grounded, and freely made, (c) Emotions are detrimental to moral judgments, and are to be avoided in moral decision-making.”<sup>57</sup> With only sporadic and underdeveloped exceptions, this syllogism has permeated scholarly inquiry regarding the morality of emotions and functions as a substantial theoretical hurdle for this dissertation project.

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The final statement I have cited makes the point of his critique explicit in regard to questions of truth: what we are to applaud as critics is highly skillful deception and concealment. As a critic, that is a bitter pill I cannot swallow.” Karlyn Kohrs Campbell, “Conventional Wisdom—Traditional Form’: A Rejoinder,” *Quarterly Journal of Speech* 58 (1972), 452. See also: James F. Klumpp and Thomas A. Hollihan, “Rhetorical Criticism as Moral Action,” *Quarterly Journal of Speech* 75 (1989), 84-97.

<sup>55</sup> Thomas S. Frenz, “Rhetorical Conversation, Time, and Moral Action,” *Quarterly Journal of Speech* 71 (1985), 2.

<sup>56</sup> Celeste Michelle Condit, “Crafting Virtue: Rhetorical Construction of Public Morality,” *Quarterly Journal of Speech* 73 (1987): 79-97. She indicts Frenz for his overt conversational metaphor, but also takes aim at Walter Fisher for resorting to an interpersonal exchange in a Platonic dialogue to illuminate his narrative paradigm. She does so by positing an inductive theory of rhetorical morality that tethers durable moral principles to an acknowledgement of contingency, “thereby allowing both variety and error” within particular cultural formations.

<sup>57</sup> David Pizarro, “Nothing More than Feelings? The Role of Emotions in Moral Judgment,” *Journal for the Theory of Social Behavior* 30 no.4 (2000), 358.

While the tensions that inhere in inquiries of emotion *and* morality are long-standing, these frameworks have come under contemporary scrutiny. For instance, there is debate that is trying to come to terms with the tension that arises from Aristotle's recognition of the importance of emotions in social life while simultaneously acknowledging his focus on developing a *techne* for reason.<sup>58</sup> Similarly, Renee Descartes' account of emotion has recently gained attention from disparate perspectives. Antonio Damasio has urged us to rid ourselves of Descartes' "error," or his "abysmal separation between body and mind."<sup>59</sup> In contrast, Rei Terada has argued that Descartes' approach to emotions, in some ways, can be seen as bridging mind and body.<sup>60</sup> Other scholars within rhetorical studies in particular have been taking seriously Heideggerian contributions.<sup>61</sup> There is, in other words, no shortage of resources or conversations one might turn to for exploring theories of emotion that might be socially relevant.

Building from recent interdisciplinary interest in studying emotion *and* a recognition that humans are not the only species capable of complex logical procedure, social psychologists are

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<sup>58</sup> While not an exhaustive account of modern treatments of Aristotle's practical deliberation, the following scholarship demonstrates that a lively debate exists regarding the role of political emotions in collective life. See: Arash Abizadeh, "The Passions of the Wise: *Phronesis*, Rhetoric, and Aristotle's Passionate Practical Deliberation," *Review of Metaphysics* 56 no.2 (2002): 267-296; Eugene Garver, "Deliberative Rationality and the Emotions," in *Aristotle's Rhetoric: An Art of Character* (Chicago, IL: University of Chicago Press, 1994): 104-138; Daniel M. Gross, *A Secret History of Emotion: From Aristotle's Rhetoric to Modern Brain Science* (Chicago, IL: University of Chicago Press, 2006); Alan G. Gross and Marselo Dascal, "The Conceptual Unity of Aristotle's Rhetoric," *Philosophy and Rhetoric* 34 no.4 (2001): 275-291; David Konstan, *The Emotions of the Ancient Greeks: Studies in Aristotle and Classical Literature* (Toronto, CA: University of Toronto Press, 2006); Barbara Koziak, *Retrieving Political Emotion: Thumos, Aristotle, and Gender* (University Park, PA: Pennsylvania State University Press, 2000); Marlene K. Sokolon, *Political Emotions: Aristotle and the Symphony of Reason and Emotion* (DeKalb, IL: University of Northern Illinois Press, 2006); Michael William Pfau, "Whose Afraid of Fear Appeals? Contingency, Courage, and Deliberation in Rhetorical Theory and Practice," *Philosophy and Rhetoric* 40 (2007): 216-237.

<sup>59</sup> Antonio Damasio, *Descartes Error: Emotion, Reason, and the Human Brain* (Berkeley, CA: Penguin, 1994).

<sup>60</sup> Rei Terada, *Feeling in Theory: Emotion After the 'Death of the Subject,'* (Cambridge, MA: Harvard University Press, 2001).

<sup>61</sup> Michael J. Hyde, and Craig R. Smith. "Aristotle and Heidegger on Emotion and Rhetoric: Questions of Time and Space." In *The Critical Turn: Rhetoric and Philosophy in Contemporary Discourse*, edited by Ian Angus and Lenore Langsdorf, 68-100. Carbondale, IL: Southern Illinois University Press, 1993.

attempting to take seriously the productivity of our moral frameworks—and in particular what they are defining as “moral emotions.”<sup>62</sup> Lamenting that “research on morality has traditionally focused on rational moral reasoning,” social psychologist Jonathan Haidt notes how a turn to the emotional components of moral reasoning began in the 1980’s alongside what I will soon discuss as the theoretical wagers at stake in the affective turn.<sup>63</sup> In other words, with the emergence of the broadly named “affective turn,” social psychology saw greater theorization of the collective emotions at play in moral encounters.<sup>64</sup> Many social and evolutionary psychologists unsurprisingly take Darwinian insight as a point of departure in order to trace how emotions have socially evolved purposes in sustaining and encouraging cooperation in collective life.<sup>65</sup> As social psychologist Roger Giner-Sorolla states, “Moral emotions are particularly complex because they are based on emotions that have been adapted to serve a number of different functions for humans over time.”<sup>66</sup>

While there is much to gain from our interdisciplinary counterparts who take seriously these social evolutionary insights, their theories present an important limitation that prevents a wholesale adoption of their theoretical perspective: these frameworks tend to rely upon fairly static perspectives of the individual and the social, preventing a thorough consideration of the discursive and practical complexities that instantiate these distinctions. One of the problems that

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<sup>62</sup> Unsurprisingly, many of these frameworks begin with some of Charles Darwin’s insights about social adaptation and group-based survival.

<sup>63</sup> Haidt explains that research on the moral emotions prior to 1980 was generally focused on either guilt or sympathy, producing a fairly bifurcated (and thus impoverished) understanding of emotional processing. See Jonathan Haidt, “The Moral Emotions,” in *Handbook of Affective Sciences*, R.J. Davidson, K.R. Scherer, and H. H. Goldsmith, eds. (Oxford: Oxford University Press, 2003), 852-870.

<sup>64</sup> Haidt, “The Moral Emotions,” 853. See also: Jonathan Haidt, *The Righteous Mind: Why Good People Are Divided by Politics and Religion* (New York: Pantheon Books, 2012).

<sup>65</sup> Jennifer L. Goetz, Dacher Keltner, and Emiliana Simon-Thomas, “Compassion: An Evolutionary Analysis and Empirical Review,” *Psychological Bulletin* 136 no.3 (2010): 351-374. Brian Parkinson, “Emotions are Social,” *British Journal of Psychology* 87 (1996): 663-683.

<sup>66</sup> Roger Giner-Sorolla, *Judging Passions: Moral Emotions in Persons and Groups* (New York: Psychology Press, 2012), 23. He promotes a “Functional Conflict Theory,” that attends to why “emotions seem to be such a problem for humanity when they do so much for us.” (47)

we see in the social psychologists' theorizing about moral emotions is that their very definition of the area of inquiry implies a strict bifurcation between the individual and the collective. Consider Haidt's definition of moral emotion as: "those emotions that are linked to the interests or welfare either of a society as a whole or at least persons other than the judge or agent." While Haidt gestures in important directions as he tries to consider the function of moral emotions as those that consider the needs of those beyond one's own purview, his theories cannot fully account for the contingency of "society as a whole." This limitation becomes increasingly acute when we consider that a grounding concern that separates abortion rights advocates from adversaries is precisely the composition of "society" and who or what interests should be foregrounded.

As such, a rhetorical theory of moral emotions is necessary in order to better account for the contingent configurations of collectives. Introducing the idea of contingency complicates Haidt's definition to enough of an extent that I am compelled to offer an operative definition of moral emotions for this dissertation. For this project, moral emotions can be understood as *relational statements that carry affective energies, operate on an expansive trajectory of collective boundary setting across space/time, and relate to objects of shared concern.* In what follows, I explicate this definition in conjunction with my review of the tenets associated with the interdisciplinary affective turn.

#### *Understanding the Affective Turn's Contribution to Moral Emotion*

The affective turn has been preoccupied by the systematic questioning of the glacial formations of reason's privilege in the both academic scholarship and social life more broadly. Anu Koivunen provides the following extensive, yet cogent overview of the myriad of issues at stake in this line of inquiry:

A turn to affect can be detected both *against* and *within* the poststructuralist, social constructionist theories of the subject and power. Affects have become an object of interest both as articulations of culture, language and ideology, and as a force field that questions scholarly investments in those terms. Furthermore, the 'turn' features both an individualist and anti-individualist thread. While the question of affect for many scholars is a question of epistemology and methodology and, therefore, an opportunity for increased personal and political accountability through a 'lost language of emotion' or a rehabilitation of the emotional self, for others it reads as a possibility to move beyond the individual and personal, and to relocate critical attention from language, discourse, and representations to the real, from body to matter, from cultures to nature, from identity to difference, from psychic to social.<sup>67</sup>

The affective turn is particularly generative for this dissertation in order to think about the rhetorical production of moral emotions. Indeed, rhetorical scholars have been taking up the questions associated with this turn with increased interest and rigor.<sup>68</sup> As Koivunen suggests, the affective turn is a fragmented, lively, and interdisciplinary conversation that has many (and often conflicting) goals. The fragmented conflicts of the affective turn are perhaps most pronounced when considering the theoretical stakes of labeling the object of inquiry as emotion or affect. Brian Massumi, for instance, speaks to an "autonomy of affect" that "exceeds capture" of an emotion's "sociolinguistic fixing," and sees affect as "a key to rethinking postmodern power

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<sup>67</sup> Anu Koinunen, "An Affective Turn? Reimagining the Subject of Feminist Theory," in *Working with Affect in Feminist Readings*, Marianne Liljeström and Susana Paasonen, eds. (New York and London: Routledge, 2010), 9.

<sup>68</sup> Rhetorical scholars approach the questions of emotion and affect from a number of different perspectives. There have been a number of public address scholars of who have examined emotion, including: Stephen H. Browne, "'Like Gory Spectres': Representing Evil in Theodore Weld's *American Slavery as It Is*," *Quarterly Journal of Speech* 80 (1994): 277-293 and Susanna Kelly Engbergs, "With Great Sympathy: Elizabeth Cady Stanton's Innovative Appeals to Emotion," *Rhetoric Society Quarterly* 37 (2007): 307-332; John M. Murphy, "'A Time of Shame and Sorrow': Robert F. Kennedy and the American Jeremiad," *Quarterly Journal of Speech* 76 (1990): 401-14; Kenneth Zagacki and Patrick A. Boelyn-Fitzgerald, "Rhetoric and Anger," *Philosophy and Rhetoric* 39 (2006): 290-309; Robert Hariman and John Louis Lucaites. "Dissent and Emotional Management in a Liberal-Democratic Society: The Kent State Iconic Photograph." *Rhetoric Society Quarterly* 31 (2001): 5-32. Those who attend more specifically to *affect* in rhetorical studies include: Catherine Chaput, "Rhetorical Circulation in Late Capitalism: Neoliberalism and the Overdetermination of Affective Energy," *Philosophy and Rhetoric* 43 (2010), 1-25; Dana Cloud, "Therapy, Silence, and War: Consolation and the End of Deliberation in the 'Affected' Public." *Porois* 2 (2003): on-line; Jenny Edbauer Rice, "The New 'New': A Case for Critical Affect Studies." *Quarterly Journal of Speech* 94 (2008): 200-12; Christian Lundberg, "Enjoying God's Death: *The Passion of the Christ* and the Practices of an Evangelical Public," *Quarterly Journal of Speech* 95, no. 4 (2009): 387-411; Joshua Gunn, "On Speech and Public Release," *Rhetoric and Public Affairs* 13 (2010): 175-215.

after ideology.”<sup>69</sup> Still, there are others like Teresa Brennan who maintain “there is no reason to challenge the idea that emotions are basically synonymous with affects” because both are “material, physiological things.”<sup>70</sup> This dissertation is centrally concerned with tracking the circulation and uptake of “moral emotions,” while also recognizing that there is “something” that exists in excess of the codified framework of intelligible emotion. In what follows, I explicate the foundations of my reading strategy.

### *Complicating Inside-Out/Outside-In Perspectives of Emotional Circulation*

If we begin thinking about how moral emotions are relational statements that carry affective energies, we need to further explore how these relational statements we call emotions do their work. Because my project seeks to identify *what moral emotions are doing in abortion discourses* within our contemporary moment, I begin my definition of emotion by aligning myself with those who pose similar research questions. In her book *The Cultural Politics of Emotion*, Sara Ahmed’s project seeks to complicate “inside out” and “outside in” theories of emotion.

Put briefly, the “inside out” perspective tends to be characteristic of psychological frameworks that claim emotions are something interior to a subject that are expressed outward and taken up by surrounding others. Ahmed writes the following of the “inside out” model, “the logic here is that I have feelings, which *then* move outwards towards objects and others, and which might even return to me.”<sup>71</sup> The “inside out” perspective has both been a dominant mode of thinking about emotions and has contributed to circular arguments regarding the subject of emotion. Explicating a similar critique, Rei Terada identifies “expression” as a “dominant trope of thought about emotion...as the term ‘stems from the Latin, *e + movere*, which originally

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<sup>69</sup> Brian Massumi, “The Autonomy of Affect,” *Cultural Critique* 31 (1995), 88.

<sup>70</sup> Brennan, *Transmission of Affect*, 6.

<sup>71</sup> Ahmed, *Cultural Politics of Emotion*, 9

meant ‘to move out,’ ‘to migrate,’ or ‘to transport an object.’<sup>72</sup> The “inside out” perspective that Ahmed addresses is aligned well with what Terada playfully critiques as the “expressive hypothesis.” As Terada maintains, “The purpose of expression tropes is to extrapolate a human subject circularly from the phenomenon of emotion. The claim that emotions require a subject—thus we can see we’re subjects, since we have emotions—creates the illusion of subjectivity rather than showing evidence of it.”<sup>73</sup> Ultimately, I join Terada, Ahmed and others who might critique emotion’s germinal point as an individualistic phenomenon that is transmitted outwards. In doing so, I hope to challenge individually oriented models of public emotion and rhetorical action by providing alternative ways of thinking about what emotions are *doing*. In other words, I seek to retain the idea of thinking about emotions as “moving,” while complicating the directionality of this movement; Emotions do not *only* move from what can be recognized as an individual body outwards to another.

The “outside in” perspective, on the other hand, tends to conceive of emotions as imbued through technologies of cultural practice.<sup>74</sup> As Ahmed discusses, the sociality of emotions from the “outside in” perspective is about recognizing, along with sociologists like Emile Durkheim and crowd psychologists like Gustav Lebon, that emotions are a social form, imposed upon individual bodies, yet are irreducible to any particular body.<sup>75</sup> From this perspective, scholars

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<sup>72</sup> Terada, *Feeling in Theory*, 11

<sup>73</sup> Terada, *Feeling in Theory*, 11

<sup>74</sup> Ahmed, *Cultural Politics of Emotion*, 9

<sup>75</sup> Germinal work from scholars such as Catherine Lutz, *Unnatural Emotions: Everyday Sentiments on a Micronesian Atoll & Their Challenge to Western Theory* (Chicago: The University of Chicago Press, 1988). Within rhetorical studies, see Robert Hariman and John Louis Lucaites, “Visual Tropes and Late Modern Emotion in U.S. Public Culture,” *POROI* (2008); Mary M. Garrett, “Pathos Reconsidered from the Perspective of Classical Chinese Rhetorics,” *Quarterly Journal of Speech* 79 (1993): 19-39; While it may be a controversial position, I also tend to group analyses that reduce affect to a determining neo-liberal discourse formation in this category, acknowledging that some of the perspectives rely on the co-optation of an individual’s affective energy. For the former, see Catherine Chaput, “Rhetorical Circulation in Late Capitalism.” For an analysis that discusses the neoliberal cooptation of an

have been able to generate observations about an entire culture's social life, allowing them to think about how the social can be defined in and through public emotion. While the "outside in" perspective may initially seem a radical re-orientation to "inside out" models, Ahmed cautions that when we merely reverse the directional logic of emotion's movement, we both presume and reify an objective distinction between an individual body and the body politic. As Brennan puts it: "What is at stake now is how the idea of transmitted affects undermines the dichotomy between the individual and the environment and the related opposition between the biological and social."<sup>76</sup>

In order to complicate the dichotomy and offer an alternative model of how emotions are rhetorically functioning, I borrow Ahmed's theory of *stickiness* that attends to how emotions *circulate* and *constitute* the boundaries between subjects and objects, which allows for an inside and outside to be recognizable in the first place. I coin the term *emotional adherence* as a way of analyzing the moral emotions operative in rhetorical action. The *OED* provides multiple definitions of *adherence* that are relevant to this way of examining rhetoric including "a steadfast commitment to a belief or practice" and "attachment to a person, party, or cause." While I use this framework to examine what I term *moral emotions*, I hope to construct this framework such that those who are not necessarily interested in morality in itself might be able to find utility in this way of analyzing texts. Such a concept encourages rhetorical critics to pursue the following questions: How are emotions *recognizable* in the case studies? In what ways might these emotions be considered *moral* emotions? How are these moral emotions working to materialize the boundaries between subjects/objects and collective identity?

#### *Moral Emotions as Relational Statements*

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individual's energy, see: Davi Johnson Thornton, "Neuroscience, Affect, and the Entrepreneurialization of Motherhood," *Communication and Critical/Cultural Studies* 8 no.4 (2011): 299-424.

<sup>76</sup> Teresa Brennan, *The Transmission of Affect*, 7.



If moral emotions exist in surplus of the inside-out and outside-in models of movement, how do we go about complicating this dichotomy? I suggest that we need a multi-layered understanding of how emotions move in order to produce a nuanced analysis of their rhetorical capacities. This requires that each emotion receive a unique treatment of its linguistic and non-linguistic dimensions to determine how each carries affective energies.

Beginning with the linguistic dimension of moral emotions, I intend to interrogate how particular emotions are capable of being recognized as such. Emotions, I argue, can be recognized vis-à-vis a multitude of linguistic dimensions. In order for emotions to be relational and have rhetorical force, they must assume a form that can generally be attributed to a particular emotional trajectory. In other words, the emotions must have the capacity for public intelligibility. Ahmed provides a strong starting point when interrogating textual emotionality by examining the repetitive configurations of metonymy and metaphor and the naming of an emotion in text (such as “that’s disgusting!”).<sup>77</sup> Beyond Ahmed’s offering, I might detect moral emotions working throughout my archive vis-à-vis unique rhetorical forms<sup>78</sup>, figures, how grammatical structures position a subject in a sentence, and typographical layout.<sup>79</sup>

The non-linguistic aspects—including sensorial capacities and action tendencies—are important in order to round out an emotional profile. This reading strategy attempts to take seriously the role of sensorial capacities in the circulation of moral emotions. As Brennan again reminds us, “all affects...are material, physiological things....affects have an energetic

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<sup>77</sup> Ahmed, *Cultural Politics of Emotion*, 14-16. Within rhetorical studies, see Celeste M. Condit, “How we feel with metaphors for genes: Implications for understanding humans and forming genetics policies,” pp. 123-140. *Bioethics, Public Moral Argument, and Social Responsibility*, ed. Nancy M.P. King and Michael J. Hyde. (New York and London: Routledge, 2012).

<sup>78</sup> Erin J. Rand, “An Inflammatory Fag and a Queer Form: Larry Kramer, Polemics, and Rhetorical Agency,” *Quarterly Journal of Speech* 94 (2008): 297-319.

<sup>79</sup> Ellen Lupton, *Thinking with Type: A Critical Guide for Designers, Writers, Editors, and Students* (Princeton, NJ: Princeton Architectural Press, 2010).

dimension.”<sup>80</sup> When Brennan theorizes how affects move, she gives particular credence to the proprioceptive capacities of all living things. Brennan is going to give “unconscious olfaction” a primary privilege as it reflects what neurologists have called “entrainment,” wherein “airborne molecules...signal and produce reactions by unnoticeable odor in many hormonal interactions.”<sup>81</sup> To quote Brennan again, “I suggest smell...is critical in how we ‘feel the atmosphere.” While Brennan privileges smell, she does not insinuate that it is the only way in which affects can move. She does admit that sight has a role in such processes but does not treat it as extensively because she argues that it has occupied a privileged position since at least the 18<sup>th</sup> century. She writes, “Sight, as noted earlier is the sense that renders us discrete, while transmission breaches individual boundaries.” Additionally, rhetorical critics have recently been turning to sound as a way to thicken analyses of public address. Greg Goodale remarks that, in many ways, *sound* is a critical component of how rhetoric moves audiences:

For example, the most famous recorded line of presidential oratory may be Franklin Roosevelt’s passage, “the only thing we have to fear is fear itself.” Inevitably, when that line is critically analyzed, it is discussed as words on a page. But to say that only words constitute the text is to miss an important reason why the passage resonated so deeply with American in 1933.<sup>82</sup>

Emotional Adherence seeks to holistically consider these insights when critically examining an archive in order to determine how rhetorics of sight, smell, sound, taste, and touch might at least partially contribute to the circulation of particular moral emotions.

More than individual proprioception, we must also remain aware of how to read the different action tendencies of an emotion. While the term “action tendencies” has its strongest purchase in the domains of moral and evolutionary psychology, Celeste Condit has recently drawn on Aristotle’s taxonomy of emotions in Book II of the *Rhetoric*, importing these insights

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<sup>80</sup> Brennan, *Transmission of Affect*, 6.

<sup>81</sup> Brennan, *Transmission of Affect*, 9.

<sup>82</sup> Greg Goodale, “The Presidential Sound: From Orotund to Instructional Speech, 1892-1912,” *Quarterly Journal of Speech* 96 no.2 (2010), 166.

into rhetorical studies. Action tendencies, according to Condit, are “particular ways in which bodies are predisposed to be moved by specific emotions.”<sup>83</sup> Defending against what I can only assume might be charges of biological determinism, Condit wagers: “if one models the human body/mind as having both biological and symbolic inputs that are fixed through complex processes sometimes called “development,” one can consistently maintain both that emotions are culturally shaped and that they carry predispositions to action that have transcultural aspects.” Reading for action tendencies will be a dimension of *emotional adherence* in two ways. As I tease out the unique theory of movement associated with a moral emotion, it is essential to account for how bodies could reasonably be affected by discourses that evoke such emotions.

#### *Moral Emotions as Historical Products of Rhetorical Action*

The moral emotions I analyze by no means emerge from a vacuum; rather, they amalgamate histories, affiliative bonds, and power struggles that legitimize and normalize particular feelings at the expense of others. Ahmed asserts that “Emotions shape the very surfaces of bodies, which take shape through the repetition of actions over time, as well as through orientations towards and away from others.”<sup>84</sup> As such, part of my reading strategy is to provide a sketch of the historical and concurrent elements from which particular emotions emerge. Engaging in a reading strategy of emotional adherence honors practices and norms of rhetorical criticism and public address insofar as it is nods to historical context as an important element in understanding how emotions have come to materialize the boundaries of moral judgment. Yet, this project is far more aligned with those who are attempting to think about context more in terms of the fluidity that engenders effects of fixedness. As Jenny Edbauer (Rice) puts it: “The contact between two people on a busy city street is never simply a matter of

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<sup>83</sup> Condit, “Pathos in Criticism: Edwin Black’s Communism-As-Cancer Metaphor,” *Quarterly Journal of Speech* 99 no.1 (2013), 6.

<sup>84</sup> Ahmed, *The Cultural Politics*, 4.

those two bodies; rather the two bodies carry with them the traces of effects from whole fields of culture and social histories. This is what it means to say that the social field is networked and connected, rather than matters of place.”<sup>85</sup> As such, each chapter will provide a sketch of important historical and social influences that have influenced a moral emotion’s social configuration and intelligibility.

### *Emotions and the Constitution of Spaces*

The final dimension of my reading strategy that I wish to address here is the constitutive function that circulating moral emotions are able to enact. Particularly, this dissertation analyzes how the rhetorical work of moral emotions is intimately tied to the constitution of space. Rhetorical scholars are certainly no strangers to the study of place and space. Indeed, contemporary scholars have thoroughly dedicated themselves to studying the rhetorical forces of spaces of trauma, protest, and sites of public memory that include monuments and museums.<sup>86</sup> Distinctions between public, technical, and private “spheres” have been systematically theorized, nuanced, rejected, and been cast as the foundation by which controversies might emerge.<sup>87</sup>

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<sup>85</sup> Jenny Edbauer, “Rhetorical Ecologies: Unframing Models of Rhetorical Action,” *Rhetoric Society Quarterly* 35 no. 4 (2005), 10.

<sup>86</sup> Carole Blair and Neil Michel, “Reproducing Civil Rights Tactics: The Rhetorical Performances of the Civil Rights Memorial,” *Rhetoric Society Quarterly* 30 (2000): 31-55; Greg Dickinson and Brian L. Ott, and Eric Aoki. “Spaces of Remembering and Forgetting: The Reverent Eye/I at the Plains Indian Museum.” *Communication and Critical/Cultural Studies* 3, no. 1 (2006): 27-47; Richard Marback, “The Rhetorical Space of Robben Island,” *Rhetoric Society Quarterly* 34, no. 2 (2004); Elizabethada A. Wright, “Rhetorical Spaces in Memorial Places: The Cemetary as a Rhetorical Memory Place/Space,” *Rhetoric Society Quarterly* 35, no. 4 (2009); Robert Topinka, “Resisting the Fixity of Suburban Space: The Walker as Rhetorician,” *Rhetoric Society Quarterly* 42, no. 1 (2012); Kenneth S. Zagacki and Victoria J. Gallagher, “Rhetoric and Materiality in the Museum Park at the North Carolina Museum of Art,” *Quarterly Journal of Speech* 95, no. 2 (2009); Cheryl R. Jorgensen-Earp, and Lori A. Lanzilotti, “Public Memory and Private Grief: The Construction of Shrines at the Sites of Public Tragedy.” *Quarterly Journal of Speech* 84 (1998): 150-70.

<sup>87</sup> G. Thomas Goodnight, “The Personal, Technical, and Public Sphere of Argumentation: A Speculative Inquiry into the Art of Public Deliberation,” *Argumentation and Advocacy* 18 (1982): 214-227. It is worth noting here that this article is anthologized in the Rhetoric and Public Morality section of the *Contemporary Rhetorical Theory Reader*. See also: Nancy Fraser, “Rethinking the Public Sphere: A Contribution to the Critique of Actually Existing Democracy,” *Social Text* 25/26 (1990): 56-80; Kendall

Importantly, scholars have inquired into the ways that rhetorical spaces are gendered, carrying the historical residues of social formations.<sup>88</sup> Citing Henri Lefebvre, Mountford asserts that spaces can “sugges[t] symbolic associations, and...caus[e] us to form relationships with each other and the space through its structures.”<sup>89</sup> While there is no shortage of different ways to examine rhetorical spatiality, part of this dissertation’s task is to read for the ways in which spaces come into contact with different moral emotions and to what rhetorical impact.

To summarize the force of *emotional adherence*, the linguistic, non-linguistic, historical, and spatial elements converge in order to produce the collectivizing function of moral emotions. Namely, I suggest that moral emotions are capable of binding bodies together into relationship with objects deemed harmful or unjust. Moral psychologist Jonathan Haidt states that “morality binds and blinds,” bringing him closely into alignment with Kenneth Burke’s influential theories of identification and division. Moral emotions, I suggest are one dimension of the social adhesive that can act as the basis for shared identity formations. As moral emotions circulate and adhere to some bodies (and not others), it forms a boundary between those who align with the emotion in question.

### Chapter Previews

Considering my theoretical/methodological contribution within the purpose of the overall project, I undertake three criticism chapters that, taken together, constitute several important stops on a tour of the moral emotions associated with our contemporary moment in U.S. abortion politics. While there is undoubtedly a web of emotions operating within the confines of each of these case studies, each chapter singles out just one central emotion: sympathy, disgust, and

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R. Phillips, “The Spaces of Public Dissension: Reconsidering the Public Sphere,” *Communication Monographs* 63 no.3 (1996): 231-248.

<sup>88</sup> Roxanne Mountford, “On Gender and Rhetorical Space,” *Rhetoric Society Quarterly* 31 no.1 (2001), 41-71.

<sup>89</sup> Mountford, “On Gender and Rhetorical Space,” 49.

anger. With a single emotion as my guide, I tease out a theory of the emotion's logic of movement and the action tendencies that it engenders before considering how it can function in a collectivizing manner. Each case study was selected because of the range of reproductive affiliations that it presents. While the first and third case studies present the collectivizing processes of pro-life and pro-choice advocates, the second case study examines where the two collective identity positions can overlap.

### *Chapter 2: Visual Imaging and the Sympathetic Morality of Heartbeat Bill Rhetoric*

In the first case study, I examine how *sympathy* functions as a collectivizing moral emotion in *Faith2Action's* heartbeat bill rhetoric. On March 3<sup>rd</sup> 2011, *Faith2Action*, a self-identified pro-life organization based in Ohio introduced House Bill 125, *The Heartbeat Bill* and announced that it would make a groundbreaking argument against *Roe v. Wade*. On a conservative talk radio show, *Faith2Action* President Janet Folger Porter shared the sound-byte version of this legislation: "When a heartbeat is detected, the baby is protected."<sup>90</sup> *Faith2Action* sought the following legislative imperatives in the Heartbeat Bill:

1. It requires the abortionist to check to see if the unborn baby the pregnant woman is carrying has a heartbeat. Sec. 2919.19(C).
2. If the child has been found to have a heartbeat, it requires the abortionist to let the mother know this. Sec. 2919.19(D)
3. If the baby is found to have a detectable heartbeat, that child is protected from being killed by an elective abortion. Sec. 2919.19(E).<sup>91</sup>

Perhaps the most controversial, yet salient of these appeals has been to give women *public* ultrasounds in order to have others detect and interact with the fetal heartbeat. *Faith2Action* claimed to have brought the "youngest witness ever to testify in front of a State legislature." A woman in the early stages of her pregnancy was given an ultrasound on the floor

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<sup>90</sup> James Dobson Radio Broadcasts, "The Heartbeat of the Pro-Life Movement. Guest: Janet Folger Porter." <http://www.myfamilytalk.com/Broadcasts/Broadcast?i=72c13c3b-30a0-441d-ac81-98d78c9c4187>

<sup>91</sup> *Faith2Action*, "The Facts on H.B. 125: The Heartbeat Bill," 1. [www.heartbeatbill.com](http://www.heartbeatbill.com)

of the Ohio House of Representatives. *Faith2Action* also held what I term a *rally of public feeling* where they excitedly introduced audience members to fetal-members of their community. While that particular iteration of the bill was not signed into law, in the coming years, numerous states have introduced similarly structured “heartbeat bills,” with Ohio sneaking a version into their 2012 budget. Put simply: Heartbeat bills have emerged intermittently throughout the past three years, demonstrating that in some ways a fetal heartbeat can be at least as compelling to collective feeling as a legal standard of fetal viability.

While a large majority of pro-life groups believe life begins at conception and would like to see abortion banned entirely, there has been a realization that this is currently an untenable position. Thus, certain pro-life groups have been particularly pragmatic in launching “incremental” challenges to *Roe v. Wade*.<sup>92</sup> Certain Supreme Court decisions such as *Gonzalez v. Carhart* that banned partial birth abortion, for instance, have worked to push the point of prohibition further back towards conception.<sup>93</sup> The practices of fetal imaging, in particular, have dramatically changed the landscape of the abortion controversy. Many informed Consent laws legitimated by *Planned Parenthood v. Casey* ruling require that a woman seeking an abortion see their fetus and listen to its heartbeat before undergoing the procedure.<sup>94</sup>

This case study is my contemporary starting point for the project because each of the further case studies build from this chapter’s assertion that sympathy is a powerful circulating

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<sup>92</sup> Glen A. Halva-Neubauer and Sara L Zeigler, “Promoting Fetal Personhood: The Rhetorical and Legislative Strategies of the Pro-Life Movement after *Planned Parenthood v. Casey*,” *Feminist Formations* 22 no.2 (2010), 101-123.

<sup>93</sup> Peter M. Ladwein, “Discerning the Meaning of *Gonzales v. Carhart*: The End of the Physician Veto and the Resulting Change in Abortion Jurisprudence,” *Notre Dame Law Review* 83 (2007-2008).

<sup>94</sup> Sarah E. Weber, “An Attempt to Legislate Morality: Forced Ultrasounds as the Newest Tactic in Anti-Abortion Legislation,” *Tulsa Law Review* 45 no.2 (2009): 358-384; For a legal analysis of some of the emotional entailments involved, see: Jeremy A Blumenthal, “Abortion, Persuasion, and Emotion: Implication of Social Science Research on Emotion for Reading *Casey*,” *Washington Law Review* 83 no.1 (2008), 1-38.

moral emotion in our contemporary reproductive moment. As I will argue, the ability to see, hear, speak to, and feel *for* an autonomous other is a critical means by which sympathy works, which has productive outcomes both for how this moral emotion materializes the fetus as an object of sympathy and prenatal space as community space. This chapter not only lays the groundwork for thinking about sympathy in this case, but also how sympathy then becomes a public resource for justifying fetal protection, care, and even retribution in the other cases to which I attend.

### *Chapter 3: Kermit Gosnell, Disgust, and Abortion's Contemporary 'Back Alley'*

The third chapter of this dissertation centers the emotion of disgust and examines the rhetoric surrounding the trial and conviction of the West Philadelphia abortion provider Dr. Kermit Gosnell. In 2011, police raided Gosnell's clinic and found what the Grand Jury reported as "a disgusting house of horrors." Police found the remains of aborted fetuses in the freezer. Next to the bloodstained exam tables, they also found filthy medical tools that Gosnell would reuse time and time again. The clinic did not even have a working autoclave sanitizer.

As the Philadelphia District Attorney's Grand Jury report indicated, Gosnell's character was just as filthy as his surroundings. His co-workers reported his callous and flippant attitude towards the desperate and often impoverished women who would come to him seeking third trimester abortions. To save money, Gosnell hired a medical staff that was not licensed—a high school student was forced to work over fifty hours per week, mixing and administering narcotics for women who were about to terminate their pregnancies. Rarely monitoring patients during the abortion process, Gosnell left them heavily medicated as they sat on the toilet for hours wailing in pain until the procedure was complete. The report indicated that at least two women died on the premises, surmising that countless others were left close to death as Gosnell sometimes did



not finish the abortion. He also instructed the workers in his “snipping” procedure: when women happened to deliver a live birth, the attendant would snip the spinal cord with a pair of shearing scissors. Gosnell even allegedly joked that one of the fetuses he aborted was so large it could “walk to the bus stop.”<sup>95</sup>

Pennsylvania’s Department of Health (DOH) and Department of State (DOS) were not spared from blame. The second half of the report questioned how Gosnell’s practice was able to escape oversight for so long and indicted both oversight agencies for frequently looking the other way when evidence of the doctor’s misdeeds came to light.

As this description demonstrates, almost everything associated with the Gosnell case is disgusting. From reports of the filthy clinic with its nauseating odor to his practice of taking advantage of low-income women of color in vulnerable situations, disgust is both a central feature of the scene and one of the most important moral emotions circulated regarding Gosnell’s trial and conviction.

Beyond the diametrically opposed positions on the issue, disgust is an emotion that *both* abortion advocates and adversaries circulate in relationship to this case. Abortion rights advocates cite the “back-alley abortions” of the 19<sup>th</sup> and 20<sup>th</sup> centuries, where women would frequently die undergoing unsafe and illegal procedures. Anti-abortion advocates, on the other hand declared Gosnell’s clinical practice to be the *modus operandi* for all doctors that perform abortions, and as such, declared that the procedure should be banished.

This chapter begins by teasing out a layered theory of disgust that accounts for the multiple physical, cultural, historical, and moral discourses that contribute to something being intelligible as disgusting. I ask the questions: How has disgust historically functioned in public

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<sup>95</sup> R. Seth Williams, “Report of the Grand Jury XXIII” *1<sup>st</sup> Judicial District of Pennsylvania Criminal Trial Division*, Misc. No. 000-9901-2008. The entire report is available online: <http://www.phila.gov/districtattorney/pdfs/grandjurywomensmedical.pdf>.

discourses about abortion? What role does disgust have in negotiating U.S. public morality regarding abortion in the wake of the Gosnell conviction? I examine theorists of emotion who have expressed a deep rejection, reticence, or enthusiasm for the incorporation of disgust into our moral emotional repertoire. I then explore two relevant contextual strands of disgust history: first, I examine the impact the sanitary reform movements in Brittan and the United States had on standards of cleanliness and design of clinical space. Finally, I examine how discourses of disgust pervade relevant Supreme Court decisions such as *Gonzalez v. Carhart* (a case legitimating a Federal ban on “partial birth abortion”). The chapter then details how Gosnell and his clinical space are textured as disgusting, legitimating shared aversion and swift judgment against each. Finally, I explore the differential uptake of the case in two films. The chapter concludes by meditating upon the potentialities of disgust to function as a moral emotion and considers why anti-abortion advocates were able to more adeptly take up the case for their own political purposes.

#### *Chapter 4: Angry Rhetoric in Senator Wendy Davis’/”The People’s” Filibuster*

The fourth chapter of this project examines the rhetoric surrounding Senator Wendy Davis’ eleven and a half hour filibuster in the Texas legislature on June 25<sup>th</sup> 2013. Texas House Republicans’ planned to sneak a restrictive law into effect during a special session. Citing the Gosnell case as its warrant, the measure would require every abortion clinic in the state of Texas to be equipped as an ambulatory surgical center with its providing doctors having admitting privileges in area hospitals. According to the Guttmacher institute the necessary retrofitting would cost each clinic approximately 1.1 million dollars, leaving many to close under the financial burden of the new law.

Wendy Davis would filibuster for 11.5 hours in order to run out the clock during the session. Barred from eating, drinking, sitting, using the restroom, and straying from the topic at hand, Davis read testimony into the court record as she shifted her weight from side to side in her now iconic pink tennis shoes. Davis was forced to halt her filibuster after she had cited a restriction on Planned Parenthood's budget that was deemed off topic, had a colleague help her put on a back brace, and an "off topic" mention of a Texas sonogram law.<sup>96</sup> When the head of the committee halted Davis' filibuster thereby opening the space for the Republican legislators to pass the restrictive measure, the crowd who had been watching in the capitol rotunda erupted in outrage. After a member of the crowd cried "bullshit," the spectators began chanting, "Let her speak." Over the course of the next two hours, the crowd's voluminous chanting prevented any legislative action from being accomplished. Retroactively dubbed "the people's filibuster," the crowd had effectively circumvented the legislative procedure, deferring the decision to another day.

While the chants that demanded Davis be allowed to continue speaking reverberated through the State Capitol, supportive sentiments began intensifying across social media. In a grateful response to the foregone conclusion that the passage of this restrictive bill was inevitable in the staunchly conservative state of Texas, reproductive rights advocates nationwide began tweeting their support using the hashtag #feministarmy. This, #HB2, #standwithwendy, and #TXlege were all within the top ten trending hashtags during the proceedings, demonstrating a larger reach of this filibuster while it was occurring. While self-defined pro-life advocates tried to muster a twitter response campaign with hashtags such as #standforlife, they were immensely outnumbered.

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<sup>96</sup> Elise Hu, "Texas Lawmaker's 11-Hour Filibuster Ended on a Technicality," *National Public Radio* (June 26, 2013), <http://www.npr.org/blogs/thetwo-way/2013/06/26/195723770/texas-lawmakers-11-hour-filibuster-ended-on-a-technicality>.

Elsewhere, I have argued that anger has historically functioned as a collectivizing moral emotion in reproductive politics. This chapter seeks to further develop that claim by examining the contours of moral outrage in this contemporary case. Unlike my other argument that focused specifically on the textual circulation of Margaret Sanger's *The Woman Rebel*, analyzing moral outrage in the Davis filibuster has its own unique dimensions. For one, the spaces under consideration are far more layered, ranging from the immediate audience in the capitol to those following along in cyberspace. Also unlike the anger of *The Woman Rebel*, this case provides an ideal example of a collective whose anger produced immediate (albeit short term) legislative impact. To be sure, this analysis is not predicated upon a success/failure model of rhetorical action. Rather, I do think that we can fruitfully track how the achievement of the goal was able to energize and bind this collective against charges that fighting for reproductive rights in Texas was a futile undertaking.

CHAPTER 2:  
FETAL IMAGING AND RHETORICAL SYMPATHY IN  
OHIO HOUSE BILL 125: THE HEARTBEAT BILL

**Introduction**

Immediately after the 1973 passage of *Roe v. Wade*, frustrated pro-life groups made it their mission to see this decision overturned in their lifetime.<sup>97</sup> While Pro-life advocates found their strength in several of the decisions handed down by the sitting Justices, two excerpts from *Roe* have functioned as a collective point of hope that technological advances could eventually render the decision obsolete. The first was, “The judiciary, at this point in the development of man’s knowledge, is not in a position to resolve the difficult question of when life begins.”<sup>98</sup> The Court’s reticence to stake a claim to the beginning of life offered an important argumentative opening for abortion rights adversaries. In the second assertion, Justice Harry Blackmun dangled a carrot in front of Pro-life groups when he wrote, “If the suggestion of personhood is established, the appellants’ case, of course collapses for the fetus’ right to life would then be guaranteed specifically by the 14<sup>th</sup> Amendment.”<sup>99</sup> This glimmer of hope has helped motivate pro-life groups to fight the 24-week fetal viability standard. While many religiously oriented pro-life groups believe life begins at conception and would like to see

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<sup>97</sup> See for example: Justin Taylor, “Overturning and Undermining *Roe v. Wade*: An Interview with Clarke Forsythe,” *The Gospel Coalition* (January 22, 2010), <http://thegospelcoalition.org/blogs/justintaylor/2010/01/22/overturning-and-undermining-roe-v-wade-an-interview-with-clarke-forsythe/>

<sup>98</sup> [www.voicesfromthewomb.com](http://www.voicesfromthewomb.com)

<sup>99</sup> [www.voicesfromthewomb.com](http://www.voicesfromthewomb.com)

abortion banned entirely, there is a realization that this is currently an untenable position. Thus, certain pro-life groups have been pragmatic in launching “incremental” challenges to *Roe’s* 24 week viability standard, testing the contingency of its Constitutional legitimacy.

Furthering this incremental strategy, on March 3<sup>rd</sup> 2011, *Faith2Action*, a pro-life organization based in Ohio, announced that it would make a groundbreaking challenge to *Roe v. Wade*. *Faith2Action* introduced House Bill 125, colloquially named the *heartbeat bill* into the Ohio State House of Representatives. The important legislative imperatives of H.B. 125 were as follows:

1. It requires the abortionist to check to see if the unborn baby the pregnant woman is carrying has a heartbeat. Sec. 2919.19(C).
2. If the child has been found to have a heartbeat, it requires the abortionist to let the mother know this. Sec. 2919.19(D)
3. If the baby is found to have a detectable heartbeat, that child is protected from being killed by an elective abortion. Sec. 2919.19(E).<sup>100</sup>

On a conservative talk radio show, *Faith2Action* President Janet Folger Porter shared the “sound byte” version of this legislation: “When a heartbeat is detected, the baby is protected.”<sup>101</sup>

For both legal and political reasons, the Heartbeat Bill was not enthusiastically welcomed into the hearts of Ohio’s powerful right-to-life communities. Despite a shared belief in the personhood of the fetus, a number of advocacy groups including Ohio Right to Life declared that the bill would open the door to Constitutional challenges, nullifying the incremental gains that they had been championing for years.<sup>102</sup> Reporting this developing controversy, the *New York Times* noted: “A widening and emotional rift over legal tactics has split the anti-abortion movement, with its longtime leaders facing a Tea Party-like insurrection from many grass-roots

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<sup>100</sup> *Faith2Action*, “The Facts on H.B. 125: The Heartbeat Bill,” 1.

<sup>101</sup> Dr. James Dobson Family Talk, “The Heartbeat of the Pro-Life Movement. Guest: Janet Folger Porter.” (September 5, 2011), <http://www.myfamilytalk.com/Broadcasts/Broadcast?i=72c13c3b-30a0-441d-ac81-98d78c9c4187>

<sup>102</sup> Laura Bassett, “Ohio ‘Heartbeat Bill’ Divides Pro-Life Community,” *The Huffington Post* (July 7, 2011), [http://www.huffingtonpost.com/2011/07/07/ohio-heartbeat-bill-divides-pro-life\\_n\\_892530.html](http://www.huffingtonpost.com/2011/07/07/ohio-heartbeat-bill-divides-pro-life_n_892530.html)

activists who are impatient with the pace of change.”<sup>103</sup> On a more political level, while *Faith2Action* President Janet Folger Porter had once been a powerful and influential member of Ohio’s Pro-life policy making milieu, her more recent appeals for social change were drifting so radically to the right that more centrist Pro-Life groups were distancing themselves from her.<sup>104</sup> *Faith2Action* therefore had a notable exigency: how to mend the internal split in the pro-life coalition and convince skeptics that the heartbeat bill was a worthy outlet for their collective energies?

While this legislation is an important area of inquiry for legal scholars and public policy experts, rhetorical critics should be intrigued by the pathemic appeals that were used to garner support for the divisive bill. *Faith2Action* engaged a number of tactics including sending heart-shaped mylar balloons and red roses to Ohio’s congressional representatives to pull on their “heartstrings.” Perhaps the most controversial, yet salient, of these appeals has been to give women public ultrasounds in order to have audience members see a fetus and detect its heartbeat, generating sympathy for the legislation. On March 11<sup>th</sup> 2011, *Faith2Action* claimed to have brought the “youngest witness to ever testify in front of a State legislature.”<sup>105</sup> The tactic rallied support in the Ohio House of Representatives, which passed H.B. 125 along to the Senate where it did not have enough votes to pass.

This chapter centers the emotion of sympathy and asks how the emotion functioned in *Faith2Action*’s attempt to legitimate the heartbeat bill, despite its lack of support from much of

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<sup>103</sup> Erik Eckholm, “Anti-Abortion Groups Are Split on Legal Tactics,” *The New York Times* (December 4, 2011), [http://www.nytimes.com/2011/12/05/health/policy/fetal-heartbeat-bill-splits-anti-abortion-forces.html?pagewanted=all&\\_r=0](http://www.nytimes.com/2011/12/05/health/policy/fetal-heartbeat-bill-splits-anti-abortion-forces.html?pagewanted=all&_r=0)

<sup>104</sup> Michelle Cottle, “Heartbeat Crusader: Janet Folger Porter, Abortion Warrior, on her Heartbeat Crusade,” *The Daily Beast* (July 7<sup>th</sup> 2013), <http://www.thedailybeast.com/articles/2013/07/07/janet-folger-porter-abortion-warrior-on-her-heartbeat-crusade.html>

<sup>105</sup> Caitlin Dickson, “Fetus to Testify Against Abortion,” *The Wire* (March 1, 2011), <http://www.thewire.com/politics/2011/03/fetus-to-testify-against-abortion/17696/>

the Ohio Right to Life community. Taking seriously *New York Times* contributor Erik Eckholm's words, "The heartbeat bill, if not as sweeping as personhood, has a more visceral public appeal," I argue that *Faith2Action's* engagement of the public ultrasound functioned as a sympathetic rhetoric to build collective support for the legislation and suture the boundaries of a fragmented pro-life public. This sympathetic rhetoric had three major components. First, rather than engage gory or disgusting images of aborted fetuses, *Faith2Action* allowed the audience to empathically orient themselves to a new fetal community member through a sensory and imaginative experience of seeing and hearing the fetus speak. Second, the organizers of the heartbeat bill rally encouraged the audience to channel their empathy towards holding particular sentiments and engaging in action to support the bill. Third, the public ultrasound constituted Heartbeat Bill supporters as moral agents, consolidating pro-life identity.

This chapter proceeds as follows: I first begin by reviewing extant feminist literature on fetal imaging, suggesting that critics should take seriously the affiliative capacity of ultrasound technology. Next, I offer a theory of sympathy as a public moral emotion. Following, I elucidate some of the contextual obstacles facing *Faith2Action*. I then perform a critical reading of the sympathetic rhetoric surrounding the Heartbeat Bill rally's introduction to the fetal community member. After a critical reading of the components of the sympathetic rhetoric, I close with a meditation on how this rhetoric of sympathy could remold the boundaries of Ohio's fragmented pro-life collective. Last, I consider the rhetorical implications of this analysis in light of the increased uptake of Heartbeat Bill laws nationwide.

### **Feeling versus Seeing Pregnancy: From Quickening to the Ultrasound**

Several scholars have argued that visual evidence has overtaken embodied experience in the determination of when fetal life begins. The fifth chapter of Eve Keller's analysis of the rhetoric



of reproduction in early modern England opens with a narrative of Theodore Kerckling, a physician who after performing an autopsy on a deceased woman, located an amniotic sac approximately the size of a cherry.<sup>106</sup> To his amazement, Kerckling's autopsy reported, "one might already see the first lineaments of a child, since we observed in [the cherry] the head as distinct from the Body, and in the head we took notice of some traces of its principle organs."<sup>107</sup> The ability for Kerckling to attribute personhood to this cherry-like object was profound insofar as it troubled ancient conceptions of personhood. Particularly, Keller underscores a long history of cultural reticence to define fetal personhood prior to the experience of *quickenin*g:

Prior to 1803...common law restricted abortion only after quickening, or *perceived fetal movement*, which, according to traditional manuals on pregnancy and childbirth, would occur some time between the third and fifth months of gestation. Medieval church documents frequently distinguished between early and late "abortions," referring to early states of the fetus as "unformed" or "in a liquid state," and to early abortions, therefore, as not deserving of the same punishment as an abortion performed later in the pregnancy.<sup>108</sup>

This "perceived fetal movement," the woman's experience of quickening, demonstrates a longstanding connection between feeling, group affiliation, and maternal identity. As Keller rightly observed, the litmus test of fetal protection has been the recognition and attribution of an embodied feeling within a (semi) autonomous being that has the status of a person.<sup>109</sup> The experience of quickening, then, functioned not only as a juridical metric for protecting life, but also as both a mode of personal bodily awareness, and status within the community.

While quickening might have signaled the beginning of pregnancy, and thus the beginning of a protectable life, Cheryl R. Jorgensen-Earp and Lori A. Lanzilotti contended that the high rate of infant mortality in the 19<sup>th</sup> century structured how parents related to their kin.

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<sup>106</sup> Eve Keller, *Generating Bodies and Gendered Selves: The Rhetoric of Reproduction in Early Modern England*, (Seattle, WA: University of Washington Press, 2007), 125.

<sup>107</sup> Keller, *Generating Bodies*, 125.

<sup>108</sup> Keller, *Generating Bodies*, 127.

<sup>109</sup> Keller, *Generating Bodies*, 132.

While the 18<sup>th</sup> century's view of children as miniature adults gave way to a 19<sup>th</sup> century treasuring of the child, this new relationship was seriously constrained by the very real possibility of death. The authors observed:

Children often remained unnamed until they reached several months or over a year in age. The practice gives meaning to a common term used for both living and deceased infants, the 'little stranger.' Such tactics became both totems to ward off evil and a distancing from a child, intended to buffer against the trauma of possible loss.<sup>110</sup>

While the detection of being pregnant was still a function of quickening, parents did not fully consider a newborn infant as part of the clan until s/he had demonstrated enough strength to live through the first several months. This did not mean the parents neglected their children. Quite the contrary, children were to be "nurtured in the heart of the insular family."<sup>111</sup> The development of safer childbirth techniques coupled with advances in post-natal medical care gradually reduced the risk of perinatal loss, allowing parents to feel more comfortable in forming an attachment to their newborns. Distancing behavior common in the earlier era would today likely be considered alien or even abusive. Thus, while "protectable" life began at quickening, *familial and community life* was instantiated well after birth.

The emergence of fetal imaging has largely displaced quickening as the standard of proof of when life might be detected and even protected. Whereas quickening occurs between three and five months gestation, transvaginal ultrasound technology can detect a growing fetus as early as four weeks into the pregnancy. Medical experts and rhetorical scholars alike have commented on the changes ushered in by fetal imaging technologies. But the historical example provided by Jorgensen-Earp and Lanzilotti shows that even if visualization were taken to prove that life has been detected, the choice to include that life in the community's protection

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<sup>110</sup> Cheryl R. Jorgensen-Earp and Lori A. Lanzilotti, "Public Meaning and Private Grief: The Construction of Shrines at the Sites of Public Tragedy," *Quarterly Journal of Speech* 84 (1998), 157.

<sup>111</sup> Jorgensen-Earp and Lanzilotti, "Public Memory and Private Grief," 157.

requires an additional layer of affect. Because the detection of the fetal heartbeat has such a central role in the rhetoric proffered by the supporters of H.B. 125, it is necessary to parse out the interdisciplinary treatments of fetal imaging that have permitted this rhetoric to emerge.

*Visual Imaging in Reproductive Advocacy: The Rhetorical Limits of Ideology*

To say that the ultrasound has been a “game changer” in public and private understandings of pregnancy would be an understatement. The emergence and evolving sophistication of fetal imaging technologies have played a major role in how society and individuals relate to pregnancy. Scholarship addressing how people *see* the fetus largely concentrates on the use of visual evidence in anti-abortion discourse, the ideological effects of fetal image circulation, and the maternal-fetal bonding that a pregnant woman experiences after seeing her child.

For pro-life activists, the use of fetal imagery has long been a powerfully effective tool in their rhetorical arsenal. Referring to legislative activism, Paul Lauritzen writes, “the battle over abortion is increasingly being fought in visual terms.”<sup>112</sup> The deployment of fetal imagery has largely assumed two forms: photographic representation of the living baby-in-utero and gory remains of an aborted fetus. Celeste Condit has argued that there are two major impacts of the deployment of fetal images: emotional investment in the pro-life position, and judicial rejection of visual claims based on imprecision. First, fetal images were publicly persuasive in that they generated the “public fervor” of pro-life advocates. Strong emotional response in the public resulted from the metonymic reduction of the multiplicity of developmental terms of the fetus to that of “unborn baby.” Second, a metaphoric extension of the fetus’ equivalence with a fully formed human being created identification between the public and the fetus. Third, synecdochal deployment of the bodily parts of the fetus to stand in for the entire “baby” were useful insofar as

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<sup>112</sup> Paul Lauritzen, “Visual Bioethics,” *The American Journal of Bioethics* 8.12 (2008), 51.

they reduced the differences between fetus and human to make an argument of equivalence.<sup>113</sup> While this strengthened the pro-life support bases, such arguments were largely thrown out in courts. In other words, although the images affected an affiliative bond predicated upon righteous indignation, they were not as salient in the sphere of judicial argument.

Beyond these explicitly political purposes of impacting legislative outcome, visual reproductive technologies have been studied to determine the emotional impact of undergoing an ultrasound. More often than not, however, critical scholars' documentation of emotional experience reduces pregnant women's feelings about their ultrasound to what appears to be false consciousness. Exemplifying this tendency, Rosalind Petchesky's germinal treatment of fetal imaging technologies stresses that "now the woman's felt evidence about the pregnancy is discredited, in favor of the more "objective" data on the video screen."<sup>114</sup> While Petchesky laments the replacement of embodied *feeling* by an "objective" visual gaze, she simultaneously attributes the affiliative feelings a woman may have to fetishization. As she explains, "Indeed, the very idea of 'bonding' based on a photographic image implies a fetish: the investment of erotic feelings in a fantasy."<sup>115</sup> While Petchesky made admirable advances in a critique of the ideology of pregnancy management and visual surveillance, her commitment to this position ultimately engages in the same reduction of embodiment that she earlier laments.

To be fair, Petchesky does spend several pages toward the end of the article interpreting the seemingly contradictory elation of mothers as they see their developing fetuses. However, her explanation for the positive affects is reduced to the mother's economic privilege: "Whatever their age or risk category, they are likely to be products of a middle class culture that values

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<sup>113</sup> Celeste Condit, *Decoding Abortion Rhetoric: Communicating Social Change* (Chicago: University of Illinois Press, 1994), 81-92.

<sup>114</sup> Rosalind Petchesky, "Fetal Images: The Power of Visual Culture in the Politics of Reproduction," *Feminist Studies* 13.2 (1987), 277.

<sup>115</sup> Petchesky, "Fetal Images," 277.

planning, control, and predictability in the interests of a “quality” baby.”<sup>116</sup> While I will certainly agree that there are considerable economic factors relating to the ability for a woman to *access* such medical care, Petchesky’s position seems to come into conflict with Janelle S.

Taylor’s ethnographic observations. Taylor writes that,

Nor is it only middle class women who demand ultrasound. Among the women I spoke with in the course of my research were “clinic” patients (i.e. poor women relying on publicly subsidized programs and clinics for prenatal care...) who sought out the ultrasound *both* because it is understood to be a standard of good care *and* because they too wanted to partake in the pleasures it may offer.<sup>117</sup>

While the differences here might be a result of the thirteen-year gap between the two pieces, Petchesky’s reduction of embodied affiliation to ideology seems to place pregnant women right back into a space of ignorance. Taylor, however, also has a tendency to plaster themes of ideologically driven consumption practices onto the use of ultrasound technology. Although the women that Taylor interviewed expressed their fears, elation, and relief, she attributes these feelings to commoditization.<sup>118</sup> I quote Taylor at length to demonstrate how the pregnant women’s emotional testimonies seem to fall through the cracks in her research: Amy, a twenty-five year old African American college student explained, “I feel a lot happier now since I know the heart is okay...Everytime I get an ultrasound it relaxes me, it’s reassuring.” And Jane, a thirty-five-year-old white psychologist, noted that her husband “was just very anxious about the whole thing, just wondering whether he could handle it. And it wasn’t until the ultrasound when he saw it moving, and he completely changed his attitude about the pregnancy—I was so *happy*, I didn’t care *why* we were there.”<sup>119</sup>

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<sup>116</sup> Petchesky, “Fetal Images,” 282.

<sup>117</sup> Janelle S. Taylor, “Of Sonograms and Baby Prams: Prenatal Diagnosis, Pregnancy, and Consumption,” *Feminist Studies* 26.2 (2000), 407, emphases in original.

<sup>118</sup> Taylor, “Sonograms and Baby Prams,” 404.

<sup>119</sup> Taylor, “Sonograms and Baby Prams,” 407.

The reported feelings of happiness, relaxation, anxiety, relief, and elation described here are subsumed into an ideological critique of consumption practices at the expense of denying the bonds of affiliation they signal. Ingrid Zechmeister agrees, commenting that pregnant women have largely positive feelings associated with the medical ritual of the ultrasound. For Zechmeister, these positive feelings do two things: first, they report a greater attachment to the fetus. In fact, many women begin a photo album with their sonograms to document “baby’s first picture.”<sup>120</sup> Second, they will often make marked adaptations in lifestyle choices (such as smoking cessation) after undergoing a sonogram.<sup>121</sup> I read the circulation of “baby’s first picture” and lifestyle adaptations as more of an affiliative activity than both Petchesky and Taylor give it credit for. For instance, I question whether the following statement from a proud father-to-be reflects a commoditization of the fetus. When Taylor asked Andre what he was planning on “doing” with the sonogram image, he responded,

“Oh, I’m gonna show it off, you know, I don’t know if this can be framed or not, but I’m gonna take it to work. I’ll explain it to them, you know, that this is his spine right here, and this is his head, he has a big head like mine.”<sup>122</sup>

Rather than commodifying the fetus, I argue that Andre’s comparison of his unborn baby’s “big head” to his own demonstrates identification and affiliation. The imaging technology allows the fetus to be “like” his father, thus constituting him as part of the family. So, rather than a dismissal of feelings of emotional identification with the fetus or attributing enjoyment of the ultrasound to fetishization and a privileged class position, I suggest that feminist rhetorical scholars need to more generously consider the ultrasound’s production of emotion. Doing so

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<sup>120</sup> Ingrid Zechmeister, “Foetal Images: The Power of Visual Technology in Antenatal Care and the Implications for Reproductive Freedom,” *Health Care Analysis* 9 (2001): 387-400.

<sup>121</sup> Zechmeister, “Foetal Images,” 389.

<sup>122</sup> Taylor, “Sonograms and Baby Prams,” 409.

better prepares rhetorical critics to account for the ways that these strategies can be publicly deployed.

To an extent, bioethicists have engaged the question about the relationship between ultrasound technology and its facilitation of emotion. Paul Lauritzen proposes that we must move away from logocentric analyses of the ethical by attending to the ways in which visual arguments work *with* language to produce current understandings of fetal identification.<sup>123</sup> I am perhaps most persuaded by Lauritzen's assertion that pro-life organizations have sophisticated pathemic tools at the ready. He asserts:

Rather than seeking to induce guilt and fear by showing pregnant women grisly images of aborted fetuses, many "pregnancy crisis centers" strive to foster hope and a sense of caring by displaying images or models of intact fetuses. The goal is no longer to shock but rather to facilitate an emotional identification between a pregnant woman and a fetus.<sup>124</sup>

While Lauritzen seeks to fold the study of visual argument into rational-linguistic appeals, Catherine Mills believes that this move reinscribes logocentric perspectives, failing to produce a radical understanding of maternal embodiment.<sup>125</sup> For Mills, the ultrasounds present the fetus as a "being" that demands an ethical response. This, she says, cannot be reduced to the linguistic construction of fetal personhood. Rather she claims, "ultrasound images put us in relation to a being that we do not otherwise have such a relationship with."<sup>126</sup> Mills borrows from the moral theories of Adam Smith and argues that the ultrasound image functions upon what she terms the *sympathetic imagination* by framing the fetus as a site of vulnerability and singularity. That is, the ultrasound technology constitutes the corporeal life of the fetus as a figure worthy of protection.

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<sup>123</sup> Lauritzen, "Visual Bioethics."

<sup>124</sup> Lauritzen, "Visual Bioethics," 51.

<sup>125</sup> Catherine Mills, "Images and Emotion in Abortion Debates," *American Journal of Bioethics* 8.12 (2008), 62.

<sup>126</sup> Mills, "Images and Emotion," 62.

If sympathy has been a productive heuristic to think beyond the solely repressive function of the ultrasound image in an interpersonal context, then the emotion might also be an ideal locus to interrogate the function of the *public* ultrasound in the Heartbeat Bill rallies. In the next section, I begin by situating the coordinate points of sympathy's history as a moralizing emotion. Following, I tease out the emotional adherence of sympathy as including empathic appraisal, the suggestions of proper sentiment and display, and the collectivizing capacities that define and expand the boundary limits of social inclusion.

### **Towards Theorizing Sympathy as a Moral Emotion**

This chapter adopts the Oxford English Dictionary's definition of sympathy as the "Conformity of feelings, inclinations, or temperament, which makes persons agreeable to each other; community of feeling; harmony of disposition" because it explicitly allows me to account for the disposition (or arrangement) of public feeling in order to produce a community as one provisionally constituted by collective feeling. In settling on this definition, it is important to note that the meanings of sympathy vary depending upon particular disciplinary affiliations and goals. While the task of this chapter is not to provide a genealogy of sympathy, a multi-disciplinary engagement compels at least a gesture towards some of the disparate understandings of the emotion.

Social Work theorist Karen Gerdes observes that a contemporary consideration of sympathy must first account for its relationship to empathy insofar as the term "empathy" did not emerge until the beginning of the twentieth century.<sup>127</sup> As the OED demonstrates, empathy has a two-fold meaning: "In the psychological theory of Lasswitz: a physical property of the nervous system analogous to electrical capacitance, believed to be correlated with feeling," and "The

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<sup>127</sup> Karen E. Gerdes, "Empathy, Sympathy, and Pity: 21<sup>st</sup>-Century Definitions and Implications for Practice and Research," *Journal of Social Service Research* 37 no.3 (2011): 230-241.



ability to understand and appreciate another person's feelings, experience, etc." The interplay between sympathy's extensive history and empathy's recent emergence is an important one because sympathy in the 17<sup>th</sup> and 18<sup>th</sup> centuries might be best understood as today's empathy.<sup>128</sup> This chapter will consider empathy as a necessary precursor that is foundational to but insufficient for instigating sympathetic action.

Rhetorical theories of sympathy are perhaps most prominent in the *Belle Lettres* tradition in the 18<sup>th</sup> Century Scottish Enlightenment theories of David Hume and Adam Smith. For David Hume, sympathy was theorized as a *capacity* to receive the feelings of others by virtue of one's proximity to others. A motivating element of his project was to better understand what he considered to be a "contagious" dimension of collective action.<sup>129</sup> As he describes in *A Treatise of Human Nature*:

We may begin with considering anew the nature and force of *sympathy*. The minds of all men [sic] are similar in their feelings and operations; nor can any one be actuated by any affection, of which all others are not, in some degree, susceptible. As in strings equally wound up, the motion of one communicates itself to the rest; so all the affections readily pass from one person to another, and beget correspondent movements in every human creature.<sup>130</sup>

In this passage, Hume underscores the importance of considering sympathy as a mutual affection passing from one body to another. As a form of affective co-orientation, it was considered almost inevitable that bodies would pick up on the "inclinations and sentiments" of those around them.

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<sup>128</sup> Gerdes, "Empathy, Sympathy, and Pity."

<sup>129</sup> Mary Fairclough, *The Romantic Crowd: Sympathy, Controversy, and Print Culture* (Cambridge: Cambridge University Press, 2013), 1-2.

<sup>130</sup> David Hume, *A Treatise on Human Nature* D.F. Norton and M.J. Norton, eds. (Oxford: Oxford University Press, [1739] 2000), 368

While Adam Smith emerged from a similar school of thought as Hume, David M. Black argues that Smith's theory of sympathy exceeded mere "capacity."<sup>131</sup> For Smith, "mutual sympathy" had more to do with a cognitive-empirical process of placing oneself in the other's position through the framework of an "impartial spectator." According to rhetorical theorist Patricia Spence, the process of sympathy was the way in which one could imagine the situation of another, allowing "identification with the emotions, character and actions of the other."<sup>132</sup> As Spence asserts, Smith's theory of sympathy is also a moral theory insofar as it functioned as a theory of evaluative moral judgment of the behavior of the self or others.

If Candice Clark is correct in her assertion that interpersonal "sympathy giving" is a process that fortifies the social bonds of a community, how might we go about understanding sympathy as a public, rhetorical, and collectivizing emotion? How might we understand the social bonds that it can effectuate? I suggest that as a rhetorical process, an appeal to sympathy must first help to facilitate an empathic appraisal between bodies and objects before then encouraging an appropriate sympathetic meta-sentiment and/or display. A rhetorical sympathy can then consolidate social identity, appealing to expanded boundaries for social inclusion.

### *The Emotional Adherence of Sympathy*

#### Empathic Appraisal

Before being able to engage in an act of sympathy, it is important that the potential sympathizer be able to appropriately appraise (or to use Adam Smith's terminology: at least imagine) the condition of the other in order to determine whether or not a sort of sympathetic action is warranted in the first place. Clark argues that empathy is precisely the perspective

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<sup>131</sup> David M. Black, "Sympathy Reconfigured: Some Reflections on Sympathy, Empathy, and the Discovery of Values," *International Journal of Psychoanalysis* 85 (2004): 579-596.

<sup>132</sup> Patricia Spence, "Sympathy and Propriety in Adam Smith's Rhetoric," *Quarterly Journal of Speech* 94.

taking that is “necessary, but *not* sufficient for sympathy.”<sup>133</sup> Indeed, from this perspective, empathy is the condition of possibility for one to feel an action-worthy affinity towards someone. While definitions of empathy can range from a type of automatic affective resonance (or contagion) between bodies to a more deliberate inference and self-projection of one’s feelings onto another, I argue that the empathic grounding to a sympathetic rhetoric can merge these multiple understandings.<sup>134</sup> On one level, through sensory capacities, the empathic dimension of a sympathetic rhetoric will encourage affective resonance and orientation between bodies. On the second level, rhetors can strategically supplement the affective resonance, fortifying the potential for an empathic connection.

One component of empathy can be productively considered through a notion of sensory transmission. If empathy can be designated as conscious and unconscious processes of gauging another’s situation or encouraging others to do so, we should begin with some of the modes of sensory apprehension. Margaret Olivia Little’s germinal piece on “Seeing and Caring” briefly meditates upon Florence Nightingale’s censure of nurses who were assessed as not vigilant enough to properly care for their patients: “they do not notice when food goes uneaten, whether a patient wants solitude or diversion—indeed, she says, they don’t even observe *that* they don’t observe.”<sup>135</sup> Although Little correctly notes that Nightingale’s focus tends to be only upon empirical observation, the force of the vignette gestures toward the power of sight in empathic

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<sup>133</sup> Candace Clark, *Misery and Company: Sympathy in Everyday Life* (Chicago, IL: University of Chicago Press, 1997), 35.

<sup>134</sup> Those who theorize empathy as a type of automatic affective resonance, emotional contagion, or mimicry include: M.L Hoffman, *Empathy and Moral Development: Implications for Caring and Justice* (New York: Cambridge University Press, 2000); S.D. Preston and F.B.M. de Waal, “Empathy: Its Ultimate and Proximate Bases,” *Behavioral and Brain Sciences* 25 (2002): 1-72; E. Hatfield, J.T. Cacioppo, and R.L. Rapson, *Emotional Contagion* (New York: Cambridge University Press, 1994); Antonio R. Damasio, *Looking for Spinoza: Joy, Sorrow, and the Feeling Brain* (Orlando, FL: Harcourt, 2003); Jean Decety and P.L. Jackson, “The Functional Architecture of Human Empathy,” *Behavioral and Cognitive Neuroscience Reviews* 3 (2004): 71-100.

<sup>135</sup> Little, “Seeing and Caring,” 122

appraisal. Employing a similar focus on sight, Susanna Kelly Engbers notes how Elizabeth Cady Stanton strategically appealed to audiences' sympathetic capacities by illuminating the connection between observing and then feeling differently: "[Stanton] uses the word *look* at these pivotal places and often throughout the address, all the time indicating that if her audience were only learn [sic] how to *look*—both inside and outside the context of the speech—they could perhaps learn how to *know* in a different way."<sup>136</sup> Taken together, sight has been a common way to encourage the empathic relationships necessary to lay the groundwork for sympathetic rhetorical action.

In addition to sight, for the purposes of this chapter, we might better explore how our auditory capacities encourage empathic alignment. Scientific studies reveal significant correlations between the auditory capacities and empathy. William Bunn and Jan Terpstra administered auditory hallucination experiences to 150 medical students in order to get them to empathize with those living with mental illness. Their results suggest that the simulated auditory cues were able to increase an empathic connection between future doctors and their potential patients.<sup>137</sup> Along the same line, Simone Lang et. al. extended visual models of empathic response to pain and affirmed that the auditory capacities are intricately connected to empathic responses of the perceived pain of others.<sup>138</sup> Within the neurosciences and medical training practices, the auditory capacities have been an emergent frontier for theorizing and testing human empathic functionality.

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<sup>136</sup> Susanna Kelly Engbers, "With Great Sympathy: Elizabeth Cady Stanton's Innovative Appeals to Emotion," *Rhetoric Society Quarterly* 37 (2007), f 317.

<sup>137</sup> William Bunn and Jan Terpstra, "Cultivating Empathy for the Mentally Ill Using Simulated Auditory Hallucinations," *Academic Psychiatry* 33 no.6 (2009): 457-460.

<sup>138</sup> Simone Lang, Tau Yu, Alexandra Markl, Friedemann Muller, Boris Kotchoubey, "Hearing Others' Pain: Neural Activity Related to Empathy," *Cognitive Affective Behavioral Neuroscience* 11 (2011): 386-395.

With its traditional focus on oratory, Rhetorical Studies is seemingly an apt place to examine the potential for auditory empathy. Yet, with just a few notable exceptions such as Greg Goodale (who has taken on sound studies to laudably provide sonic histories) and Joshua Gunn (who has argued for the privileging of parasitic public sound as an object of criticism), the study of sound has been rather mute, so to say. Goodale's book, *Sonic Persuasion*, identifies what might be termed an ocular-centrism within Rhetorical Studies, due to our indebtedness to critical theories of the gaze from Lacan, Foucault, and Mulvey. Goodale borrows the term *synesthesia* (what he defines as the "overlapping of any pair of senses") to justify importing gaze theories to study rhetoric's sonorous dimensions. While Goodale provides examples of synesthesia to include "tasting sharp cheddar" (the conflation of taste and touch) or a "loud t-shirt" (the conflation of sound and sight), we might also consider the possibility for synesthesia to provide the grounds for an empathic orientation to another.

Not only can synesthesia explain the imprecision or "blurring" between two seemingly discrete sensory capacities, the phenomenon also plays an important role in empathically co-orienting bodies, laying the groundwork for sympathetic action. According to the OED, synesthesia has many operative meanings within psychological, literary, and linguistic contexts. Interestingly, in addition to the meanings that Goodale mentions, the OED offers one definition of synesthesia as "Agreement of the feelings or emotions of different individuals, *as a stage in the development of sympathy.*" By considering the physiological and empathic definitions of synesthesia simultaneously, critics are enabled to articulate visual and aural sensory capacities to a potential for sympathetic "agreement" or co-orientation. Reading a text for synesthesia requires critical attendance to moments of perceptual blurring and asking oneself where sensory overflow is occurring. As I will demonstrate in the reading of the Heartbeat Bill rally,

synesthesia appears as recognizable sensory phenomena that also work in excess of a single sensory perception. Analyzing a public ultrasound *ritual* is an exemplary case to detect empathic appraisal through synesthesia. Indeed, ultrasound technology itself materializes the fetus empathically through a synesthetic blurring or imprecision of sight (the image on the screen) and sound (the aurality of the heartbeat). Once a rhetoric has sufficiently generated an empathic connection between bodies and objects, it then becomes possible for the rhetoric to encourage sympathetic action in the form of offering sympathy (meta)sentiments and display.

#### *Sympathy (meta)sentiment and display*

A sympathetic rhetoric will build upon the affective power of empathic appraisal to proffer appropriate sympathetic metasentiments for the audience and then encourage them to take the proper action to display their care and support. Prior to discussing sympathy metasentiments, however, I will elaborate on sympathy sentiments and discuss how the encouragement of (meta)sentiments is one part of the rhetorical process of sympathetic relationality. Following, I will elaborate upon the sympathy's "social force"—*display*.

Following empathic appraisal, sympathy sentiments are the feelings that might emerge, that connect the potential sympathizer to the subject or object of concern. According to Clark, sympathy sentiment has considerable variation in intensity, type, and temporality. For instance, one may feel sympathy sentiments as a long-term underlying emotional relation to another or acutely as an overwhelming feeling of connection at a kairotic moment. Importantly, however, not all sentiments that emerge following empathic appraisal are considered sympathy sentiments in Clark's theoretical framework—*schadenfreude*, for instance, "glee over an enemy or competitor's undoing" may require empathic appraisal. One must appraise the enemy's state as negative before one can experience joy at it. Clearly, in such a case empathy does not translate

to sympathy. As this example illustrates, Clark shows that it is possible to empathize with another, yet feel very little on their behalf in terms of one's own feeling.

On the other hand, sympathy *metasentiments* are the feeling that one believes that they *should* feel following an empathic appraisal.<sup>139</sup> Sympathy metasentiment, then, is highly normative in that it lays out the groundwork of appropriate sentiments for one to feel, even perhaps in the face of one's sentiment not tending towards sympathy. Although Clark barely skims over this concept of metasentiment, we might think of sympathy metasentiment as the rhetoric of the proper sentiment to feel following an empathic response. When a rhetor tries to divert a non-sympathetic sentiment to something more sympathetic, we might say that she or he is engaging in sympathy metasentimental work.

The final element of a sympathetic rhetoric is the encouragement of a proper *sympathy display*. Following the empathic appraisal of another's condition, sympathetic display designates what one does (or is expected to do) in order to show their support for the other. Candace Clark notes that sympathetic display might consist of a number of social rituals, including the participation in a culturally appropriate collective mourning behavior (sitting shiva in Jewish cultures), sending a casserole to a family that has recently welcomed a new child and has no time to cook, easing the demands of one's expected home-maintenance activities, and the list goes on. Indeed, entire industries of greeting cards have been erected to standardize and simplify practices of sympathy.

Moreover, while sympathetic display is not necessary for one to have sympathy for another if there are sympathy sentiments present, Clark insists that sympathetic display is a requirement for sympathy to be publicly recognizable: "Without display, the emotion is a social

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<sup>139</sup> Clark, *Misery and Company*, 44

outcome but not a social force.”<sup>140</sup> Following this important assertion, I argue that in order for public sympathy to have rhetorical force, it must designate the actions that should be taken in order to address another’s situation. In other words, a sympathetic rhetoric must guide audiences to participate in the contextually proper sympathetic display. With a better understanding of the sympathetic metasentiments and display that separate empathy from sympathetic action, we can turn to examine sympathy’s potential to effectuate social bonds and identity consolidation in political contexts.

*Sympathy as Social Glue: Collectivizing Expansive Boundaries for Spaces of Social Inclusion*

Despite significant disagreement about the distinction between empathy and sympathy as well as how each process works, what seems to be clear across disciplines is that sympathy functions as a form of social adherence, defining and at times expanding the boundaries of collective identities and encouraging helping behavior on moral grounds. I will tease out the nuances of this assertion by first explicating sympathy’s function as “social glue.” Then, I will speak to the formation and consolidation of collective identity within political contexts.

Sympathy has a connective function, creating and suturing networks of sociality. Because sympathy not only requires the empathic assessment of another’s situation but also the impetus to take action towards helpful action, sympathy is often considered foundational to group cohesion. Clark asserts that “Without the social glue that sympathy provides, social actors would be more distant from each other and more alienated from the society as a whole.”<sup>141</sup> As Clark notes, the sympathetic bond is not merely one of empathy-based appraisal, but one predicated upon taking action to lessen the possibility of pain in another.

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<sup>140</sup> Clark, *Misery and Company*, 56-57.

<sup>141</sup> Clark, *Misery and Company*, 16. Clark is quick to point out that this assertion is predicated upon a socio-cultural milieu that both recognizes and values sympathetic interchange (such as U.S. Western culture). Indeed, she opens the book with her ethnographic observations of the Ik culture’s complete absence of sympathy in order to throw into relief the cultural dimensions of sympathy.



The boundaries created by sympathy are best labeled as tending toward expansion. Within 18<sup>th</sup> century contexts, sympathy was seen to contagiously form collective networks of affiliation in crowd gatherings.<sup>142</sup> The metaphor of contagion is particularly telling of sympathy's perceived social force because the emotion was seen as something that despite forming social bonds could quickly overflow and overtake individual rational capacities.

Not only can sympathy work to form and affirm a collective identity, it can also work to consolidate group identity and provide collectives a perceived sense of political efficacy. Saab et. al argue that group identity consolidation "involves bolstering the identity of the in-group, that is, affirming, confirming or strengthening the identity of that group against that of other groups."<sup>143</sup> The authors contend that this process of identity consolidation is key to giving a collective the sense that their energies are properly placed when attempting to enact some form of social change. When a group is internally split, identity consolidation is a more pressing urgency.

Sympathy's collectivizing function not only defines (and can often expand) the limits of group inclusion, it also works to constitute moral agents who are compelled to political action. Within a collective attempting to situate its goals as moral, sympathy can function to empower members to see themselves as moral actors. The opposite might also be true. As Clark notes, "sympathizers are moral gatekeepers, and we want moral gatekeepers themselves to be moral. First of all, giving sympathy bestows moral worth on the recipient, and withholding sympathy denies worth."<sup>144</sup> Sympathy, then, might be said to be the lever that allows one to designate the

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<sup>142</sup>Mary Fairclough, *The Romantic Crowd: Sympathy, Controversy, and Print Culture* (Cambridge: Cambridge Books, 2013).

<sup>143</sup> Rim Saab, Nicole Tausch, Russell Spears, and Wing-Yee Cheung, "Acting in Solidarity: Testing an Extended Dual Pathway Model of Collective Action by Bystander Group Members," *British Journal of Social Psychology* (2011), 3.

<sup>144</sup> Clark, *Misery and Company*, 22.

moral subjectivity of another by virtue of the extent of sympathetic exchange permitted. In what follows, I perform an analysis of *Faith2Action*'s heartbeat bill rally. I begin by providing some of the contextual history surrounding *Faith2Action*'s advocacy and then proceed with my reading of sympathy in the Heartbeat Bill rally.

## **Analysis**

### *Janet Folger Porter's Rhetorical Problem*

Ohio has historically been central in formulating state-level legal precedent in abortion regulation. Yet if Ohio has been the state to watch for anti-abortion legislation, then *Faith2Action* president Janet Folger Porter has been the woman to watch. Prior to her work in *Faith2Action*, Folger Porter served as the legislative director for *Ohio Right to Life* from 1988-1997. Folger Porter has been a central figure in crafting and lobbying for some of Ohio's most nationally influential anti-abortion legislation, including the nation's first ban on the late-term dilation and extraction (D&X) abortion procedure. Central to codifying the phrase "partial-birth abortion," Folger Porter's Ohio-based legislation set the legal groundwork for the 2003 Partial-Birth Abortion Ban Act that the Supreme Court ultimately deemed constitutional in the *Gonzalez v. Carhart* decision.

Christian-Conservative activists had long affirmed Folger Porter's influence in shaping public opinion. As Ralph Reed, former executive director of the Christian Coalition, asserted: "Janet is an example of what I like to think of as an issue entrepreneur. Some entrepreneurs try to figure out what the new hot stocks are. Janet is an ideological entrepreneur, someone who tries to pick the hot new issues."<sup>145</sup> Moreover, Folger Porter's public appearance promotion websites cite former U.S. Congressional Representative Henry Hyde (author of the Hyde Amendment that

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<sup>145</sup> Laurie Goodstein, "The Architect of the 'Gay Conversion' Campaign," *The New York Times* (August 13, 1998), <http://www.nytimes.com/1998/08/13/us/the-architect-of-the-gay-conversion-campaign.html>

perennially bans Federal abortion funding): “Janet Folger is a true leader in the battle for life. She will leave you with renewed confidence and courage to continue the fight.”<sup>146</sup> In sum, Janet Folger Porter has long been a fixture for Christian-conservative activism.

However, 2010 brought a significant fall from religious-political grace due to Folger Porter’s alignment with what has been called “dominion theology.” To put it briefly, dominion theology is the belief that biblical principles dictate that humans should bring all political and social institutions under the control of a Christian mindset in order to bring about the return of Jesus. Despite her vigorous denial of her affiliation with dominion theology,<sup>147</sup> Folger Porter’s perceived alignment with its principles led conservative evangelical radio network VCY America to cancel her nationally broadcasted weekly syndicated radio show. As VCY solemnly attested:

Concerns, warnings, and directives from our program department had been issued and the problem continued until the decision to terminate the program has been made....VCY America does not believe in dominion theology or waging spiritual war for the establishment of an earthly kingdom of power. That is dominion theology.... This has been a painful decision as we have watched a continuing drift, self proclaimed prophets and prophetesses have added self-designed doctrines and declarations that go far beyond the boundaries of believers’ responsibility....A line has been crossed and our position is clear.<sup>148</sup>

VCY America’s decision to sever ties with Janet Folger Porter meant more than simply removing the mouthpiece of an influential “issue entrepreneur.” Rather, after Folger Porter

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<sup>146</sup> Please note that Representative Hyde’s assertions are only found on Folger Porter’s public promotion websites, including *Ambassador* and *eSpeakers*. While I have not been able to verify this utterance beyond these sites, it is still worthy of mention for its solidification of Folger Porter’s opinion leadership in the anti-abortion movement. See: Ambassador Speakers, “Janet Folger Porter: President and Founder of *Faith2Action*,” <http://www.ambassadorspeakers.com/ACP/speakers.aspx?speaker=270>; <http://www.lightwinsthemovie.com/about.php>.

<sup>147</sup> Janet Folger Porter’s denial of affiliation with dominion theology can be found here: Janet Porter, “In Response to my May Day Critics,” (May 11, 2010), <http://www.wnd.com/2010/05/152137/>

<sup>148</sup> Kyle Mantyla, “VCY Drops Porter’s Radio Program Over Dominion Theology,” *Right Wing Watch*, (March 3, 2010), <http://www.rightwingwatch.org/content/vcy-drops-porters-radio-program-over-dominion-theology>. The author recorded the cited snippet, posting it to this website.

crossed the line, VCY made a politically bold decision to re-mold the boundaries of an Evangelical Christian public.

In 2011, Folger Porter turned her energies towards drafting and lobbying for H.B. 125: The Heartbeat Bill. Yet the bill, which would effectively ban abortion procedures during the first trimester of a woman's pregnancy, was not welcomed into the hearts of Ohio's powerful anti-abortion community. Ohio Right to Life refused to support the Heartbeat Bill in fear that the bill was too radical an assault on *Roe v. Wade* and would be found unconstitutional because it shifted the abortion litmus from viability to heartbeat detection. This pro-life fracture captured the attention of national news outlets, casting Ohio back into the reproductive rights spotlight, which according to Ohio Right to Life Executive Director Michael Gonidakis was "unfortunate because it takes us off message."<sup>149</sup> To summarize, Janet Folger Porter had more than one reason to pursue an inclusive, sympathy-generating strategy for the Heartbeat Bill: her adherents were waning in the face of her perceived moral overreach and her political capital was quickly depreciating.

#### *The Heartbeat Bill Rally—A Sympathetic Solution*

In what follows, I will be performing a critical reading of the sympathetic rhetoric of the Heartbeat Bill rally that occurred at the Ohio State Legislature in Columbus Ohio on September 20, 2011. Following the theory of sympathy that I outlined, this analysis will have three major parts: I will first analyze how the rally encourages the audience in its empathic assessment of a new fetal community member vis-à-vis ultrasound technology. Second, I will discuss how the rally proffers the proper sympathy metasentiment and provides precise ways that the audience

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<sup>149</sup> Erik Eckholm, "Anti-Abortion Groups Are Split on Legal Tactics," *The New York Times* (December 4, 2011), <http://www.nytimes.com/2011/12/05/health/policy/fetal-heartbeat-bill-splits-anti-abortion-forces.html?pagewanted=all&r=0>.

can display their sympathy. Finally, I will examine the collective boundaries formed by the heartbeat bill rally and subsequent uptake.

*Empathic Assessment: Seeing and Hearing Baby Anna*

The Heartbeat Bill organizers lay the groundwork of their sympathetic rhetoric by initially encouraging the audience's empathic assessment with the fetus in the public ultrasound. This empathic assessment is based in a call to recognize of Anna's particularity, synesthesia, and prosopopoeia.

After Folger Porter speaks briefly about the opportunities that science offers to be able to learn the "truth" about fetal life, she hands the stage over to Ducia Hamm of the Ashland Ohio Pregnancy Care Center. In a warm, inviting tone, Ducia Hamm introduces the audience to the "pre-born baby," Anna. Hamm's eyes grow as wide as her smile as she confides that Anna had only been conceived thirteen weeks prior. She then attempts to rouse the audience by asking whether they were ready to see and hear the voice of "another pre-born baby."<sup>150</sup> While a slight audience response is detected in the affirmative, the audience energy remains mostly subdued. With a rousing "okay" to overcome the lack of energy, Hamm continues her presentation. As the ultrasound image is broadcast onto the large fifteen foot screen, the audience members see—and likely recognize—the familiar fetus-in-utero as a baby, but their subdued response suggests that they are not yet feeling the requisite affiliation needed to be energized by the image.

The ultrasound image needed to be further situated in its particularity—the "unborn baby" needed a proper introduction to the community. Hamm bridges the lacuna between the stock image of the ultrasound and the low audience energy by presenting the image as a named individual, Anna, who had a particular, individuated personality. Hamm gestures toward the

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<sup>150</sup> *Faith2Action*, "Unborn Child Speaks at Heartbeat Bill Celebration," (September 20, 2011), <https://www.youtube.com/watch?v=k0uLQCdvDnA>.

image, declaring: “She is telling you that she is a unique person created to fulfill a purpose that only she can do.” This making of Anna’s uniqueness is critical; Victoria Gallagher and Kenneth Zagacki have often noted that a recognition of others vis-à-vis particularity is a key rhetorical move for engendering a common humanity in visual images.<sup>151</sup> Catherine Mills echoes this sentiment in the context of abortion advocacy, explaining, “What concerns the anti-abortion lobby is not life in general, but *a life, each life in its apparent singularity*—a life that is like all the others, but is also absolutely and irreducibly singular.”<sup>152</sup> Indeed, it is this principle of a singular particularity that would be necessary for the audience to imagine Anna’s subjectivity as unique and pre-determined by a higher power.

Hamm then bolstered this empathic appeal to Anna’s particularity by allowing audience members to synesthetically experience Anna’s “heartbeat” through visual and aural capacities. Synesthesia, or the blending of two seemingly discrete sense perceptions, sheds important insight into the experience of witnessing an ultrasound. The technological production and performance of Anna’s heartbeat demonstrates the potency of the sensory imprecision of synesthesia. Within our cultural milieu, the heart holds a doubled meaning as both an emotion center and a center of vitality.<sup>153</sup> Drawing upon and then amplifying the heart’s cultural resonance, the ultrasound technician creates an orangish-red illumination in the heart-center that quickly cannot be confined to just where we would image the heart to be. The color travels up to the head and at times imprecisely overtakes the entire fetal body. While it might be tempting to dismiss the colorful imprecision as failing to make a rational argument about the status of fetal life, it

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<sup>151</sup> Victoria Gallagher and Kenneth S. Zagacki, “Visibility and Rhetoric: The Power of Images in Norman Rockwell’s Depictions of Civil Rights,” *Quarterly Journal of Speech* 92 no.2 (2005): 175-200.

<sup>152</sup> Catherine Mills, *Futures of Reproduction* (New York: International Library of Ethics, Law and New Medicine, 2011).

<sup>153</sup> Rebecca Howes-Mischel, “With This You Can Meet Your Baby’: Fetal Personhood and Audible Heartbeats in Oaxacan Public Health,” *Medical Anthropology Quarterly*, forthcoming, DOI: 10.1111/maq.12181.

functions affectively by signifying an abundance of vitality that cannot be confined to the body, indeed, that one sense cannot fully capture the experience in front of them.

After a few moments of the imprecise flickering color, Hamm implores the audience that “if you hang on, you’ll be able to hear Anna’s heart beat.” Synthesia remains at work; just as Hamm invites the audience to *hear* the heartbeat, the frame instantly changes to allow the audience another *visual* perspective on the heart. Volume is amplified and audience members are able to blend sight with a fuzzy, whomp-ish sound as they hear the ultrasound “heartbeat.” From there, the screen changes and the once predominant image of Anna’s body is minimized at the top of the screen, allowing audience members to experience the ritual of the ultrasound that is simultaneously visual and aural. Awareness of the ultrasound technology itself becomes more acute as audience members can see diagnostic categories at the bottom of the frame such as “Scale,” “Line,” “Invert.” The graphed oblong waves of the heartbeat can also be read against numbers ranging from -60 to 60 to monitor the strength of the beat. Hamm pauses for a few moments to allow the sound of the “heartbeat” to fill the hall. This synesthetic performance that blended sight with sound allowed the audience to develop an empathic appraisal of Anna as both a vital and social being.

The final strategy for generating an empathic appraisal of Anna’s singularity occurs through Hamm’s strategy of voicing the ultrasound image to generate a closer connection with the fetus. Previously, Hamm had brought an additional fetus to “testify” to Ohio’s House of Representatives. As Ducia Hamm recounted the first fetal testimony in front of the legislatures, she rhetorically endowed that fetus (who she named Kaleigh) with a deliberative voice:

On March 2<sup>nd</sup> a preborn little baby girl, the youngest to testify in front of legislatures loudly and proudly proclaimed the fact that ‘I am alive! I am a unique person created for a unique purpose that only I can fulfill.’ Her heartbeat seen and heard through the

technology of ultrasound and Doppler was a heartbeat that was literally heard around the world.<sup>154</sup>

For one to be able to testify within the court of law, it is necessary for that person to be able to speak. Because a fetus in utero obviously cannot, *Faith2Action* advocates engaged in the rhetorical maneuver *prosopopeia* so that the audience could empathically appraise Anna's condition. Megan Foley theorized how *prosopopeia*, "the trope of giving voice to a voiceless body, rhetorically secured the link between citizens' right to life and liberty."<sup>155</sup> Recognizing the voice's link to rhetorical agency Foley observed that those invested in Terri Schaivo's end of life decisions engaged a strategy of *prosopopeic* voicing to argue for what Terri "would have wanted" since she could not speak—and decide—for herself.

In a similar move, Hamm engaged a strategy of voicing Anna. After attesting that Anna was conceived only thirteen weeks prior, Hamm decodes Anna's ultrasound for the audience in order to make formal introductions: "She is screaming to you: 'I'm alive,' let me tell you. I've already had the chance to see her today. She is telling you that she is a unique person created to fulfill a purpose that only she can do."<sup>156</sup> Anna's purported *scream* of "I'm alive" serves two major functions. First, Anna's declaration of her own individuality ("a unique person") sets the stage for a particular empathic orientation rather than an investment in the ultrasound image. Second, the *scream* of "I'm alive" suggests that the audience should urgently orient themselves to Anna insofar as witnessing a person scream could be construed as even potential pain with which one should, at the very least, empathize.

Not only is *prosopopeia* operative in this rhetoric through an explicit translation of what Anna is saying to the audience, Hamm goes further to interpret bodily movements as a

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<sup>154</sup> *Faith2Action*, "Unborn Child Speaks."

<sup>155</sup> Megan Foley, "Voicing Terri Schaivo: Prosopopeic Citizenship in the Aporia Between Sovereignty and Biopower," *Communication and Critical/Cultural Studies* 7 no.4 (2010), 383.

<sup>156</sup> *Faith2Action*, "Unborn Child Speaks."



determined voice as well. As Hamm shows the ultrasound image, she performs much of Anna's voicing as the ultrasound is detecting the fetal heart tones, supplementing the synesthetic blending produced by the technology. Hamm interpreted the sound-image of Anna's "heartbeat" itself as a voice and even responds in conversation to her: "Anna, you're talking loud and clear and we can't wait until we can see you face to face." Yet, Anna's heartbeat was not the only way that Hamm could make her speak. Immediately following the comment that Anna was "talking loud and clear," Hamm directed the attention to the fetal arm floating above the body and she excitedly proclaimed, "And she's got her hand up, waving! She's saying hello!"<sup>157</sup> The crowd's energy became electric at that point, breaking into applause as they saw Anna waving to them. The act of taking that arm floating in amniotic fluid and imbuing the motion with particularly determined speech solidified an empathic connection between Anna and the audience, establishing the requisite relationship necessary for sympathetic sentiment and display. In what follows, I will explain how both Ducia Hamm and Janet Folger Porter primed and channeled the audience's the empathic assessment into a call for their sympathetic sentiment and display.

### *Sympathetic Sentiment and Display*

Throughout the Heartbeat Bill rally, the organizers attempt to proffer appropriate sympathy sentiments and display imperatives for the audience. As Clark reminds us: Following an empathic arousal, "feelings can arise that orient or connect the observer to the other. Other targeted emotions corresponding specifically to the other's hurt or anguish or worry are...sympathy sentiment." Sympathy display is the *action* that a sympathizer can engage in order to demonstrate their support. Both Janet Folger Porter and Ducia Hamm model an appropriate sympathy sentiment by encouraging the audience to align themselves with normative collective feeling related to *Faith2Action's* heartbeat initiative. They also implore that the

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<sup>157</sup> *Faith2Action*, "Unborn Child Speaks."

audience members display their sympathy by taking specific steps to support the Heartbeat Bill's upcoming legislative journey through the House of Representatives.

Hamm's appeal to sympathy is perhaps the most pointed when she calls upon the audience to reflect on the proper sentiments they should feel for this new member of their community. Hamm does so by encouraging audience members to either feel a communal bond or publicly display their doubt to those who *are* sympathetically invested: "Anna's" parents. As the whomping sound of the Doppler picked up the fetal "heartbeat," Hamm implored the audience: "Somebody stand up and come face me and face Anna's mom and dad and tell us this is not a baby, that this is not a human being created by God for a purpose...Anna, you're talking loud and clear."<sup>158</sup> Here, Hamm not only positions the audience as capable of feeling sympathy towards Anna—indeed she tacitly assumes they will—but challenges their sympathetic fortitude to either agree or face Anna's parents to disagree. In so doing, Hamm implies that even if they cannot sympathize with Anna, they should at the very least be capable of feeling support for Anna's parents, who are already members of the community. This sentimental encouragement is ultimately normative insofar as it places the audience in the position to reaffirm their commitment to the larger pro-life initiative through an emotional alignment with other members of this advocacy community.

Another way that Hamm encouraged sympathetic sentiments was by engaging a narrative of a French reporter who showed interest in the legislation and came to the United States to gather more information about the bill. Hamm recalls the first time that she brought a fetus to "testify" in front of the Ohio legislature and drew attention to the way that moved the French reporter:

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<sup>158</sup> *Faith2Action*, "Unborn Child Speaks."

Her heartbeat seen and heard through the technology of ultrasound and doppler was a heartbeat that was literally heard around the world....One day Kayleigh will know that her heartbeat reached a reporter in France who flew all the way across the pond to travel to our little town of Ashland Ohio to find out what this Heartbeat Bill was all about. I had the privilege of showing him the fact that a baby's heart starts beating at twenty-one days after conception. *Twenty-one days after conception.* But you see, in a country that we perceive as the most liberal in Europe, in France, does not allow abortions to occur after the twelfth week of pregnancy. Mr. Olivié Pontiss, the reporter, told me that in his country the United States is considered a barbaric nation because we allow abortion through all nine months of pregnancy up until the day of delivery. May we hang our heads in shame, ladies and gentlemen. The passage of House Bill 125, *The Heartbeat Bill*, Right here and right now in Ohio will be the first step in what we pray will be forty-nine more steps to eradicate the barbarism of abortion in our country.<sup>159</sup>

Hamm engages this interaction so as to further encourage the audience to expand their affiliations to include members of a "liberal" France. By narrating how the journalist was so *moved* by the legislation that he made a trans-Atlantic trip to gather more information about the bill, Hamm provides a model of appropriate sympathetic sentiment. While counterintuitive, the appeal that the audience should "hang their heads in *shame*," is also a sympathetic sentiment. The shame is at once designed to motivate adherents to care enough in order to support the bill and also demonstrate how the Heartbeat Bill is producing international affiliations. Audience members can then let go of Ohio Right to Life's concerns of the Heartbeat Bill's Constitutionality insofar as the a sympathetic orientation emerges as the moral decision.

The Heartbeat Bill rally encouraged the audience to engage in sympathetic display and, following the name of their advocacy group, put their "faith to action" by abandoning their doubts about any potential legal setbacks they might incur and giving money to the organization so that they may deliver 99 heart-shaped Mylar balloons to members of Ohio's House of Representatives. After Hamm affectively primes the audience with the ultrasound experience, Janet Folger Porter returns to the podium and channels the crowd's energy to prescribe the proper actionable steps that would be expected of them as sympathetic Pro-Life advocates.

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<sup>159</sup> *Faith2Action*, "Unborn Child Speaks."

Folger Porter puts the Heartbeat Bill in a more community-oriented context: “That’s why we’re here ladies and gentlemen...Anna. For all those who say “I just don’t know, I have doubts what will the court do? That’s not for us to decide. Ours is to do what’s right. And the time to do what is right is right now.”<sup>160</sup> Folger Porter deftly draws upon the energy created by the public ultrasound to offer the audience the opportunity to publicly put their “faith to action” and display their sympathy in the furthering of the Heartbeat Bill. In sum, Folger frames the audience’s next steps as both sympathetic and moral, declaring that there was little need to worry about the possibility for judicial appeals when they should merely focus on doing “what’s right.”

### *Sympathy and Reconfiguring a Fragmented Pro-Life Collective*

For *Faith2Action*, perhaps the most important outcome of this rally of public feeling was the way that the sympathy encouraged the affiliative reconfiguration of a Pro-Life public. To be sure, Folger Porter’s orchestration of the rally was not intended to convert abortion rights advocates. These events were centered upon generating support amongst an already politically engaged group that, while not necessarily agreeing with Folger Porter’s tactics, were willing to come to the table because of the larger shared goal. Recall, though, that such willingness was, at that time, weary at best; *Faith2Action* had recently come under scrutiny for its affiliation with “dominion theology,” or the belief that Jesus’ second coming would only be possible if citizens work to align all aspects of government with appropriate Christian ideals. Moreover, prior to the Rally of Public Feeling, the Heartbeat Bill itself was admonished by some of the influential Right-to-Life groups in Ohio who wanted to “play it safe” with smaller incremental strategies. Therefore, for Folger Porter, garnering sympathy for the Heartbeat Bill also meant garnering sympathy for herself as a community organizer. This section of the analysis takes a step back from the close analysis of the public ultrasound itself and examines some of the other appeals at

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<sup>160</sup> *Faith2Action*, “Unborn Child Speaks.”

the Rally of Public Feeling that, in conjunction with the introduction of “Anna,” fostered feelings of sympathy that translated to a temporary suture of Pro-Life differences. Beyond the introduction of “Anna” the rally was able to craft supporters of the Heartbeat Bill as moral agents who would be sympathetically compelled to act.

Folger Porter makes an attempt to reconfigure the fragmented collectivity by arguing that there were far more sympathizers to the Heartbeat Bill than opponents. After the public ultrasound—but still early on in the rally itself—Folger Porter recounted an exchange she had with a journalist outside of the State House who inquired into how she felt about the rift in the larger Ohio Pro-Life advocacy collective. Folger Porter used this potential challenge as an opportunity to consolidate audience identity: “I want to know how many people here are affiliated in some way with a local Right to Life chapter as I was. Raise your hand if you are affiliated with a Right to Life Chapter.” The camera set up in the back of the room captured a number of waving hands in the air and sent a message that Ohio’s Pro-Life movement was not nearly as fragmented as news media portrayed it to be.

Another strategy for sympathetic audience consolidation came from a large poster that Folger Porter created to display those who were in support of the Bill. The large foam core display featured an image of a baby sitting and holding a heart-shaped balloon in the top right corner. Below were names printed in such a small font that it was not possible to discern who the adherents were. Folger Porter drew attention to the necessity of including this small font in order to include as many adherents as possible, remarking: “There are four presidential candidates on this list. The better question is: Who’s *not* supporting the Heartbeat Bill?”<sup>161</sup>

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<sup>161</sup> *Faith2Action*, “Heartbeat Bill Celebration—Part 1,” (September 27, 2011), <https://www.youtube.com/watch?v=hmhC-uQ-wo>.

While the state offices of Ohio Right to Life were not convinced by the Heartbeat Bill rally, a number of town and county-level chapters of the organization defected from the parent organization in order to join in solidarity with groups that would be more supportive of the Heartbeat initiative. For instance, the Right to Life of Greater Cincinnati (the largest state chapter), Henry County, Hancock, Putnam, Allen, Preble, Geauga, and Warren severed their affiliation and financial support to the State-level group. As a final symbolic blow, Dr. Jack Willke, Ohio Right to Life's founder and former president of the national organization, also dissociated from the organization that he created.<sup>162</sup> Taken together, the sympathetic initiatives of the Heartbeat Bill rally resonated with a number of fellow pro-life advocates in Ohio, consolidating and reconfiguring the collective identity boundaries at the state level. In what follows, I provide conclusions to this chapter and discuss the emergence of Heartbeat Bills nationwide—including its 2015 return to Ohio.

### **Conclusion**

This chapter examined the rhetorical dynamics that worked to mold the shifting boundaries of Ohio's Pro-Life community. While Ohio can be touted as a state with some of the most politically potent anti-abortion advocates in the country, this chapter has demonstrated that the formation and sustenance of this collective required persistent rhetorical work in the face of internal fissure. When *Faith2Action* proffered HB 125: The Heartbeat Bill as a measure that would ban abortions after a fetal heartbeat is detected, the Ohio Right to Life state-level chapter distanced themselves from the legislation, arguing that its passage would immediately trigger judicial appeals and undermine the larger battle to abolish abortions nationwide. Rather than stay "on message" with the State's powerful anti-abortion activist group, *Faith2Action* engaged rhetorical appeals to sympathy in order to remind Pro-Life adherents to not miss the forest for the

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<sup>162</sup> Jim Provance, "Heartbeat Bill' Splits Anti-Abortion Groups," *The Toledo Blade* (December 12, 2011).

trees. In other words, *Faith2Action* used sympathy to bring presence to who they thought really mattered: “unborn babies.” By administering public ultrasounds, allowing audience members to see and hear a fetal “heartbeat,” and likening that sound-image to a unique and determined fetal voice desiring to fulfill a predetermined purpose, *Faith2Action* allowed the audience to empathically orient themselves to a new community member. From there, *Faith2Action* channeled their production of empathy into sympathetic feeling and action imperatives by demonstrating steps audience members could take as well as offering a model of a concerned French journalist who engaged in sympathetic display. In other words, *Faith2Action* established an affiliative bond between the audience and fetus and deployed that connection to craft a Pro-Life community as moral agents. *Faith2Action* was able to partially consolidate group identity through their sympathetic rhetoric; while the State-level Ohio Right to Life continued to oppose the Bill, local city-level chapters of the organization broke rank with the larger office and aligned themselves with the Heartbeat Bill legislation. Far from the gory images of mutilated fetuses that often characterizes Pro-Life rhetoric, sympathetic appeals are notable in their ability to draw audience members toward a subject or object of concern and lay claim to ensuring its well being. In the process of giving and receiving sympathy, the subject or object at hand is drawn into the social circle and collective bonds are expanded and fortified while power relationships are renegotiated.

This chapter contributes to extant literature on the role of visual imaging technologies in abortion debates by calling critics attention to the ways that ultrasound technologies serve important affiliative functions at the interpersonal and public level. By generously attending to the affiliations that ultrasound technologies can produce (including fostering relationships of kinship and bonding) this chapter seeks to draw attention to the ways that the interpersonal

experience of an ultrasound in one context can be mustered to a more public level to try and limit women's reproductive autonomy.

The Heartbeat Bill, while seemingly imprudent for Pro-Life advocates from a legal, rational level, has sustained sympathetic potential, evident in its frequent re-emergence since 2011. While the iteration of the Heartbeat Bill that I discuss in this chapter met its legislative death in 2011 (and again in late 2014), the emotionally laden legislation re-emerged in other states such as Alabama, Arkansas, Kansas, Kentucky, Mississippi, North Dakota, Texas, and Wyoming. Janet Folger Porter played an integral role in helping advocates in these states draft their own versions of Heartbeat Bill legislation. Moreover, as I draft this conclusion, the Heartbeat Bill has returned to Ohio—this time as HB 69—and garnered support to pass through the State's House of Representatives after “emotional debate.”<sup>163</sup> It awaits Senate hearings as I conclude. While Ohio advocates and other states have not continued the practice of administering a public ultrasound and encouraging advocates to meet fetal community members, I argue that the sympathetic appeals in the Heartbeat Bill legislation (and the moral subjectivity it provides supporters) is what keeps the law emotionally potent, despite its clear rational shortcomings for Pro-Life advocates. After all, short of banning abortion entirely, the Heartbeat Bill provides some of the most stringent restrictions on abortion care and, at best, carries questionable Constitutional grounding. This chapter concludes in the assertion that the continual re-emergence of the Heartbeat Bill solidifies this dissertation's larger assertion that reproductive scholars must attend to the sympathetic dimensions of legislative advocacy to understand their perennial appeal.

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<sup>163</sup> Catherine Candisky, “House Passes ‘Heartbeat Bill’ After Emotional Debate,” *The Columbus Dispatch* (March 26, 2015), <http://www.dispatch.com/content/stories/local/2015/03/25/Ohio-House-heartbeat-abortion-bill.html>



Next, I turn away from sympathy and towards the emotion of disgust to examine how it functions as a moral emotion that abortion rights advocates *and* adversaries can share. In the next chapter, I explore disgust's capacity to function as a collectivizing moral emotion through an analysis of the Grand Jury Report of West Philadelphia abortion provider Dr. Kermit Gosnell. As I will argue, disgust is a key emotion that not only morally indicts Gosnell's character for running a heinously harmful medical practice, but also constitutes abortion's contemporary *back alley*.

CHAPTER 3: GREEDY AND GROSS: MORAL DISGUST AND THE  
CONSTITUTION OF ABORTION'S CONTEMPORARY 'BACK ALLEY' IN THE CASE OF  
KERMIT GOSNELL

**Introduction**

On February 18<sup>th</sup> 2010, agents from Federal Bureau of Investigation, Drug Enforcement Agency, and the District Attorney's Office gathered outside of the busy, bustling intersection at 3801 Lancaster Avenue in Philadelphia. Armed with a search warrant to investigate a massive influx of illegal narcotic prescriptions in the impoverished West Philadelphia area, the multi-agency search team waited until the clinic operator, Dr. Kermit Gosnell, arrived at 8:30 pm.

According to the Philadelphia Grand Jury report, the search yielded detestable results:

When the [search] team members entered the clinic, they were *appalled*, describing it to the Grand Jury as 'filthy,' 'deplorable,' 'very unsanitary, very outdated, horrendous,' and 'by far the, worst' that these experienced investigators had ever encountered. There was blood on the floor. A stench of urine filled the air. A flea-infested cat was wandering through the facility, and there were cat feces on the stairs. Semi-conscious women scheduled for abortions were moaning in the waiting room or the recovery room, where they sat on dirty recliners with blood-stained blankets.<sup>164</sup>

Not only was the clinical space described as "disgusting," Gosnell's character failings were soon thrown into sharp relief and adjudged similarly. As the Grand Jury again testified: "Yet even [the investigators'] descriptions of the scene could not prepare the Grand Jurors for the shocking things we have since learned about Gosnell, his medical practice, and the way abortion clinics are regulated in Pennsylvania."<sup>165</sup> While Gosnell had once been considered a well-respected

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<sup>164</sup> Williams, "Grand Jury Report," 20.

<sup>165</sup> Williams, "Grand Jury Report," 22.

member of the Philadelphia community for operating a clinic in West Philadelphia where there had previously been limited options, the Grand Jury Report told a story of a “reckless,” “cruel,” “greedy,” and “arrogant” practitioner who would use scissors to snip spinal cords following live births, keep severed fetal feet in jars on his office shelf and store fetal remains in the basement freezer.<sup>166</sup> From the descriptions of filthy clinical conditions to a doctor who disregarded patients to a State apparatus that failed to intervene when evidence of the operation emerged, the emotion of *disgust* profoundly coalesces in a number of ways to contour the investigation, trial, and conviction of Kermit Gosnell.

In addition to the vivid descriptors of Gosnell engaging in outright disgusting behaviors in this unsanitary space, members of the Grand Jury recognized the capacity for this case to move a wide range of affiliates invested in coalitional abortion politics. As they acknowledged on the very first page of the text:

Let us say right up front that we realize this case will be used by those on both sides of the abortion debate. We ourselves cover a spectrum of personal beliefs about the morality of abortion. For us as a criminal grand jury, however, the case is not about that controversy; it is about disregard of the law and disdain for the lives and health of mothers and infants. We find common ground in exposing what happened here, and in recommending measures to prevent anything like this from ever happening again.<sup>167</sup>

This passage raises a number of significant points for the study of collectivizing processes vis-à-vis moralizing emotions. First, members of the Grand Jury made explicit reference to the morality of abortion (even if it was to voice intention to bracket their beliefs in order to perform their duty as jurors). The Grand Jurors thus demonstrated this issue as one that does stir moral feelings. Second, in a controversy that is so often constructed as polarizing, the admission of “common ground” is, at the very least, a hopeful moment for public deliberation. For these

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<sup>166</sup> While the Grand Jury report often problematically toggles between the terms “fetus” and “baby” without due contextual/temporal sensitivity, I reserve the term “baby” to refer to the documented evidence of death following a live birth.

<sup>167</sup> Williams, Grand Jury Report, 1

reasons, this chapter asks the following questions: How does the Grand Jury Report employ appeals to disgust in its unequivocal condemnation of Gosnell and the clinic in which he operated? How does the Grand Jury report rhetorically materialize the disgust of Gosnell's clinic? In what ways does disgust function as a moralizing emotion in the case reports and subsequent public discursive uptake? What impact does the circulation and adherence of disgust have on the abortion controversy's impasse?

In this chapter, I argue that despite strong scholarly rejection of disgust as a moral emotion, the Kermit Gosnell Grand Jury Report's appeals to disgust testify to the force of the emotion to render judgment upon putative healthcare providers and a failed state apparatus to protect the health of a community. Indeed, the Grand Jury Report demonstrates the capacity for disgust to co-orient ideologically disparate audiences around a shared moral horizon for community health imperatives. The report crafts this shared moral horizon by materializing abortion's contemporary "back alley" in two maneuvers: First, by engaging vivid sensorial appeals, in particular to readers' olfactory and tactile capacities, the Grand Jury drew upon disgust's empathic and aversive action tendencies to describe how Kermit Gosnell violated the health norms of a community by callously practicing in an unsanitary clinical space. Second, by directing disgust to blame the inertia of Pennsylvania's regulatory bodies for creating the conditions of possibility for Gosnell's practices, the report critiques the State's back alley—a rhetorically constituted space of failed oversight between the Department of Health and Department of State's mutually exclusive jurisdictions between licensure and clinical inspection. Indeed, it is a shared disgust of the Grand Jury Report that continually acts as a communal moral horizon in the face of disparate political uptake in two filmic accounts of the case.

This chapter proceeds as follows: I begin first by reviewing scholarly approaches to the articulation of disgust and morality, teasing out my own rhetorical approach to studying disgust's moralizing and collectivizing capacities. Second, I weave together two historical-contextual strands of disgust relevant to this case: the impact of sanitary reform and antiseptic surgery on clinical space and collective morality and the use of disgust in Supreme Court abortion jurisprudence. Third, I perform a critical reading of the Grand Jury Report to examine how it mutually constitutes Gosnell's character and his clinic as disgusting. I then turn to explain how the Report uses disgust to blame regulatory inaction for the emergence of the "back alley." Fourth, I turn to two dimensions of the report's uptake: abortion rights advocates and adversarial reactions and the production of two films about the Gosnell case to examine the emotion's uptake.

### **Aversions and Opportunities to Theorizing Rhetorical Disgust**

Disgust has been an elusive emotion for critical inquiry that, until recently, resulted in a scholarly aversion to studying the topic.<sup>168</sup> With the exception of Charles Darwin, Adam Smith, Sigmund Freud, and Andras Angyal, and Mary Douglas, scholars prior to the 1980's have generally not historically taken on disgust as an object of inquiry.<sup>169</sup> Sianne Ngai recognizes this scant historical attention and reflects upon what she sees as the "striking asymmetry between

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<sup>168</sup> With just a few notable exceptions, the discipline of rhetorical studies has also paid scant attention to disgust; those who do tend to broach the topic by subsuming the emotion into the study of abject images, metaphoric structure, and strategies of disgust transformation.<sup>168</sup> Christine Harold and Kevin DeLuca thoroughly demonstrate the moralizing work that the witnessing of abject bodies can effectuate. They open their article "Behold the Corpse: Violent Images and the Case of Emmett Till," with Mamie Till Bradley's heartbreaking survey of her son's tortured and maimed body that—with its vivid detail—set the stage for an inquiry into the broader social cohesion that witnessing Till's body could effectuate. Working along a similar trajectory of the politics of witnessing, Emily Dianne Cram's award-winning essay "Angie was Our Sister: Witnessing the Trans-formation of Disgust in the Citizenry of Photography" examined how trans-advocates seeking justice for Angie Zapata's brutal murder worked to transform the usage of disgust in the legal domain.

<sup>169</sup> William Ian Miller, *The Anatomy of Disgust* (Cambridge, MA: Harvard University Press, 1997); Susan B. Miller, *Disgust: The Gatekeeper Emotion* (Hillsdale, NJ: The Analytic Press, 2004).

the careers of disgust and desire in literary and cultural theory,” and wonders “why repulsion has such a long history of being overshadowed by attraction as a theoretical concern,” considering that “there are at least as many things to turn away from...as things to be drawn toward.”<sup>170</sup>

This aversion to studying disgust began to wane in the 1980’s when experimental psychologist Paul Rozin led the academic pack in taking on the bulk of contemporary studies into the disgusting. Much of Rozin’s initial work examines disgust’s adaptive function from the perspective of contamination and contagion avoidance, mostly centering on evolutionary safeguards of food rejection.<sup>171</sup> Public health advocates have since taken up Rozin’s insights to disgust elicitation strategies in order to encourage public health interventions such as hand hygiene behavior.<sup>172</sup>

While the study of disgust has been rather elusive, attempts to define the emotion reveal its complex relationship to subjects, objects, and moral judgment. The *Oxford English Dictionary* provides a nuanced tableau of the multiple modes of the disgusting: “strong repugnance, aversion, or repulsion excited by that which I find loathsome or offensive, as a foul smell, disagreeable person or action, disappointed ambition, ect; profound instinctive dislike or dissatisfaction.” As this particular definition demonstrates, disgust produces the desire to distance oneself from something or someone deemed foul. Because of this definitional reach, the emotion has held implications for studies of evolution, philosophy, morality, aesthetics, and psychology. Indeed, there is an extensive range implied here of people and things that can elicit

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<sup>170</sup> Sianne Ngai, *Ugly Feelings* (Cambridge, MA: Harvard University Press, 2005), 333.

<sup>171</sup> Paul Rozin and James W. Kalat, “Specific Hungers and Poison Avoidance as Adaptive Specializations of Learning,” *Psychological Review* 78 no.6 (1971), 459; Paul Rozin, Jonathan Haidt, and Katrina Fincher, “From Oral to Moral,” *Science* 323 no. 5918 (2009), 1179-1180.

<sup>172</sup> Renata Porzig-Drummond, Richard Stevenson, Trevor Case, and Megan Oaten, “Can the Emotion of Disgust be Harnessed to Promote Hand Hygiene? Experimental and Field-Based Tests,” *Social Science & Medicine* 68 (2009), 1006-1012;

disgust. With this expansive definition in mind, I turn now to explore how disgust has been linked to moral valuation and then position my own rhetorical perspective.

### *Disgust and Morality*

As psychologists David Pizarro, Yoel Inbar, and Chelsea Helion attest, there are generally three ways that disgust and morality have been put into relationship with one another: disgust as *consequence*, disgust as *amplifier*, and disgust as *transformative*.<sup>173</sup> The authors first write that some see disgust as “as a consequence of moral violations,” suggesting that there is initially a cognitive appraisal that then functions to elicit the emotion.<sup>174</sup> Those who rally around this perspective see the appearance of disgust functioning deductively; there are certain normative “purity” standards that elicit disgust when violated. A second view portrays disgust not as a reaction, but rather as a modulator of an already existing judgment. As Pizarro et al. put it, this view treats “disgust as an amplifier of moral judgment,” wherein “wrong things seem *even more wrong*” by virtue of disgust’s proximity to the issue at hand.<sup>175</sup> Third, disgust can act as a mechanism of moral transformation. From this view, “morally neutral acts can enter the moral sphere *by dint* of their being perceived as disgusting,” such as recent advances in maneuvering cigarette smoking from a “nonmoral proscription” into the moral domain.<sup>176</sup> While the authors performing this literature review were most convinced by the third perspective of moral transformation, they lamented that this framework had the least amount of experimental backing from a social psychological perspective and encouraged more inquiry.

We might turn to Sara Ahmed’s exposition of the performativity of disgust to explain why disgust’s relationship to morality as a transformer of objects might be so convincing.

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<sup>173</sup> David Pizarro, Yoel Inbar, and Chelsea Helion, “On Disgust and Moral Judgment,” *Emotion Review* 3 no.3 (2011): 267-268.

<sup>174</sup> Rozin et. al. 1999, Gutierrez and Giner-Sorolla 2007, Moll et. al 2005

<sup>175</sup> Pizarro et al., “Disgust and Moral Judgment,” 267.

<sup>176</sup> Pizarro et al., “Disgust and Moral Judgment,” 268.

Borrowing from Judith Butler’s theorization of performative utterances, Ahmed notes that much of disgust’s “sticking power” is in the language’s generation of that which it names (rather than simply identifying something that already has material existence). Ahmed explains:

To name something as disgusting—typically in the speech act, ‘That’s disgusting!’—is performative. It relies on previous norms and conventions of speech, and it generates the object that it names (the disgusting object/event). To name something as disgusting is not to make something out of nothing. But to say something is disgusting is still to ‘make something’; it generates a set of effects, which *then adhere as a disgusting object*.<sup>177</sup>

Much like casting a pebble into a still lake, the utterance “that’s disgusting” draws upon and transforms material configurations to forge relationships between disgust and the subjects/objects which it names. While Ahmed does not explicitly center the problematic of morality, scholars working on the contours of disgust tend to agree on at least one point: disgust has a relationship to moral valuation.

Considering an overwhelming agreement that disgust is able to impact morality and the historical reticence to take on the emotion as an object of inquiry, it comes as little surprise that there is notable academic disagreement regarding the proper place of this emotion in making moral decisions. Daniel R. Kelly helpfully bifurcates this conversation into “disgust advocates” and “disgust skeptics.”

Those who subscribe to what Kelly names as *disgust advocacy* include those such as W.I. Miller, and former bioethics chairperson to the George W. Bush Administration, Leon Kass. Kass grants a natural, “deep wisdom” to repugnance as he writes: “Revulsion is not an argument; and some of yesterday’s repugnances are today calmly accepted—though, one must add, not always for the better. In crucial cases, however, repugnance is the emotional expression of deep

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<sup>177</sup> Ahmed, *Cultural Politics of Emotion*, 92-93.



wisdom, beyond reason's power to fully articulate it."<sup>178</sup> Kass, however, provides no studies to support this purported wisdom, opting instead to situate its propriety based upon what he perceives as a universalized feeling-response to the emotion. W.I. Miller's position on affording disgust a privileged position in legal and moral decision making is considerably more nuanced than that of Kass, as he identifies the emotion's productive possibilities while simultaneously explicating its political shortcomings. On the one hand, and as I will elaborate more fully in my theoretical exposition, Miller argues that disgust can function to rightly condemn perceived character vices of hypocrisy, betrayal, and cruelty.<sup>179</sup> On the other hand, Miller asserts that disgust demarcates moral issues that allow for "little compromise," too often asking offenders "for entire transformations of character, even for physical transformations such as skin color, gender, body type, age, and state of health," even when "they are not meaningfully matters of choice."<sup>180</sup>

"Disgust Skeptics" amplify Miller's concerns and then produce an outright condemnation of the propriety of disgust in both human moral and legal decision-making. Martha Nussbaum is perhaps best known for holding this position, having written extensively on the intersection between disgust and legal theory.<sup>181</sup> As she remarks:

Many responses that are deeply embedded in human life are morally questionable and unworthy of guiding public action. Disgust, I have argued, offers limited guidance in a narrow set of laws concerned with physical distaste and danger. But when it becomes a constructive criterion of legally regulatable conduct, and especially when it conduces to the political subordination and marginalization of vulnerable groups and people, disgust

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<sup>178</sup> Leon Kass, "The Wisdom of Repugnance: Why We Should Ban the Cloning of Humans," *Valparaiso University Law Review* 32 no.2 (1998), 687.

<sup>179</sup> Miller, *Anatomy of Disgust*, 197.

<sup>180</sup> Miller, *Anatomy of Disgust*, 198

<sup>181</sup> Martha C. Nussbaum, *Hiding from Humanity: Disgust, Shame, and the Law* (2009); and Martha C. Nussbaum, *From Disgust to Humanity: Sexual Orientation and Constitutional Law* (Oxford University Press, 2010)

is a dangerous social sentiment. We should be working to contain it, rather than building our legal world on the vision of human beings that it contains.<sup>182</sup>

Despite the restricted value she recognizes for disgust in what she terms as the *physical* realm, Nussbaum is unwilling to extend the same value in the moral-legal sphere of human life. Kelly, while not as intensely polemical about disgust as Nussbaum, also remains skeptical about its place in politics, law, and morality. While Kelly adamantly stresses that disgust can influence moral judgment, he believes that upon further reflection—“once cooler heads prevail”<sup>183</sup>—the emotion has scant value in collective decision-making, due to a “slippery slope” from “moralization to demonization to dehumanization.”<sup>184</sup>

Considering disparate, yet extensive histories of disgust being used to marginalize social groups, it is difficult to argue against holding a position of deep disgust skepticism. Nonetheless, disgust circulates in public discourse and tends to adhere in moralizing ways. A critical response that is focused on de-legitimizing all social disgust based upon a slippery slope fallacy is untenable because it dismisses the emotion based upon the potential for unintended rhetorical uptake (that moralization will inevitably slide into dehumanization). In contradistinction, this chapter maintains that the very contingency of disgust’s uptake should function as a rationale to examine and render judgment upon the nuances of situated moral disgust. In other words, while disgust may be a widely recognizable emotion, it is never self-same and thus deserves situated judgment rather than a blanket dismissal that resembles the very same disgust reaction critics malign.

As is likely evident even at this early point in the chapter, defining disgust as a moralizing force is a complex undertaking, as one definition cannot begin to encompass its reach

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<sup>182</sup> Nussbaum, *Disgust to Humanity*, 171.

<sup>183</sup> Kelly, *Yuck!*, 148

<sup>184</sup> Kelly, *Yuck!*, 152.

and significance to our contemporary reproductive milieu. In keeping with this dissertation's goal to track how emotions move and adhere throughout public discourse (if we can assume that such movement is not aligned with what Rei Terada calls the *expressive hypothesis* that equates a unified, coherent subject to the capacity to detect an individual's emotional expression), I maintain that we must map and render judgment upon the emotional adherence of disgust based upon its logic of movement and the action tendencies that it engenders individually and socially. In particular, what follows is an exposition of disgust as an empathic, yet aversive emotion of proximity and boundary formation that moves through both sensorial and linguistic capacities.

*The Emotional Adherence of Disgust: Empathetic Aversion*

To say that disgust is an empathic, yet aversive emotion is to consider its capacity for social transmission while taking seriously its isolating and distance producing action tendencies. First, disgust often produces aversive action tendencies. In other words, disgust encourages an intensive physiological revulsive reflex that promotes contact avoidance. Robin Nabi explains that disgust motivates a “*turning away* of attention rather than a capturing of it.”<sup>185</sup> Despite the recoiling aversion of bodies, the empathic dimension of disgust recognition paradoxically makes the emotion highly relational in its ability to feel others' pain—or at the very least the ability to enter into another's feelings (as is the case with Miller's adoption of Adam Smith's impartial spectator).<sup>186</sup> Rachel Herz maintains that this relationality is one that centers upon an acute awareness of the self in proximity to others, yet sees also sees this principle operating in a very material way in the body. Explaining that “[e]mpathy and disgust overlap in the brain,” Herz notes that those who cannot recognize disgust also tend to lack empathy—such as is the case in

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<sup>185</sup> Robin Nabi, “The Effect of Disgust-Eliciting Visuals on Attitudes Toward Animal Experimentation,” *Communication Quarterly* 46 no.3 (1998), 473.

<sup>186</sup> Smith's “impartial spectator” makes moral judgment based upon the ability of the spectator to enter into another's sentiments. The failure to do so constitutes an adverse judgment. Rachel Herz, *That's Disgusting: Unraveling the Mysteries of Repulsion* (New York: W.W. Norton & Company, 2012).

Huntington's disease wherein patients' damage to their insula impacts their capacities to recognize disgust and empathize with others.<sup>187</sup> As Kelly adds, there is a type of automatic communion at work in the process of recognizing disgust cues:

Not only are people able to naturally recognize a gape *as* an expression of disgust, but doing so involves the extra step of actually becoming disgusted oneself. This is striking. Not only is recognition of disgust automatic, but the processes involved automatically put the recognizer into a similar mental state as the person being observed...More generally, an impressive body of evidence indicates that this sort of empathic recognition can be not only automatic but unconscious as well, and thus one can become 'infected' with another's emotions unknowingly.<sup>188</sup>

Kelly echoes what a number of other scholars assert: disgust has a strong capacity to align bodies together in shared aversion.

Moreover, while disgust has often been conceived of as elicited in response to something perceived as contaminated, the emotion seems to also have this contaminating effect. This insight of an unconscious disgusting contamination begins to fall in line with Teresa Brennan's theory of the transmission of affect, wherein she posits how atmospheric adjustments can "alter the biochemistry and neurology of the subject."<sup>189</sup> Indeed, the ability (or inability in cases of severe brain damage) for bodies to co-orient based upon disgust is predicated upon the capacity for an empathic relationality. Yet, how is empathic transmission of disgust possible among more dispersed bodies? In other words, how is it possible for Gosnell's case to produce disgust among subjects that did not tour the facilities or undergo a medical procedure from the physician? In what follows, I detail the sensorial dimensions of disgust transmission that allow the emotion to remain empathic and recognizable despite physical distance between bodies.

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<sup>187</sup> Herz, *That's Disgusting*, 222-223.

<sup>188</sup> Kelly, *Yuck!*, 66-68.

<sup>189</sup> Brennan, *Transmission of Affect*, 1.

### *The Sensorial Texturing of Disgust*

While this chapter's analysis will attend to the optical, gustatory, tactile, and auditory dimensions of disgust, I here wish to tease out my justification for placing a particular emphasis on appeals to the olfactory and tactile. Disgust has the capacity to move through several senses, with smell, taste, and sight having a particularly acute relationship to the emotion. While taste and sight have each enjoyed ample treatment with the disgusting, smell and touch are also important ways in which bodies might register, circulate, and attribute disgust. In *The Transmission of Affect*, Teresa Brennan insists that processes of chemical entrainment, which primarily work through "unconscious olfaction," are important ways in which atmospheric information is conveyed.<sup>190</sup> Miller argues that disgust also finds ample power of transmission in *conscious* recognition of smell and the lexicons that carry such affective information. While Miller treats each of the five senses, he maintains that in contrast to tactile senses that are both more diffuse and locatable over the surface area of the skin, the olfactory capacity is more concentrated in the nose-orifice. As he puts it: "Smell works just the other way, with a highly localized receptor, the nose, but often emanating from unlocalizable and diffuse sources. Smells are pervasive and invisible, capable of threatening like poison; smells are the very vehicles of contagion."<sup>191</sup> Unlike taste, smells also afford the possibility of being able to apprehend something noxious from a further distance from the offensive object, enabling an earlier evaluative judgment than could be apprehended through taste. As such, this analysis of the Grand Jury Report will borrow the following lexical insight from Miller: "Odor qualifiers, if not the names of things emitting the odor, are usually simple adjectives and nouns expressing either the pleasantness or unpleasantness of the smell: fetid, foul, stink, stench, rancid, vile, revolting,

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<sup>190</sup> Brennan, *Transmission of Affect*, 9.

<sup>191</sup> Miller, *Anatomy of Disgust*, 66.

nauseating, sickening.”<sup>192</sup> Moreover, we might look to the use of more familiar analogies (“like roses, like rotten eggs”) or representations of the odors’ physiological effects such as “nauseating,” “suffocating,” or “sickening.”<sup>193</sup> Because language has the power to endow presence, these lexical terms can rhetorically extend the distance necessary for the empathetic transmission of disgust.<sup>194</sup>

In addition to the olfactory capacities, my attention to Gosnell and his clinic will address the tactility and the hybridized texturing of disgust. Miller maintains that certain consistencies in certain places (filmy, curdly, gooey, slimy, mucky, dusty, sticky) carry with them a constant reminder of the potential for unruly (and possibly contaminating) materiality.<sup>195</sup> Yet, we not need come into direct tactile contact for a consistency to move us to disgust. Eve Sedgwick offers the heuristic of *texture* to account for a multi-sensory experience of materiality, namely a “liminal” hybrid of touch and sight. For Sedgwick, to experience texture requires contact with materiality in several ways: “To perceive texture is to know or hypothesize whether a thing will be easy or hard, safe or dangerous to grasp, to stack, to fold, to shed, to climb on.”<sup>196</sup> One need not physically touch the material; texture combines the ocular and tactile and allows evaluative judgment to be made about the relative safety or danger of a potential threat.

Additionally, this evaluative judgment may function as moral judgment insofar as texture introduces a narrative to an affective, visceral reaction. For Sedgwick, interfacing with something’s textuality demands an inquiry into questions such as: “How did it get that way?”

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<sup>192</sup> Miller, *Anatomy of Disgust*, 67.

<sup>193</sup> David S. Barnes, “Scents and Sensibilities: Disgust and the Meanings of Odors in Late Nineteenth-Century Paris,” *Historical Reflections* 28 no.1 (2002), 27.

<sup>194</sup> Chaim Perelman and Lucie Olbrechts-Tyteca, *The New Rhetoric: A Treatise on Argumentation* (Notre Dame: University of Notre Dame Press, 1958/1969), 115.

<sup>195</sup> Miller, *Anatomy of Disgust*, 67.

<sup>196</sup> Eve Kosofsky Sedgwick, *Touching Feeling: Affect, Pedagogy, Performativity* (Durham, NC: Duke University Press, 2003).

And what could I do with it?”<sup>197</sup> Once the rhetoric can tell a story of the forces that materialized an object’s disgusting texture, moral judgment against a responsibly party is enabled. With now a better understanding of how disgust can be materialized and transmitted through the senses, I shift attention to what disgust can effectuate: a spatial relationship of proximity and the formation of corporeal and social boundaries.

### *Proximity and Boundary Formation*

A common theme that emerges in disgust literature (whether in reference to the physical or moral dimension of disgust) is the capacity for this emotion to produce the distinction between “inside” and “outside” and then ruthlessly maintain these boundary distinctions. Sedgwick calls disgust a catalyst that “produces bodily knowledge” in the recognition that rejecting bad food (for instance) delimits the boundary of what should or should not be incorporated into the body.<sup>198</sup> In addition to producing and fortifying a corporeal boundary, an analysis of disgust’s rhetorical power must simultaneously focus on the ways that social boundaries are made (and unmade) in proximity to that which disgusts.

Disgust rhetorically produces and maintains corporeal boundaries against a perceived threat of contamination. As Miller explains: “Disgust is about skin. Skin is container, barrier, and demarcation of inside and outside. Disgust is about leakage and escape through the skin.”<sup>199</sup> Skin, however, is porous and provides only a provisional boundary separation between the inside and outside, possibly explaining why some bodily fluids (especially those attached to diseased bodies and sexuality) are considered disgusting upon their traversal.<sup>200</sup> Disgust, we might say, is regarded as the corporeal gatekeeper, halting the movement of perceived contaminating

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<sup>197</sup> Sedgwick, *Touching Feeling*, 13.

<sup>198</sup> Eve Sedgwick, *Touching Feeling: Affect, Pedagogy, Performativity* 116

<sup>199</sup> Miller, *Anatomy of Disgust*, 17-18

<sup>200</sup> Jeffrey A. Bennett, *Banning Queer Blood: Rhetorics of Citizenship, Contagion, and Resistance* (Tuscaloosa, AL: University of Alabama Press, 2009).

pathogens from entering and leaving. As Elizabeth Grosz echoes, “Body fluids attest to the permeability of the body, its necessary dependence on an outside...to the perilous divisions between the body’s inside and its outside...[Body fluids] are undignified, nonpoetic, daily attributes of existence, rich or poor, black or white, man or woman, that all must, in different ways, face, live with, reconcile themselves to.”<sup>201</sup> While fluids’ unwelcomed traversal might be seen as a great equalizer insofar as they function as a common denominator of all bodies, quite a bit of critique demonstrates that certain fluids (such as queer and menstrual blood) can indeed be marked as dangerous from very different perspectives, serving to marginalize some bodies and stifle progressive patterns of affiliation.<sup>202</sup>

The sharp boundaries that disgust can effectuate are not only recognizable at the level of “bodily knowledges,” or secretions perceived as out of place, but also at the level of inclusion and participation in social life. As extant literature demonstrates, the production of social boundaries might appear as the line between “morally good and evil,” “purity and contamination,”<sup>203</sup> as well as the formation of corporeal limits. While disgust is thoroughly aversive in its paradigmatic “turn away” from the object it marks as contaminating, the emotion can be paradoxically communalizing as well. According to Miller, disgust builds moral and social community, by delineating boundaries. Of course, more than simply encouraging processes of social identification and division, disgust is a powerful motivator for social exclusion of individuals. Social exclusion is usually judged based upon the designation of character traits that function to elicit disgust. Miller speaks of a number of behavioral vices that

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<sup>201</sup> Elizabeth Grosz, *Volatile Bodies: Toward a Corporeal Feminism* (Bloomington: Indiana University Press, 1994), 193-194.

<sup>202</sup> Ros Bramwell, “Blood and Milk: Constructions of Female Bodily Fluids in Western Society,” *Women & Health* 34 no.4 (2001): 85-86.

<sup>203</sup> See Christine L. Harold, “The Green Virus: Purity and Contamination in Ralph Nader’s 2000 Presidential Campaign,” *Rhetoric & Public Affairs* 4 no.4 (2001): 581-603.



prompt disgust reactions including perceived cruelty, hypocrisy, and betrayal.<sup>204</sup> In other words, disgust throws into sharp relief the way that social boundary distinctions are vague, porous, and always-already rhetorically contingent.

If we take seriously the role of disgust in modifying our perceived social and corporeal boundaries, we must also recognize the extent to which disgust has a defining role in rhetorically materializing spaces, objects, and subjects that contaminate and require purification. Caroline Fusco analyzes how, with their close proximity to typical disgust elicitors such as hair, spit, blood, and excrement, locker rooms are formed as spaces of interaction with the abject.<sup>205</sup> Fusco sets an important precedent for thinking of spaces wherein bodies are expected to interact with disgust elicitors, illuminating the spatial politics of hygiene and Western discourses of contamination. She opens the door for further interrogation into spaces where the disgusting is particularly unwelcome, including what bodies *do* in such spaces. In particular, she sets the stage for an interrogation into how abortion clinics are more apt to socially attract assessments of the disgusting. As Miller asserts, disgust “include[s] a strong impulse to seek bodily distance from something viewed as unacceptable for bodily contact because it is thought to possess contagious badness.”<sup>206</sup> Miller speaks of an impulse to create distance and define the spacing of disgust. The disgusting object or hypocritical, cruel actor ultimately holds the capacity to saturate the area around them. Feelings of disgust, then, might be said to engender spaces that disgust and vice versa.<sup>207</sup>

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<sup>204</sup> Miller, *Anatomy of Disgust*, 181-188.

<sup>205</sup> Caroline Fusco, “Spatializing the (Im)Proper Subject: The Geographies of Abjection in Sport and Physical Activity Space,” *Journal of Sport and Social Issues* 30 no.1 (2006), 5-28.

<sup>206</sup> Susan B. Miller, *Disgust: The Gatekeeper Emotion* (Hillsdale, NJ: The Analytic Press, 2004), 38.

<sup>207</sup> See: Philip Hubbard, “Desire/disgust: Mapping the Moral Contours of Heterosexuality,” *Progress in Human Geography* 24 no.2 (2000): 191-217.

As sociologist Mary Douglas has famously argued: that which is understood as disgusting has significant cross-cultural variation.<sup>208</sup> Douglas' germinal work points to the necessity for a thorough analysis of how cultural and historical contexts have shaped the understanding of what disgusts whom and how. Carolyn B. Miller calls attention to the necessity of historicizing disgust in order to better understand how the emotion functions today. As she explains: "an object whose history involves touching something disgusting...becomes a purveyor of disgustingness to anyone who touches it."<sup>209</sup> To grapple with the political implications of the Gosnell case, it is critical to examine how disgust has similarly "touched" other cultural objects. Ahmed echoes this sentiment when she encourages us to think about the stickiness of objects as "*an effect of the histories of contact between bodies, objects, and signs.*"<sup>210</sup> When objects are considered disgusting, Ahmed suggests here that we must inquire into how an object came into contact with disgust—how disgust has defined the object.

As such, the following questions emerge: How is it that Kermit Gosnell providing late-term abortions in his unsanitary West Philadelphia clinic comes to elicit disgust in the Grand Jury Report and on multiple and *competing* positions of the intractable abortion controversy? What histories of contact make the Gosnell case a particularly strong conductor of disgust? In what follows, I attempt to better understand the conditions of possibility for Kermit Gosnell and his "house of horrors" to be broadly intelligible as disgusting.

### **Historical Context: Clinical, Political, and Jurisprudential Moral Disgust**

This section weaves two strands that work together to historically contextualize disgust in the Gosnell case. First, to better understand how Gosnell's clinic might be marked as a

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<sup>208</sup> Mary Douglas, *Purity and Danger: An Analysis of Concepts of Pollution and Taboo* (New York, Frederick Praeger, 1966).

<sup>209</sup> Miller, *Gatekeeper Emotion*, 32

<sup>210</sup> Ahmed, *Cultural Politics of Emotion*, 90, emphasis in original.

disgusting space, I examine the advent of sanitary reform movements and its role in engendering the expectation for both moral improvement and the creation of sanitized clinical space. Second, I examine the disgust in Supreme Court abortion jurisprudence about later-term abortions—most relevantly for this study, *Gonzalez v. Carhart*.

### *Sanitizing Clinical Space*

Disgust has a fascinating cultural history in relationship to modern industrial public health and moral reforms, implicating clinical space in its development. In what follows, I provide important historical context that throws the relationship between sanitized clinical spaces and moral reform into sharp relief. I draw on both the early United States and European sanitary reform movements in the nineteenth century to illustrate this relationship.

Beginning in the 1830's, various sanitary Reform movements in the U.S. and Europe were responding to the problem of unplanned urban growth creating intolerable living conditions. Such rapid population growth in cities structured in ways that were unable to accommodate so many people held serious consequences for the public health of its inhabitants; until the 1840's, mortality within cities was so high that populations of cities were sustained solely by in-migration—the death rate exceeded the birth rate, resulting in negative internal population growth.<sup>211</sup> Sanitation reformers armed themselves with new empirical, statistic data claiming that *filth* “—generally meaning putrefactive odors arising from decomposing organic wastes” was the culprit in numerous communicable diseases such as typhoid, scarlet fever, hiptheria, and yellow fever.<sup>212</sup> Operating prior to the emergence of germ theory, those who subscribed to filth theory believed that disease transmission occurred due to urban conditions

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<sup>211</sup> Richard A. Meckel, “Immigration, Mortality, and Population Growth in Boston, 1840-1880,” *The Journal of Interdisciplinary History* 15 no.3 (1985): 393-417.

<sup>212</sup> Jon A. Peterson, “Impact of Sanitary Reform upon American Urban Planning, 1840-1890,” *Journal of Social History* 13 no.1 (1979), 83.

such as standing water, a lack of sunlight, and stale air.<sup>213</sup> Undergirding the filth thesis were miasmatic theories of health and illness: “From the Greek word, ‘to polute,’ miasma was both a theory of disease causation and a description of ‘filth’ or polluting matter” that centered upon olfaction.<sup>214</sup> As an early British sanitary reformer concisely put it: “all smell is disease.”<sup>215</sup> The sanitary reform movements in Britain and the U.S. had tremendous success lobbying for infrastructural change that would begin centralizing sewage systems and waste disposal.

Simultaneously, there was an articulation of sanitation to morality, elaborated in the rhetorical connection between sex-worker regulation, social purity, and the diseased city. As historian Alison Bashford elaborates, “Sanitary reform always involved some sort of moral reform, which rested upon theories of disease which conflated physical and moral cleanliness and health, and perhaps more pertinently, physical and moral dirtiness and ill-health.”<sup>216</sup> Alain Corbin elaborates on this insight, demonstrating two public arguments in nineteenth century French sex worker regulation relevant to disease control. Most common was an appeal to “public morality,” ensuring that city streets could be free of visions of “vice.” Second, prostitution regulation was connected to maintaining population health, as the bodies of sex workers were categorized alongside corpses for the infectious miasma that could emanate from them.<sup>217</sup> As Corbin summarizes: “the prostitute symbolizes, and even incarnates, the ailment that testifies, more than a disgusting smell, to the infection of the social structure.”<sup>218</sup> Regulating

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<sup>213</sup> Peterson, “Impact of Sanitary Reform,” 83.

<sup>214</sup> Alison Bashford, *Purity and Pollution: Gender, Embodiment, and Victorian Medicine* (New York, St. Martin’s, 1998), 1.

<sup>215</sup> Bashford, *Purity and Pollution*.

<sup>216</sup> Bashford, *Purity and Pollution*, 1.

<sup>217</sup> Alain Corbin, “Commercial Sexuality in Nineteenth-Century France: A System of Images and Regulations,” *Representations* 14 (1986), 209.

<sup>218</sup> Corbin, “Commercial Sexuality,” 212.

sexual practices to prevent disease and maintain a normative social structure are each ways in which disgust has permeated a sexualized morality.

Sanitary reform also had its own advocates in the health and medical domains, impacting the spatial organization of hospitals. Between complicated formulas to determine the amount of airflow per patient to the physical layout of the clinic itself, medical spaces were subjected to intense scrutiny in order to maximize emergent standards of cleanliness. Florence Nightingale is perhaps best known for her efforts in this domain, championing the “pavilion principle” as an ideal spatial organization for hospitals based upon a miasmatic understanding of disease transmission. The pavilion model included a calculated minimum cubic space per patient, a method of window placement to facilitate cross-ventilation, and the north to south placement of the building to ensure that sunlight could be harnessed for hygienic reasons.<sup>219</sup> As she once polemically declared: “I know of no class of murderers who have killed so many people as hospital architects.”<sup>220</sup> Importantly, Nightingale believed that better housing of the sick would not only improve people’s physical health, but their “moral conduct” as well.<sup>221</sup>

As theories of miasmatic disease transmission were replaced with the insights of germ theory, public health also saw an important contribution to sanitary medical practice: the advent of antiseptic surgery. At a time when hospitals were threatening to abolish all surgical procedures because the death rate from infection was so high, Dr. Joseph Lister drew upon Louis Pasteur’s insights about the process of fermentation, believing the same processes were causing infection and gangrene in surgical patients.<sup>222</sup> Delivering his now famous paper “On the

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<sup>219</sup> Lynn McDonald, ed. *Florence Nightingale and Hospital Reform: The Collected Works of Florence Nightingale* (Waterloo, ON: Wilfrid Laurier University Press, 2012),14

<sup>220</sup> McDonald, *Collected Works of Florence Nightingale*, 823

<sup>221</sup> McDonald, *Collected Works of Florence Nightingale*, 3

<sup>222</sup> Dennis Pitt and Jean-Michel Aubin, “Joseph Lister: Father of Modern Surgery,” *Canadian Journal of Surgery* 55 no.5 (2012), E8-9.

Antiseptic Principle in the Practice of Surgery” before the British Medical Association on August 9, 1867, Lister proclaimed: “limbs which otherwise would be unhesitatingly condemned to amputation may be retained with confidence of the best results.”<sup>223</sup> Lister celebrated that his compound of choice—carbolic acid—contributed to the health of hospitals, maintaining:

But since the antiseptic treatment has been brought into full operation, and wounds and abscesses no longer poison the atmosphere with putrid exhalations, my wards, though in other respects under precisely the same circumstances as before, *have completely changed their character*; so that during the last nine months not a single instance of pyaemia, hospital gangrene, or erysipelas has occurred in them.<sup>224</sup>

In this passage, Lister connects his antiseptic treatment to a radical improvement in the character of his ward, introducing moralizing language into the improvement of the space.

Within these important historical moments, there has been notable conceptual slippage between bodies, spaces, conceptions of cleanliness, and the accompanying (im)morality.

Bashford aptly describes the relationship between these concepts as a type of mutual affection:

In such sanitarian and miasmatic conceptualizations of health and disease, bodies and buildings were mutually affective. The construction and cleanliness of houses and hospitals, and the interactions between dwellings and the bodies within them were seen to be crucial and potentially productive of disease. The lack of distinction between physical environment, bodily condition, and moral wellbeing meant that the cleanliness or dirtiness of any of these elements could influence the other. So, a dirty or badly ventilated dwelling, be it a home or a hospital, threatened the onset not only of physical disease, but a declining moral status. Equally, dirt could emanate from an unhygienic body or an immoral body and ‘foul’ the atmosphere of a room or a building.<sup>225</sup>

When it came to the relationship between cleanliness and dirt producing the possibility for disgust, the boundaries between spaces, bodies, and morality were fluid and interrelated. This insight provides important historical grounding when thinking about Gosnell and his clinic functioning as mutually constitutive of his moral bankruptcy. In what follows, I discuss how

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<sup>223</sup> Joseph Lister, “On the Antiseptic Principle in the Practice of Surgery,” *The Lancet* 90 no.2299 (1867): 353-356.

<sup>224</sup> Lister, “On the Antiseptic Principle,” 356, emphasis added

<sup>225</sup> Bashford, *Purity and Pollution*, 17.

disgust is thoroughly imbricated within some of the grounding abortion legal decisions that impact our current moment.

*Disgust's Legal Relationship to "Partial Birth Abortion"*

The Gosnell case is by no means the first instance wherein a moralizing disgust has circulated in relationship to later-term abortion procedures. Rather, disgust has been “sticking” to later-term abortions in legal decisions and has produced a strong articulation of abortion procedures and aversive judgment.

Justice Blackmun famously proclaimed in his *Roe v. Wade* opinion that “Our task, of course, is to resolve the issue by constitutional measurement, free of emotion and of predilection.”<sup>226</sup> While Blackmun promised to bracket emotion from the Court’s deliberation (purportedly opting instead to focus on legal and medical histories of when life had previously been defined as beginning), legal scholar Courtney Cahill has argued that disgust has been imbricated in one of the most relevant Supreme Court cases to the Gosnell controversy—*Gonzalez v. Carhart*. Cahill argues that in 2000, disgust first emerged in the since-overturned *Stenberg v. Carhart* decision, which was debating the constitutionality of a Nebraska criminal statute of D&X (a second trimester abortion procedure wherein a fetus is removed from a woman’s body intact).<sup>227</sup> In the *Stenberg* decision, dissenters Scalia, Kennedy, and Thomas engage what Cahill calls “disgust-driven terms,” calling D&X “‘barbarian,’ ‘abhorrent,’ ‘gruesome,’ and ‘so horrible’ as to evoke ‘a shudder of revulsion.’”<sup>228</sup> Cahill observes that disgust even emerged in Justice Breyer’s majority opinion: “Considering the fact that those procedures seek to terminate a potential human life, our discussion may seem clinically cold or

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<sup>226</sup> *Roe v. Wade* 410 U.S. 113 (1973)

<sup>227</sup> Courtney Megan Cahill, “Abortion and Disgust,” *Harvard Civil Rights-Civil Liberties Law Review* 48 (2011), 418.

<sup>228</sup> Cahill, “Abortion and Disgust,” 419.

callous to some, perhaps horrifying to others.”<sup>229</sup> While not explicitly using the theoretical framework, Cahill gestures toward Justice Breyer’s engagement of disgust as a speech act when she writes: “Breyer’s caveat lector moment arguably provokes the dread and disgust that it anticipates.”<sup>230</sup>

In 2003, President George W. Bush signed the congressionally passed Partial-Birth Abortion Ban Act of 2003 into law, making it a federal crime to perform a D&X procedure. In 2007, the Supreme Court upheld the Ban in *Gonzalez v. Carhart*. According to Cahill, moral disgust is thoroughly operative in the “linguistic registers” of Justice Kennedy’s majority opinion and in the larger constitutional justification that banned the procedure. First, Cahill observes that Justice Kennedy’s opinion engages “graphic and lengthy abortion descriptions” when he “variously refers to D&X as conduct that ‘implicates...ethical and moral concerns that justify a special prohibition.’”<sup>231</sup> In other words, Cahill reads the graphic descriptions both as Kennedy’s expression of his own disgust, but also as an attempt to evoke such feelings in his readership. Second, Cahill argues that in *Carhart*, disgust is also used as a grounding rationale to criminalize D&X.<sup>232</sup> Notably, “repugnance” and public “coarsen[ing]” are cited as reasons; Cahill maintains that “the Act’s principle concern is with minimizing (or eliminating) shock/disgust, and not with minimizing (or eliminating) fetal harm.”<sup>233</sup> To summarize, disgust circulates in what is often celebrated to be an emotionless technical field of jurisprudence through graphic and lengthy descriptions of medical procedures and an accompanying moral judgment. Considering that the Grand Jury report is also a legal document admissible in Gosnell’s trial, the legal precedence of disgust being tacitly accepted in related Court decisions thoroughly shapes how the report could

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<sup>229</sup> Cahill, “Abortion and Disgust,” 418

<sup>230</sup> Cahill, “Abortion and Disgust,” 418.

<sup>231</sup> Cahill, “Abortion and Disgust,” 419, citing Justice Kennedy

<sup>232</sup> Cahill, “Abortion and Disgust.”

<sup>233</sup> Cahill, “Abortion and Disgust,” 421.



be read by various affiliates. With a better understanding of how (moral) disgust emerged as a clinical and legal problematic, I now turn attention to how the Grand Jury Report circulates disgust in relationship to Gosnell's character, clinic, and Pennsylvania's Departments of Health and State.

### **Analysis**

With over two hundred and sixty pages of text and four appendices, the Report of the Grand Jury was filed on January 14<sup>th</sup>, 2011. The report is broken into eight sections: (1) Overview, (2) The Raid, (3) Gosnell's Illegal Practice, (4) The Intentional Killing of Viable Babies, (5) The Death of Karnamaya Mongar, (6) How Did This Go On So Long? (7) The Criminal Charges, and (8) Recommendations of the Grand Jury. This analysis argues that the appeals to moral disgust attempt to regulate the health behaviors necessary for protecting the health of a social community. The Report shares details of the case that warrant a trans-political rejection of Gosnell as a health practitioner. This analysis tracks the Report's configuration of disgust in three moves: I argue first that the Report describes Gosnell's character traits and constitutes him as a morally disgusting subject worthy of shared aversion. Second, by engaging vivid sensory descriptors, the Report textures his clinical space as disgusting. Third, the Report deprecates the Pennsylvania Department of State and Department of Health for creating a jurisdictional back alley wherein Gosnell's practice was able to thrive without proper oversight.

#### *A Rhetoric of Aversion: Constituting a Morally Disgusting Subject*

The Grand Jury report uses appeals to the character traits that Miller argues tend to elicit disgust in order to paint Kermit Gosnell as an irredeemably morally bankrupt medical practitioner. With little attempt to soften its indicting prose, the report engages three themes to construct Gosnell's character as morally disgusting: a hypocritical "community servant," a

callous and greedy disposition toward patients, and a reckless medical practitioner who evaded censure.

The report initially paints Gosnell as a hypocrite: a once esteemed member of the community whose practice was ultimately a monetized sham. According to Miller, hypocrisy has an acute relationship to disgust elicitation, functioning as “parasites on the moral order.”<sup>234</sup> In this impoverished section of Philadelphia, there were no other clinics—Gosnell’s practice was the only in the vicinity. For years, Gosnell was celebrated for his service to the community and maintained a respected public persona.<sup>235</sup> Yet, as the report indicated: “Gosnell’s ‘medical practice’ was not set up to treat or help patients. His aim was not to give women control over their bodies and their lives. He was not serving his community.”<sup>236</sup> The report reaches further to amplify the lacuna between his public face and actual practices:

Just as his clinic bore no resemblance to a bona fide medical facility, the image of himself that Gosnell promoted had no truth to it. In newspaper and television interviews, he portrayed himself as a hard-working, conscientious doctor doing the best he could for his community....Any contributions he may have made to the community are undermined by the substandard treatment that he passed off as medical care for the indigent.<sup>237</sup>

Indeed, the report goes on to indicate that Gosnell defrauded insurance companies and charitable agencies in the community that would assist impoverished women in affording abortion care, including the Delaware Pro-Choice Medical Fund.<sup>238</sup> Gosnell’s hypocritical persona pervades descriptions of both his conduct and the space in which he was operating, casting both as immoral in the process.

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<sup>234</sup> Miller, *Anatomy of Disgust*, 187

<sup>235</sup> Chelsea Conaboy, “Doctor’s Long Tumble to Jail,” *Philly.com* (January 23, 2011), [http://articles.philly.com/2011-01-23/news/27044753\\_1\\_abortion-clinic-methadone-clinic-abortion-practice](http://articles.philly.com/2011-01-23/news/27044753_1_abortion-clinic-methadone-clinic-abortion-practice)

<sup>236</sup> Williams, “Grand Jury Report,” 10

<sup>237</sup> Williams, “Grand Jury Report,” 38.

<sup>238</sup> Williams, “Grand Jury Report,” 89.

Throughout several sections of the report, Gosnell also emerged as a greedy businessman who failed to pay his untrained staff. As Miller claims: “we impute to the disgusting a will to offend.”<sup>239</sup> The Grand Jury Report makes Gosnell’s transgressions both willful and intentional. Taking in an approximate \$10,000 to \$15,000 each night, the report indicates Gosnell would procure upwards of 1.8 million dollars per year while rarely being present for procedures in the clinic.<sup>240</sup> Instead, he would send a number of untrained staff members to mix and administer intravenous sedatives like Demerol (which the report notes is an inexpensive but unpredictable pain medication). If readers could not infer the intentionality behind Gosnell’s actions, the report made this purpose quite specific: “The pain, suffering, and death that he and his employees perpetrated were not the result of accidentally botched procedures. It was Gosnell’s standard business practice.” That the pain and suffering be specifically assessed as purposeful molds the doctor’s character as a calculative actor whose practices were a result of detestable deliberation. Similarly, his treatment of staff demonstrated a strategic greed as well. Gosnell “deliberately” hired unlicensed, unqualified staff to perform the procedures, including a fifteen-year-old student because, according to the Grand Jury, “he could pay them low wages often in cash.”<sup>241</sup> The report indicates that Gosnell went through several registered nurses and cleaning orderlies because he did not pay them on time. Yet, once the police raided Gosnell’s home in conjunction with the clinic, they found \$250,000 in cash and a gun in his young daughter’s bedroom closet.<sup>242</sup> Gosnell’s greedy and hypocritical character flaws are demonstrated as thoroughly blameworthy character traits, inviting an assessment of disgust.

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<sup>239</sup> Miller, *Anatomy of Disgust*, 203.

<sup>240</sup> Williams, “Grand Jury Report,” 88.

<sup>241</sup> Williams, “Grand Jury Report,” 32. It should also be known that in addition to the laundry list of charges brought against Gosnell, he was also charged with “corrupting the morals of a minor.”

<sup>242</sup> Williams, “Grand Jury Report,” 88.

The report also constructs Gosnell as a reckless medical practitioner with callous bedside manner by placing his current situation within his distressingly extensive history of engaging in medically harmful practices. In addition to reports dating back to the 1980's that documented Gosnell's practices of not monitoring women under sedation or calling for emergency services when needed, he engaged experimental procedures for performing abortions—namely, the *supercoil*.<sup>243</sup> In 1972, a year before the *Roe v. Wade* decision, Gosnell was working with Harvey Karman, who had run an illegal practice in California since the 1950's. The supercoil was a ball of sharp plastic that was coated in a temperature-activated gel that, when inserted into a woman's uterus, would expand and end a pregnancy. Tested only on Bangladeshi refugees after being sexually assaulted by Pakistani soldiers, the device caused notable complications. Nonetheless, when fifteen impoverished women seeking a second trimester abortion were bussed from Chicago to Philadelphia, Karman and Gosnell performed the supercoil procedure. Nine of the fifteen women suffered serious complications with two needing a hysterectomy from the damages. Although Karman was convicted for practicing without a license, Gosnell was able to escape conviction and left Pennsylvania, opting to spend time in the Bahamas so he could claim no complaints against his licensure for an extended amount of time.<sup>244</sup> Gosnell's wherewithal to escape to the Bahamas merely invites the assessment that he was intentionally evading the medical responsibility the public would expect of a physician.

In addition to a history of testing questionable devices on impoverished and desperate women, the report details Gosnell's lack of concern for the impoverished women of color who came to his clinic. The report accuses Gosnell of failing to oversee anesthesia administration

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<sup>243</sup> Williams, "Grand Jury Report," 96.

<sup>244</sup> Williams, "Grand Jury Report," 96-99

“unless the patient was white.”<sup>245</sup> Tina Baldwin, one of Gosnell’s employees testified to the Grand Jury that Gosnell explicitly gave substandard care to women of color:

So he didn’t mind you medicating your African American girls, your Indian girl, but if you had a white girl from the suburbs, oh, you better not medicate her. You better wait until he go in and talk to her first. And one day I said something to him and he was like, that’s the way of the world....And he brushed it off and that was it.<sup>246</sup>

As the report puts it: “Every aspect of that practice reflected an utter disregard for the health and safety of his patients, a cruel lack of respect for their dignity, and an arrogant belief that he could forever get away with the slovenly and careless treatment of the women who came to his clinic.”<sup>247</sup> Gosnell would frequently leave women unsupervised during labor induction and when the procedure was not completed on its own, would “have his staff physically push [fetuses] out” by pressing on women’s abdomens.<sup>248</sup>

The Report details how Gosnell displayed a lack of empathy for his patients by ignoring women’s wishes when they ultimately decided against the abortion procedure. The Grand Jury reported that one woman changed her mind after Gosnell had already inserted a laminaria and asked him to stop the procedure. Gosnell refused to do so and the woman ended up going to the hospital where she gave birth to a premature child who is “now a healthy kindergartener.”<sup>249</sup>

The report describes this situation as one where Gosnell ignored the woman’s wishes not because it was too late to salvage the desired pregnancy, but because he did not want to refund her payment. Moreover, the report editorializes that Gosnell would overly sedate patients so that he didn’t have to hear them moaning or wailing in pain during a recovery period. Gosnell’s lack of empathy with his patients led him to silence them with sedatives. The report attests that even

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<sup>245</sup> Williams, “Grand Jury Report,” 61.

<sup>246</sup> Williams, “Grand Jury Report,” 62.

<sup>247</sup> Williams, “Grand Jury Report,” 24.

<sup>248</sup> Williams, “Grand Jury Report,” 31.

<sup>249</sup> Williams, “Grand Jury Report,” 90.

Gosnell's own employees were averse of the doctor when they needed similar services: "When two of Gosnell's staff members sought abortions, they knew better than to go to him."<sup>250</sup> Taken together, the Grand Jury Report describes Gosnell's actions as thoroughly reprehensible on the dimensions of hypocrisy, callousness, recklessness, and greed. The Grand Jury Report's appeals to disgust transform Gosnell's once respected persona into an exemplar of immorality in the medical domain. In so doing, the Report is able to aptly draw a shared moral boundary in which advocates from multiple ideological positions could affiliate. Yet, despite these almost intuitive assessments of Gosnell's immorality as a function of his character failings, descriptions of the spaces of his operation amplified the disgust of his entire operation.

#### *Clinical Disgust at 3801 Lancaster Avenue*

Gosnell's clinic was dubbed a 'House of Horrors,' with the space functioning as a particularly sticky site for disgust's rhetorical work. As I will argue in this section, readers come to know the clinic's squalid qualities through the Grand Jury Report's sensorial texturing of the space. As Sedgwick reminds us, texture cannot be reduced to a single sense. Rather, texture operates at the articulation of multiple senses, and in so doing, masterfully weaves together a narrative of how the object(s) emerged. This section begins by describing just a few ways that sensory descriptions weave together to constitute various elements of the clinic's texture before demonstrating how these textures are deployed as narratives describing women's experiences in the clinic. The section closes by explaining how the architectural layout of the clinic served as way to blame Gosnell for the death of Nepalese Refugee Karnamaya Mongar.

As the Grand Jury Report opens its vivid tour of 3801 Lancaster Avenue, references to noxious olfaction intertwine with the off-putting sights, grimy surfaces, and distasteful consumption by animals in the facility. The report indicates that those who entered were

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<sup>250</sup> Williams, "Grand Jury Report," 27.

physically moved by this sensory overload. In particular, the employees attributed bad smells to visible contaminants in the dank atmosphere, noting that this odor was physically assaulting: “[Investigators] described the odor that *struck* one immediately upon entering—a mix of smells emanating from the cloudy fish tank where turtles were fed crushed clams and baby formula.”<sup>251</sup> While this sentence makes it clear that discrete senses are registering the atmosphere (smell, sight, touch, and even the taste of reptile food), the sentence’s disgusting force emerges by virtue of the space’s entanglement of the senses.

The report not only testifies to these senses functioning at once, but also attributes the texture to the inappropriate presence of nonhuman bodies in a medical facility. By the second page of the report, readers quickly learn of how “The clinic reeked of animal urine, courtesy of the cats that were allowed to roam and defecate freely.”<sup>252</sup> This alignment of the optical and olfactory served to preview an extensive description of the clinical raid in “Section II.” During this initial raid, a search team reported a “stench of urine filled the air...and there were cat feces on the stairs.”<sup>253</sup> The report draws upon a logic of miasmatic contamination as it repeatedly returns to the odor of the cats and the presence of their excrement.<sup>254</sup> By introducing the nonhuman waste into the description, the report is able to establish an important boundary between the human/nonhuman, rendering judgment that Gosnell was violating the expectation of respectful boundaries between humans and animals in a medical space.

The report’s textured description of bodily fluids provides a vivid tableau that also integrates sight, touch, and smell in the assessment of the space as unsanitary and as such: an immoral space to practice medicine. As numerous scholars have remarked, blood is by no means

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<sup>251</sup> Williams, “Grand Jury Report,” 45

<sup>252</sup> Williams, “Grand Jury Report,” 2

<sup>253</sup> Williams, “Grand Jury Report,” 20

<sup>254</sup> Williams, “Grand Jury Report,” 46

a fluid unmarked by discursive impression. As such, it matters where and how blood appears in the clinical descriptors. In the description of Gosnell's clinic, blood emerges in multiple forms. For instance, the report describes blood as "leaking," "caked," "dried," "splattered," "stained," and "everywhere."<sup>255</sup> Blood textures medical instruments that were reused on multiple patients because they were too large to soak in a container filled with sterilizing solution.<sup>256</sup> Blood was stained on blankets, caked on stirrups, and dried on walls, sinks, and toilets. By attending to how fluids are textured in Gosnell's clinic, we have a better understanding of how Gosnell is blamed for the corporeal material's traversal of women's skin.

The textural formation of bodily fluids provides a narrative of corporeal boundary contamination, marking the women who underwent procedures in Gosnell's clinic. The same "flea-infested cats" defecating on the floor often came into proximity with unknowing patients as the felines slept on the facility's beds when they were not used for their intended medical purposes.<sup>257</sup> The medical equipment described as both "dust covered" and with "corroded tubing" was reused for multiple patients.<sup>258</sup> Former employee Kareema Cross testified that the unsterilized, reused instruments were likely the culprit for the number of women who complained that they contracted chlamydia and gonorrhea while at Gosnell's clinic.<sup>259</sup> Passages like these allow readers to imagine these spaces as more than just outdated medical materials and instead allow us to imagine corporeal boundaries violated in these spaces and becoming contaminated by their proximity to pathogens.

Just as nineteenth century sanitation reformers were concerned with the design of hospitals and charged architects with moral violations, the Grand Jury made similar

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<sup>255</sup> Williams, "Grand Jury Report," 46-48.

<sup>256</sup> Williams, "Grand Jury Report," 48.

<sup>257</sup> Williams, "Grand Jury Report," 46.

<sup>258</sup> Williams, "Grand Jury Report," 50

<sup>259</sup> Williams, "Grand Jury Report," 48-49.



condemnations when describing the clinical building’s dangerously confusing layout. As the Grand Jury report describes, the clinic’s counterintuitive layout was punctuated by descriptions of “cluttered hallways,” and “padlocked emergency doors.” In fact, the Grand Jury at least partially blamed the ultimate death of Karnamaya Mongar on these layout issues:

Another violation of Pennsylvania law...clinics must have doors, elevators, and other passages adequate to allow stretcher-borne patients to be carried to a street-level exit. Gosnell’s clinic, with its narrow, twisted passageways, could not accommodate a stretcher at all. And his emergency street-level access was bolted with no accessible key. Any chance Mongar had of being revived was hampered by the time wasted looking for keys to the door.<sup>260</sup>

On the very next page, the report pads its textual assessment with an image showing the barricaded emergency access. With caged security bars on the door and neighboring windows, the emergency exit image reinforces the clinic’s boundary from the outside world. Ashley Baldwin, the sixteen year old who was administering sedatives in Gosnell’s clinic, testified that there were over thirty keys that she tried when attempting to unlock six padlocks to let emergency personnel into the clinic. Between the sensorial texturing and confusing material layout of the building, the Gosnell’s clinic was a particularly potent site for disgust’s adherence in the Grand Jury report. When situated within a historical articulation of sanitation and morality, disgust was certainly a potent way for moral judgment to occur. In what follows, I detail how disgust was able to draw parallels between State oversight failures and the Gosnell’s clinical conditions.

*Blind Eyes, Moral Disgust, and the Constitution of the State’s Back Alley.*

The Grand Jury was not content with merely identifying Gosnell’s character flaws and medical incompetence; they sought to understand why this practice could go on so long and who should be the target of blame. The Grand Jury Report made their moral indictment by

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<sup>260</sup> Williams, “Grand Jury Report,” 77

identifying a major problem with abortion regulation in Pennsylvania: despite the Commonwealth having some of the most stringent abortion restrictions in the country, split jurisdiction in oversight responsibilities inadvertently functioned as the conditions of possibility for Gosnell's practice to operate for as long as it did. In other words, the stringent jurisdictional boundaries between those regulating the clinic and those licensing the clinician created the State's abortion back-alley. In this section, I argue that moral disgust was also operative in the Grand Jury's assignment of blame to both the Department of Health for not regulating the space of Gosnell's clinic and the Department of State for licensing such a callous practitioner despite copious complaints. By circulating disgust at the failure of oversight agency members to take responsibility, the Grand Jury critiqued the boundaries between the DOH and the DOS.

While the Department of Health is responsible for regulating clinical spaces in order to ensure sufficient sanitary practices, the Grand Jury Report asserts that the Department skirted their regulatory responsibilities by rendering abortion regulation invisible and operating on an "honor system" for overseeing clinics. First, the Grand Jury Report indicated that the Department of Health had a bizarre classification of abortion clinics: rather than being defined under the DOH's division of Acute and Ambulatory Care and being regulated for outpatient surgery and anesthesia administration, it was nestled into the DOH's Division of Home Health. The report charges that this classification renders abortion clinics invisible and makes oversight "impossible:"

The [DOH] website published phone numbers to call for various types of complaints: the Division of Acute and Ambulatory Care for ambulatory surgical facilities, the Division of Home Health's "hotline" for home health agencies, hospices, and End State Renal Disease facilities. There is no mention, however, that DOH even oversees abortion facilities, or that it accepts complaints about them. In light of this, the policy that the DOH would inspect facilities only in response to complaints goes beyond bad management. It appears to reflect purposeful neglect.<sup>261</sup>

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<sup>261</sup> Williams, "Grand Jury Report," 170.

The report moralizes this issue by taking this regulatory blind spot and then casts the produced jurisdictional non-space as intentional and “by design.” The report continues its indictment of the agency by questioning their character and claiming that members “abdicated” their honorable responsibility: “Pennsylvania officials have created what amounts to an honor system, a system conspicuously lacking in regulatory oversight or enforcement.”<sup>262</sup> By drawing attention to the lack of honor in the honor system, the Grand Jury circulates disgust at the regulatory body itself for failing to see what should have been in plain sight.

The Grand Jury Report also juxtaposes Gosnell’s disgusting clinical conditions against what they perceive as particular DOH agents’ intentional neglect of those seeking abortions. First, no one from the DOH had recently inspected the clinic. After providing an abbreviated chronology of the few times the DOH did inspect the clinic, the Grand Jury Report rhetorically amplifies Gosnell’s misdeeds in the sixteen-year gap of non-inspection:

During the next 16 plus years—as Gosnell collected fetuses’ feet in jars in his office and allowed medical waste to pile up in the basement; as he replaced his few licenses medical assistants with untrained workers and a high school student; as his outdated equipment rusted and broke and he routinely reused instruments designed for single-use; as he allowed unqualified staff to administer anesthesia and to deal with babies born before he arrived at work for the day; and as he caused the deaths of two patients while continuing to perform illegal third-trimester abortions and kill babies outside their mothers’ wombs—DOH never conducted another on-site inspection at the Lancaster Avenue facility.<sup>263</sup>

By bookending the DOH’s culpability between appeals to evoke disgust about Gosnell’s practice, disgust adheres to members of the regulatory body who ignored complaints by claiming

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<sup>262</sup> Williams, “Grand Jury Report,” 168.

<sup>263</sup> Williams, “Grand Jury Report,” 143, italic emphasis in original, underlining is my addition to demonstrate how the DOH punctuated Gosnell’s practices.

the issue was the Department of State's jurisdiction and "believ[ing] they didn't have the legal authority [to inspect the clinic]." <sup>264</sup>

While the Department of Health was to inspect clinical facilities themselves, the Department of State was responsible for overseeing issues related to licensure. In other words, this made DOS responsible for overseeing Gosnell's personal certifications and his other employees who were illegally administering anesthesia. After an extensive accounting of the individual DOS actors responsible for ignoring complaints about Gosnell, the Grand Jury asserted that the issue was a systemic failure: "The Grand Jury is convinced...that the problem does not lie with the individual attorneys. There are clearly problems with procedures, training, management, and motivation within the Department of State's Bureau of Professional and Occupational Affairs." <sup>265</sup> The report levies moral disgust by expressing outrage at the DOS' engagement in sloppy due process on complaints due to the perceived boundary-producing stigma of abortion patients. The Grand Jury report transformed this inaction into a judgment that members of the DOS simply did not *care* about abortion patients.

First, perhaps the strongest attempt to elicit disgust is the pointed blame directed to the DOS' sloppy failure to warrant investigation after the death of twenty-two year old Semika Shaw. After Shaw died from sepsis following a botched abortion wherein autopsy reports indicated Shaw's uterus had been perforated, her family was awarded \$400,000 from a liability insurance company in 2002. Despite this payout, the DOS deemed that further investigation was not necessary. The Grand Jury Report expressed horror at the justification and reprinted the entirety of the DOS' internal summary to demonstrate that Shaw was being unfairly demonized for acquiring an abortion:

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<sup>264</sup> Williams, "Grand Jury Report," 162

<sup>265</sup> Williams, "Grand Jury Report," 190.

**Brief Factual Summary:** The file was opened as a result of a Medical Malpractice Payment Report. The underlying malpractice case involved the death of a 22 year old female following the termination of her 5<sup>th</sup> pregnancy. Following a seemingly routine procedure on 3/1/02, the patient was taken to the ER at the University of Pennsylvania with complaints of pain and heavy bleeding. The patient underwent surgery but the surgeon was unable to locate any perforation and the patient died from infection and sepsis. Although the incident is tragic, especially in light of the age of the patient, the risk was inherent with the procedure performed by the Respondent [Gosnell] and administrative action against respondent's license is not warranted.<sup>266</sup>

The Grand Jury then directs an anger-infused disgust toward those in the DOS. By claiming that the information about Shaw's fifth termination was "irrelevant, but pointed," the Grand Jury also noted that the DOS report ignored the results of the autopsy that clearly indicated perforation in Shaw's uterus. Indeed, the sloppiness of the DOS' due diligence is only magnified by the judgmental mention of Shaw's fifth pregnancy termination. The Grand Jury reports at least one other woman's story and several other examples of failed investigation on the part of the DOS. The DOS did, however, get involved when Gosnell's victims fell within the affiliative boundaries of agency members:

It is curious, therefore, that the only complaint against Gosnell that did lead to any disciplinary action by the Board involved a non-certified physician's assistant who treated a child for pink eye in 1990. As it happens, the child's grandmother, the complainant, worked for the Bureau of Professional and Occupational Affairs.<sup>267</sup>

By reporting this information, the Grand Jury is able to levy accusations of hypocrisy at the Department of State. If a case of *pink eye* could rally department censure while a case of death was considered an "inherent risk" of an abortion procedure, the Grand Jury indicates how the DOS has been speaking out both sides of its regulatory mouth by setting haphazard boundaries for oversight. As this section demonstrates, the Grand Jury Report attempts to elicit disgust at the State oversight organizations (DOH and DOS) for creating and maintaining a regulatory blind spot that resulted in the State's formation of its very own back alley. I argue that this

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<sup>266</sup> Williams, "Grand Jury Report," 175.

<sup>267</sup> Williams, "Grand Jury Report," 192.

occurs both through jurisdictional boundary separation and tales of “sloppy” work when complaints did arise.

In total, The Grand Jury Report cultivates disgust to encourage readers to occupy a morally aversive position in relationship Gosnell, the clinic, and the oversight agencies whose responsibilities mapped onto each of these. To this point, I have argued that the Grand Jury Report circulates disgust as a moral emotion in two ways: by identifying Gosnell’s character flaws, deploying vivid sensory descriptors to texture the space, and deprecating the DOS and DOH for their aversive stance on regulating abortion providers and protecting abortion procurers. In what follows, I turn attention to how the disgust of the Grand Jury report has been captured and deployed in the service of solidifying political abortion affiliations.

*Blurring and Fixing Social Boundaries: The Grand Jury Report’s Rhetorical Uptake*

In this section, I map two vectors of the Grand Jury Report’s public uptake. The Report (and its accompanying disgusting features) functions as a moral touchstone in the production of two films: a made for television movie: “Gosnell: America’s Biggest Serial Killer, The Doctor is *Sin*” and a documentary entitled “3801 Lancaster: An American Tragedy.” Although neither film has been fully completed at the time I am writing this chapter, both made copious use of the Grand Jury Report and have produced enough marketing materials and excerpts to demonstrate that some of the most disgusting aspects of the Grand Jury report have adhered with readers. I argue that while both films picked up on the disgust of the Grand Jury report and maintain the shared moral horizon that it constructs, each used the documentary to capture and channel disgust into unique boundaries of political affiliation. More specifically, while “The Doctor is *Sin*” has thus far encouraged audience members to engage the case with their families and young children, “3801 Lancaster” encourages national reflection and supplements the Grand Jury

Report with potentially problematic narratives of women's moral anguish after procuring abortions from Gosnell. After reading the affiliative specificities of each movie, I close this section with a meditation of disgust's capture in these films.

*America's Biggest Serial Killer: The Doctor is Sin*

Hailing from Northern Ireland and Poland, the producers of "America's Biggest Serial Killer" are the highly controversial documentarians Phelim McAleer, Ann McElhinney, and Magdalena Segieda, whose earlier film "Mine Your Own Business" sparked outrage amongst prominent progressive advocates within the environmental movement. McElhinney's biography celebrates that "Mine Your Own Business" generated notable controversy. She writes: "80 NGO's, including Greenpeace, called for the film to be banned when it was screened in the National Geographic auditorium in Washington DC."<sup>268</sup> Deeply moved (and disgusted) by the Gosnell Grand Jury report, these filmmakers sought to create a televised film to combat what they perceived as a non-response from mainstream media outlets.<sup>269</sup> After initiating what they call an "historic" campaign on the crowd funding website indiegogo.com, the producers raised over 2.24 million dollars between March 28<sup>th</sup> and May 12<sup>th</sup> 2014, with 26,000 contributors and "most of the money coming from the United States."<sup>270</sup> The producers have recruited self-

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<sup>268</sup> "Bios," *AnnandPhelim.com* (accessed April 5, 2015), [http://www.annandphelim.com/?page\\_id=8](http://www.annandphelim.com/?page_id=8)

<sup>269</sup> My Lexus Nexus search revealed that the case received copious and impassioned coverage within the Philadelphia metropolitan area beginning with the clinic's raid and continuing to the final sentencing of Gosnell's wife, Pearl. Nonetheless, a collective sticking point for abortion advocates and adversaries alike has been a concern with a lack of coverage for the Gosnell case. Fox News political analyst Kirsten Powers accused "mainstream" news outlets of radio silence on the Gosnell case, asserting that the New York Times ran a tucked-away story on the first day of the trial and nothing more. In an appeal to a wide range of ideological affiliations, Powers trumpeted: "You don't have to oppose abortion rights to find late-term abortion abhorrent or to find the Gosnell trial eminently newsworthy. This is not about being 'pro-choice' or 'pro-life.' It's about basic human rights." Connor Friedersdorf of *The Atlantic* took perhaps the most diplomatic position by reviewing news literature and providing a fourteen-point list of theories explaining the lack of news coverage, arguing that it did deserve more than it received but that there was by no means a cover-up.

<sup>270</sup> Ann McElhinney and Phelim "Gosnell Movie," *Indie Go Go*, <https://www.indiegogo.com/projects/gosnell-movie>

identified conservative screenwriter Andrew Klaven to pen the script, which as a radio host commented, “this is going to be a made for television movie that is meant to have commercial appeal while telling the story, that is a very fine line to have to walk across.”<sup>271</sup> While the movie is still in production, the producers’ use of the Grand Jury report to raise money for the film deserves sustained attention as it demonstrates the uptake and continual rhetorical transformation of some of the most disgusting elements of the report itself.

To continue fund raising for the film, the producers created seven brief vignettes of McElhinney reading some of the more unsettling excerpts from the Grand Jury report that are quoted elsewhere in this chapter. Each video follows an identical form: McElhinney begins with a brief phrase or sentence to pique audience attention. The screen then goes black and cuts to the white-lettered text that reads: “Extract from the Grand Jury Report on the crimes of Kermit Gosnell.” After the text fades to black, McElhinney returns and performs an interpretive reading of the report, replete with strategically dramatic pauses and eye contact with the camera at points she likely considers particularly heinous. Once complete, viewers hear light piano music as the video fades to black with an indiegogo logo and the words: “Help us make this movie; Go to GosnellMovie.com.” Following that, there is an abrupt sound, reminiscent of a prison door closing. The movie’s poster appears with a faded image of Gosnell that pans down until one can only see from the cheekbones to his shoulders. Over his mouth is a bloody image proportional to that of an infant-sized handprint with bloodstains splattered across the screen. The images and music amplify any disgusting assessment of the Grand Jury report by modeling appropriate emotional reactions to the vivid and graphic case materials.

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<sup>271</sup> Don Hauser, “The Story of a Philadelphia Serial Killer,” *WIBC, Indy News Network* (September 8, 2014), <http://www.wibc.com/blogs/indys-morning-news/story-philadelphia-serial-killer>.



The use of the Grand Jury report as a purportedly impartial legal document grants legitimacy to the disgust that the report can elicit. It is important to recognize that in the marketing and promotional materials surrounding the indiego campaign, the producers allude to but do not identify as either conservative or as a member of a pro-life group. While a basic ideological critique would identify their choice of Klaven as a screenwriter, their previous documentaries, and their home in Northern Ireland (a country with some of the strictest anti-abortion policies in existence)<sup>272</sup> as signifiers of such a position, it is imperative to think about what it means that the Grand Jury Report does most of the rhetorical work in the fund-raising efforts. I suggest that the authors use the disgust-evoking Report as an appeal to empirical objectivity. On their view, one only need to listen to the stories contained therein and view the grizzly images in order to render a harsh moral judgment on Gosnell.

This basic air of objectivity makes it possible for the producers to cast a wide net for collective affiliation. More specifically, the producers' strategy has been to tell the story in the form of a made for television movie, making it as accessible to as wide a range of viewers as possible. As McElhinney explains in an interview, she wishes to see the film bind people together with their families:

We're just going to tell the story of what happened. And, there's so much about the story that needs to be known, the horrific nature of what he did....This film will be a television film available to the largest possible audience.... We want to make it available that young people can watch it. We will not show the worst of the photographs, we will not show them on the screen because we think families should watch this people should know that this happened and should talk about it as a family...and have some thinking about it.<sup>273</sup>

While the producers claim that they will not show a number of the grisly images from the Grand Jury report, their short vignettes tell quite a different story. Indeed, the marketing materials show

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<sup>272</sup> Fiona Bloomer and Eileen Fegan, "Critiquing Recent Abortion Law and Policy in Northern Ireland," *Critical Social Policy* 34 no.1 (2014): 109-120.

<sup>273</sup> "Gosnell Interview," *Movie Guide* (May 1, 2014), <https://www.youtube.com/watch?v=6oNaH3TKcs4>.

one of the Grand Jury's images of a fetus with puncture wounds at the base of the cervical spine. Even if the ultimate intention will be to sanitize the gory details for public consumption, the disgusting images have been the ones used to raise money for the project. What is critical from this conversation is the way that some of the most disgusting elements of the Grand Jury report are designed to be the basis for aversive identification and familial deliberation about pregnancy termination.

### *3801 Lancaster: American Tragedy*

The documentary film, "3801 Lancaster: An American Tragedy," was the recipient of the 2013 Best Short Film Documentary at the Justice Film Festival. The film pays homage to the exact address of the Women's Medical Society: 3801 Lancaster Avenue. The website, with its black background and grey lettering, has a similar ominous feel to "America's Biggest Serial Killer." Producers David Altrogge and Jennifer Thompson cite three goals for the film: "First, to make the public aware of what happened at the Women's Medical Society. Second, to give Gosnell's victims an outlet to tell their stories. Third, to help find and shut down clinics that continue to operate in the same manner as the Women's Medical Society."<sup>274</sup> Notably, Altrogge maintains that the goal of his documentary was not to align with a particular political stance on abortion: "Our goal has been since day one not to make a political [documentary]."<sup>275</sup> Part I of the documentary was released with Part II set to be released in the fall of 2014.

There are two important similarities between "3801 Lancaster" and "America's Biggest Serial Killer." First, 3801 Lancaster also makes ample use of the Grand Jury report on their website. They use the report to create an impressively detailed interactive timeline of the events

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<sup>274</sup> "About," *3801 Lancaster*, <http://3801lancaster.com/about/>

<sup>275</sup> Billy Hollowell, "After Horrific Murders Were Undetected for Years at Gosnell's Grimy Clinic, Filmmaker Hopes New Movie Makes People 'Very Angry,'" *The Blaze* (May 17, 2014), <http://www.theblaze.com/stories/2014/03/17/after-horrific-murders-went-undetected-for-years-at-kermit-gosnells-grimy-clinic-filmmaker-hopes-new-movie-makes-viewers-really-angry/>

from December 20<sup>th</sup> 1979 until March 12<sup>th</sup> 2010, when the Department of Health began the process of closing the clinic.<sup>276</sup> Second, *3801 Lancaster* also used an Indiegogo crowdfunding campaign, but with modest results; the producers asked for \$15,000 from the public, but received only \$2,503 between June 6<sup>th</sup> and June 17<sup>th</sup> 2013. To date, the filmmakers are still \$35,000 short of the funds needed to finish the film.<sup>277</sup>

A first difference is the type of relationality the films encourage. While “America’s Biggest Serial Killer” encourages familial quarantine, “3801 Lancaster” discourages children’s viewership and instead invites those watching to reflect as a community of citizens. At the beginning of Part I, viewers see a clip of Katie Couric providing a stern warning to viewers of the NBC nightly news: “Now this next story comes with a strong word of caution: The details are gruesome. You won’t want young children to watch.”<sup>278</sup> The next scene demonstrates the film’s encouragement of civic reflection: after Couric’s word of warning, the scene immediately cuts to an upwardly angled scene of City Hall in Philadelphia with the words: “He had a good reputation, people liked him. And they actually believed that he was offering a service that poor women could not afford anyplace else. So how it went so wrong is anybody’s guess....There was a whole system failure and people have died.” The interviewee situates Gosnell’s moral failings within a failed state apparatus: he was the only option for ending a pregnancy in a vulnerable community and he disregarded the trust that he had built. The documentary continues to position viewers as civic affiliates when it displays Pennsylvania State hearings and legal procedures, showing District Attorney, and lead author of the Grand Jury report, Seth

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<sup>276</sup> “Cover up,” *3801 Lancaster*, <http://3801lancaster.com/cover-up/>

<sup>277</sup> Hallowell, “After Horrific Murders Were Undetected.”

<sup>278</sup> <http://3801lancaster.com/watch/>. All references to Part I of the documentary are available via this hyperlink.

Williams. Indeed, much of the documentary reinforces the civic message that the oversight mechanisms in place should have caught Gosnell's practice decades earlier.

Second, "3801 Lancaster" encourages viewers to affiliate with the women who visited Gosnell's clinic allowing them to share their stories and casting the documentary project as "ongoing" so as to invite others to step forward. Viewers meet three of Gosnell's former patients; Davida, Makeda, and Desiree each share their horrific experiences in the clinic. Viewers first meet Davida who went to Gosnell's clinic after she was pregnant following a rape. On camera, Davida closed her eyes and recounted the disgust of seeing the cloudy fish tank, the receptionist only concerned with collecting money, and the other "women looking half dead." When Davida changed her mind, she recounted that Gosnell started banging on her legs in the stirrups, demanding that she "stop being a little baby." Desiree recalled that she was referred to Gosnell's clinic because she was too pregnant to have an abortion in her home state of West Virginia. In the midst of her procedure, Desiree could only remember regaining consciousness and being physically ill. These vivid stories were interspersed throughout the documentary before text appeared on the screen inviting women who still had stories to tell to come forward.

While the inclusion of these women's perspectives is certainly powerful, their testimonies ultimately turn the rhetorical resources of available disgust inward by performing their own moral agony over their experiences in Gosnell's clinic. After Makeda shared that she had eight abortions, she expressed sadness and regret after she finds that she and her chosen partner would be unable to get pregnant in the future. She shamefully shakes her head and questions: "what was I thinking?" Desiree recalled that although she had put the ordeal behind her, once she was contacted by the Grand Jury, she could not help but wonder whether she "had done the right thing." While the documentary by no means appears to demonize the women for procuring

abortions, we might remain wary of the producers' choice to feature a unified narrative of anguish and regret amongst the women. As Mari Boor Tonn has argued, while a rhetoric of "moral anguish" has a purifying function and thus, understandably might be an appealing topos when trying to work through the intensive disgust circulating throughout the case, it can problematically paint women as "morally inferior" when the target of moral disapprobation is most productively aimed at the State oversight and Gosnell himself.<sup>279</sup>

In this section, I touched upon two strands of the Grand Jury Report's uptake, arguing that disgust's potency was a ripe emotion for uptake and deployment in two documentaries. While members of "The Doctor is Sin" crew used the Grand Jury Report's disgusting vignettes to raise money for their yet-to-be-completed project in order to encourage familial conversation about the morality of abortion, those working on "3801 Lancaster" supplemented the Grand Jury Report with Gosnell's patient narratives, leaving open the possibility for the story to continue into the future.

### **Conclusion**

Unlike the other chapters of this dissertation that merely embark on the politically aversive topic of abortion, this chapter approached politically and theoretically aversive topics: abortion *and* disgust. Disgust's intensely totalizing action tendencies make the emotion productive of absolutes, often in ways that could subvert the possibility for common ground in political controversies. This purpose of this chapter has been to interrogate whether disgust can have productive possibilities in contemporary abortion issues. I argued that while moral disgust is not to be blindly accepted, it is uniquely suited to regulating the health behaviors necessary for protecting the health of a social community. After outlining the theoretical terrain of disgust

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<sup>279</sup> Mari Boor Tonn, "Donning Sackcloth and Ashes: *Webster v. Reproductive Health Services* and Moral Agony in Abortion Rights Rhetoric," *Communication Quarterly* 44 no.3 (1996): 265-279.

advocacy and skepticism, I drew upon interdisciplinary literature in rhetoric, social psychology, philosophy, and critical geography in order to better understand how disgust is capable of acting as a moral emotion. As I have argued, disgust is a paradoxically empathic and aversive emotion; it features a notable “turn away” from something or someone that is deemed foul while transferring that aversive judgment to others. Through sensorial texturing, disgust can gain rhetorical potency over a further distance than immediate proximity by appeals to olfactory and tactility capacities. Finally, I suggested that disgust produces boundary distinctions at the corporeal and social levels, rhetorically materializing bodies, objects, and spaces.

Rather than producing an outright condemnation or blind acceptance of disgust’s theoretical appropriateness as a moral emotion, this chapter sought to assess the situated particularities of a disgust reaction vis-à-vis the case of Kermit Gosnell. The politically divided Grand Jury found “common ground” in repudiating Gosnell’s healthcare practices through appeals to disgust and, in so doing, constructed a moral horizon in which abortion advocates and adversaries could align themselves. The details of the case certainly warrant an aversive response from advocates and adversaries alike: Gosnell made himself rich by carelessly operating in a filthy and contaminating clinic where impoverished women sought relief from pregnancies they did not wish to continue. The Gosnell case is a unique opportunity to interrogate (and integrate) the multiple taxonomies of disgust that interdisciplinary theorists have developed. The physical disgust coalesced with character traits historically tending to disgust in order to demonstrate how the very boundary between different types of disgust is tenuous.

This case demonstrates the necessity of a rhetorical perspective when rendering judgment upon the particularities of disgust. While disgust may be considered an appropriate and welcome moral response to the conditions of Gosnell’s clinic and his callous bedside manner, we might

pause when his patients are portrayed as turning disgust inward to blame themselves for procuring a procedure that in most other (non-disgusting) contexts would be considered safe. Without judgment, we risk running from one source of disgust to another, adopting health protections that may not ultimately protect the health of our societal members. As I will demonstrate in the next chapter, ambulatory surgical centers (the very same designation that the Grand Jury believed would have prevented the State oversight) were a putative strategic target for shutting down abortion facilities throughout Texas. In the next chapter, I turn my focus to Austin Texas and explore how anger functioned as a collectivizing moral emotion in Wendy Davis' filibuster to constitute a #feministarmy.

## CHAPTER 4: STANDING WITH WENDY DAVIS: ANGRY RHETORIC AND THE CONSTITUTION OF THE FEMINIST ARMY AND HYBRIDIZED SPACES OF PROTEST

### Introduction

At 11:18 am on June 25<sup>th</sup> 2013, Democratic State Senator, Wendy Davis, rose in the Gallery of the Texas State Legislature to fulfill a promise she made on Twitter: to filibuster Senate Bill 5 (SB5). As one of the more restrictive state limits on abortion, SB5 sought to (1) ban abortions after twenty weeks of a woman's pregnancy (without exception for cases of rape and incest), (2) force clinics performing the procedure to adhere to the standards of ambulatory surgical centers, and (3) have hospital admitting privileges within a thirty-mile radius<sup>280</sup>. While anti-abortion advocates compared the demand for ambulatory surgical retrofitting to preventing abuses of women by Gosnell-like abusers, reproductive rights followers observed that the expensive requirements would force all but four of the clinics statewide to shut their doors.<sup>281</sup> Moreover, the two million dollar price tag for ambulatory retrofitting incensed those who paid attention to Governor Rick Perry's sister, Milla's, position as a lobbyist for physician surgical centers in Texas.<sup>282</sup> Armed with the personal stories of the reproductive issues of citizens

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<sup>280</sup> Manny Fernandez and Erik Eckholm, "Texas House Restricts Abortions in a Move That Could Force Clinics to Shut," *The New York Times* (June 24, 2013), [http://www.nytimes.com/2013/06/25/us/texas-house-restricts-abortion-in-a-move-that-could-force-clinics-to-shut.html?\\_r=0](http://www.nytimes.com/2013/06/25/us/texas-house-restricts-abortion-in-a-move-that-could-force-clinics-to-shut.html?_r=0)

<sup>281</sup> Becca Aaronson, "Interactive: The Impact of Proposed Abortion Restrictions," *The Texas Tribune* (June 25, 2013), <http://www.texastribune.org/library/data/sb5-abortion-restrictions/>

<sup>282</sup> Patricia Kilday Hart, "Perry's Sister an Advocate for Surgical Centers," *The Houston Chronicle* (July 5, 2013), <http://blog.chron.com/texaspolitics/2013/07/perrys-sister-an-advocate-for-ambulatory-surgical-centers/>; Andrew Wheat, "Sister Act: Gov. Perry's Little-Known Sister is a Lobbyist for Lucrative Doctor Owned Hospitals," *Texas Observer* (October 10, 2012), <http://www.texasobserver.org/obamacare-jags-rick-perrys-lobbyist-sister/>.



throughout Texas who had submitted their narratives in solidarity, Davis needed to filibuster until midnight in order to run out the clock on the special session that Perry himself had called. Upon hearing the news of the omnibus abortion bill, Pro-Choice Texans and national reproductive advocates had troubled feelings. On the one hand, there was certainly an unmitigated anger amongst advocates for the de facto elimination of legal abortion care in the state of Texas. On the other hand, there was also a sense of inevitable defeat at the hands of a perennially conservative state.

As Davis prepared to take her stand she was met with extensive support—in the form of a collective calling themselves a “Feminist Army.” As *The Nation* contributor Jessica Valenti observed:

What could have been just another hopeless cause—after all, Republicans had the votes to pass Senate Bill 5 easily, and everyone knew it—became a national referendum of misogyny and an online cause celebré, thanks to the local and national organizations, bloggers, and individual activists who teamed up to form a “feminist army” to bring down SB5. And they showed us what the future of feminism should look like in the process: a defiant stand, not a defensive crouch.<sup>283</sup>

As Valenti described, hundreds of women and men descended upon the Capitol in Austin Texas to fill the legislative gallery where Davis would speak and occupy the building to adhere to NARAL’s request that those opposed to the measure “stand with Wendy.” Not only were hundreds of bodies packed into the Capitol building, an outpouring of support could be found on Twitter and other forms of social media. Tweeting under the hashtag #StandWithWendy, #sb5, #txlege, and #feministarmy, over 180,000 unique viewers would ultimately tune into the livestream of the Texas state legislature.

Davis’ promise to filibuster the bill meant that she would be forced to stand for upwards of thirteen hours, barred from leaning against a podium, eating, drinking, or using the restroom.

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<sup>283</sup> Jessica Valenti, “A ‘Feminist Army’ Storms Texas,” *The Nation* (July 2, 2013), <http://www.thenation.com/article/175086/feminist-army-storms-texas#>

She was also compelled to stay on topic. After three strikes, the filibuster could be ended, allowing the Republican majority to pass SB5. Over the course of the day, Davis accumulated the three strikes: the first for mentioning Planned Parenthood's budget (deemed off-topic), the second for receiving assistance putting on a back brace, and the third for mentioning a 2011 informed consent sonogram law that was also deemed off topic. After democratic lawmakers exhausted their parliamentary options, it seemed as if the law were certain to pass. However, the Feminist Army in the gallery ultimately ran out the clock of the filibuster by screaming, chanting, and preventing the Republican leadership from hearing the votes. Although the vote was taken to pass SB5, the roll call began after midnight, nullifying the outcome.

While there were a number of public emotions circulating before, during, and after Wendy Davis' filibuster, *anger* seems the most salient. *The Guardian's* headline observed, "Wendy Davis Channels Anger of Millions as New Texas Makes Itself Heard."<sup>284</sup> Taking this headline as a guide, this chapter centers the emotion of anger and asks how it rhetorically functioned in the Davis filibuster discourses to form a collective of energized reproductive advocates. Considering also that the filibuster was not nationally broadcast and viewers had to access the proceedings from the Texas Legislature's internet livestream, this chapter also examines how anger was rhetorically operative in aligning the digital and physical spaces of protest. In other words, if the events were retroactively dubbed "the people's filibuster," this chapter seeks to understand how anger formed "the people" and how the places of protest might be considered more extensive than a single locus in the internet age.

This chapter makes two major claims. First, I argue that anger functioned as a moral emotion and worked to constitute a fragmented, yet determined collective of reproductive

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<sup>284</sup> Dave Mann and Forrest Wilder, "Wendy Davis Channels Anger of Millions as New Texas Makes Itself Heard," *The Guardian* (June 28, 2013), <http://www.theguardian.com/world/2013/jun/28/wendy-davis-texas-abortion-bill>.

advocates known as the Feminist Army. I suggest that the nuances of this identity position are grounded within a history of militant feminist strategies associated with the earliest forms of the Birth Control movement. The Feminist Army of the filibuster was constituted not only through their immediate participation in the filibuster, but also their differential orientation to Davis' Mizuno tennis shoes, and their political engagement in the weeks following the filibuster. Second, I argue that the circulating anger also rhetorically aligned digital and physical spaces of protest through a rhetoric of *volume* that at once speaks to the number of bodies in a space and the amplification of sound.

This chapter proceeds in four major parts. First, I provide a tri-partite contextualization of Wendy Davis's filibuster. Second, I outline a rhetorical theory of angry rhetoric as a moral emotion, describe my reading strategy and justify the boundaries of this chapter's archive. Third, I analyze relevant contours of the Davis filibuster to identify the way anger volumizes the spaces, and how anger served to collectivize the Pro-Choice advocates in a militant identity. Fourth, I offer conclusions that attend to the Texas reproductive rights legacy after Davis's filibuster.

### **Context**

In what follows, I narrate three contexts that situate the Wendy Davis filibuster within a history of reproductive rights and digital activism since the development of social media like Twitter. In this first section, I begin with a discussion of anger's role in galvanizing the early birth control movement. I then move on to review discourses of early feminist militancy to set the stage for the emergence of the #feministarmy. Finally, I discuss the emergence of digitally mediated protests. While these three contextual strands span the course of almost 100 years, they illuminate the conditions of possibility for the Davis Filibuster to have emerged as it did.

## *Anger and the Germination of the Birth Control Movement*

Anger has been a central emotion to the historical struggle for reproductive rights. In 1914, Margaret Sanger released a series of newsletters entitled *The Woman Rebel* that sought to “build up a conscious fighting character” in working-class women and, perhaps more pragmatically, challenge the Comstock Act’s moral imperatives that banned the circulation of contraceptive information on the grounds of obscenity. As a number of Sanger’s biographers have noted, the newsletters radiated anger; several biographers suggested that the anger signified a lack “of intellectual depth,” designed solely to “raise the belligerency of the readership.”<sup>285</sup> On the basis of this anger, many have dismissed the rhetorical power of this series of newsletters, looking instead to Sanger’s later advocacy as the model of what the birth control movement could accomplish.

Despite a dismissal of *The Woman Rebel* from some of her prominent biographers, I have argued that this notable anger served to collectivize both working class women and men to demand the availability of contraceptive information.<sup>286</sup> While thousands of working-class men and women wrote supportive letters to Sanger begging for access to the information, adherents who were sympathetic to the cause worked to circumvent Comstock’s suppression of the newsletters by circulating the newsletters across the country in discrete brown packaging.<sup>287</sup> As a public emotion, anger figured dominantly both in the content of the newsletter itself and as a defining characteristic of the bonds created between those who were moved by Sanger’s cause.

While Sanger would ultimately distance herself from the polemic strategies that characterized *The Woman Rebel*, anger has remained a central emotion to the identity of her later

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<sup>285</sup> Emily Winderman, “S(anger) Goes Postal in *The Woman Rebel*: Angry Rhetoric as a Collectivizing Moral Emotion,” *Rhetoric & Public Affairs* 17 no.3 (2014): 381-420.

<sup>286</sup> Winderman, “S(anger) Goes Postal.”

<sup>287</sup> Winderman, “S(anger) Goes Postal.”

project: the International Planned Parenthood Federation.<sup>288</sup> In 1973, Beryl Suitters wrote an extensive history of the International Planned Parenthood Federation entitled: *Be Brave and Angry*. This phrase, which graces the title of the book, was coined by Swedish family planning advocate Elise Ottesen-Jensen. Yet, the phrase received only scant reflection in Suitter's book, save for a few pages halfway through the text.<sup>289</sup>

This lack of critical analysis or reflection has not stopped the phrase “Be Brave and Angry” from being taken up and given a life of its own in more contemporary IPPF discourse. A press release celebrating the IPPF's 60<sup>th</sup> anniversary conference was titled “Ever Brave, Ever Angry” and announced: “The women who founded IPPF were brave and angry. In the face of new global challenges...we will be as brave and angry now, as they were then.”<sup>290</sup> From the birth control movement's angry beginnings to its current coupling with being “brave and angry,” the emotion of anger has galvanized an increasingly heterogeneous collective in concerted action towards reproductive justice. This history of anger's articulation to reproductive rights issues sets important emotional precedent when considering a diffuse circulation and adherence of anger in Wendy Davis' filibuster.

### *Feminist Militancy and Reproductive Rights Advocacy*

A second but related contextual dimension is the rich history of feminist militancy strategies and identity positions. While a militant feminist orientation is fragmented and diverse, at the most basic, Belinda A. Stillion Southard asserts that those who identify with a militant mission will “engage in a rhetorical process that aims to confront institutional power

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<sup>288</sup> Beryl Suitters, *Be Brave and Angry: Chronicles of the International Planned Parenthood Federation* (London: Stephen Austin and Sons, 1973).

<sup>289</sup> International Planned Parenthood Federation, “Ever Brave, Ever Angry: IPPF at 60,” (November 30, 2012), <http://ippf.org/news/Ever-brave-ever-angry-IPPF-60>.

<sup>290</sup> Vicky Claeys, “Brave and Angry—the Creation and Development of the International Planned Parenthood Federation (IPPF),” *European Journal of Contraception and Reproductive Care* 15 no.s2 (2010): S74.

more so than it aims to appeal to institutional power.”<sup>291</sup> In other words, rather than working solely within the confines of the judicial or legal process, militant advocates will likely see rules of decorum (such as parliamentary procedure) as an oppressive and illegitimate exercise of power.

While militant strategies for feminist social change were notably salient within suffrage battles and labor organization, the sentiment spread to issues of sexual inequality. According to Margaret Jackson, this realization dawned following the November 18<sup>th</sup> 1910 ‘Black Friday’ demonstration where

large numbers of suffragettes had been severely beaten up and some also sexually assaulted by police and male bystanders. This event marked a turning point in the militant tactics of the Women’s Social and Political Union, which immediately stepped up its campaign of destruction of property.<sup>292</sup> It probably also made suffragettes much more aware of male violence and sexual aggression against women and increased their determination to take up the issue.<sup>293</sup>

Militant strategies, then, were found to be applicable and powerful in a wider range of issues in women’s rights.

Engaging in militant strategies often entailed a risk of losing persuasive currency among more moderate groups. Jackson notes this trade-off as one that also opened opportunities for attempting radical strategies, especially with regard to issues yet to be fully galvanized: “Once the suffragettes had embarked upon militancy, however, they automatically lost their ‘respectability’, and publicity was grist to their mill, so they had nothing to lose, and much to

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<sup>291</sup> Belinda A. Stillion Southard, *Militant Citizenship: Rhetorical Strategies of the National Woman’s Party, 1913-1920* (College Station: Texas A & M University Press, 2012), 15. See also: Cheryl R. Jorgensen-Earp, “*The Transfiguring Sword: The Just War of the Women’s Social and Political Union* (Tuscaloosa, AL: The University of Alabama Press, 1997).

<sup>292</sup> Margaret Jackson, *The Real Facts of Life: Feminism and The Politics of Sexuality c. 1850-1940* (London: Burgess Science Press, 1994), 37

<sup>293</sup> Jackson, *The Real Facts of Life*, 37. As they did in the following: “Early in 1910 it carried a column headed ‘Brutality’, which expressed anger and indignation at the judicial system for refusing to take wife-battering seriously and suggested a parallel between racial and sexual subordination.

gain by tackling sexual issues as well.”<sup>294</sup> While militancy had its alienating components, it held also the potential to radically challenge sexual norms.

Within *The Woman Rebel*, Margaret Sanger frequently compared her demand for contraceptive information (and her justification for blatantly breaking the Comstock Laws) to the militant strategies of British Suffragists. Sanger offered the militancy of women who would break the law as exemplary of the aspirations of “Rebel Woman.” Moreover, Sanger absorbed the British Suffragists’ militant efforts into a larger effort for reproductive autonomy. As Sanger declared:

What will come out of militancy will not be reflected in the attainment of the right to vote but in the control and freedom women will obtain over their bodies....That the militants in England are doing this consciously or unconsciously is unquestionable and the most daring of them have been impelled to action by outraged feelings which have awakened their womanhood and inspired them with an extraordinary and amazing courage.”<sup>295</sup>

This passage suggests that early attempts to garner reproductive rights were modeled from and articulated to radical British strategies of suffrage acquisition.

While, on my view, anger and its gradient of moral outrage is a prominent feature of militant discourse, I take seriously cautions to avoid reducing all militancy to an undifferentiated category of “anger.” As Mari Boor Tonn observes, militant agitation should be understood as nuanced, working within and against ideological structures.<sup>296</sup> After all, Stillion Southard reminds us “The NWP [National Women’s Party], although a self-proclaimed militant organization, aimed to make a policy change and to be represented in the US democratic system.”<sup>297</sup> As such, it is important that a treatment of anger and militancy remain nuanced in

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<sup>294</sup> Jackson, *The Real Facts of Life*, 35

<sup>295</sup> Margaret Sanger, “Militants in England,” *The Woman Rebel* 1 no.5 (July 1914), 35.

<sup>296</sup> Mari Boor Tonn, “Militant Motherhood: Labor’s Mary Harris ‘Mother’ Jones,” *Quarterly Journal of Speech* 82 (1996): 1-21.

<sup>297</sup> Stillion Southard, *Militant Citizenship*,

order to tease out the specificities of the emotion's interaction with more radical strategies of social change.

While a literature review of feminist militancy mostly centers upon suffrage efforts, this strategy has not completely disappeared from the philosophies of more contemporary feminist imperatives. Feminist author Andrea Dworkin has suggested that “Being a militant simply requires fighting sexual abuse—the right of the rapist, the right of the pimp, the right of a john, the right of an incest-daddy to use or intimidate or coerce girls or women.”<sup>298</sup> Feminist militancy, then, is diffuse and addresses the strategies and ideological frameworks of women trying to resolve perceived injustices outside of existing institutional lines of access.

*Here Comes Everybody: Will the Revolution be Tweeted?*

Another contextual dimension necessary to situate the nuances of Wendy Davis' filibuster is the recent trend of multi-modally mediated protests. Since major news networks like CNN, MSNBC, and Fox News did not cover the filibuster, how was it possible for upwards of 180,000 people to converge online while hundreds of people converged in the Texas Capitol rotunda? The possibility for Davis' filibuster was paved through a few notable social movements that harnessed the power of social media to organize and mobilize support. Yet, the general form of the activism surrounding Davis' protest was not the first of its kind. The role of social media in the Arab Spring and in Occupy Wall Street protests revealed Twitter, in particular, to be a new mode of co-orienting bodies both virtually and within a physical protest-space. In what follows, I review these protest contexts while attending to theorists who are generally divided on the democratic possibilities of a socially mediated revolution. I begin with a brief description of Twitter's history and provide a cursory overview of its role in Tunisian,

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<sup>298</sup> Andrea Dworkin, *Heartbreak: The Political Memoir of a Feminist Militant* (New York: Basic Books, 2002), 197.



Egyptian, and Occupy Wall Street Protests. I then address the organizing forces behind Twitter in the Davis case.

It took only five years for Twitter to transform from a confusing and counterintuitive medium to the most commonly used social digital platform. In 2006, founder Jack Dorsey established Twitter as a platform for microblogging, with the capacity to write only 140 characters or less. In his critical history of social media, José van Dijck notes that while the first year was publicly confusing, early adopters at a 2007 South by Southwest conference initiated its popularity. Yet, it was the 2008 platform update of Twitter's architecture to include hashtags (#) for classifying a tweet as a particular topic, the retweet function (RT) to repeat another's message, and the ability to direct tweets to people and companies (using the character "@") that set the stage for its possibility to enact mass social cohesion.<sup>299</sup>

In addition to the newfound ability to directly communicate with one's favorite celebrity, Twitter's architectural changes were just some of the conditions of possibility for voicing social justice demands during socially mediated protests beginning in 2009. After Twitter was the only non-suppressed media format, Iranian protesters used the platform to organize their dissent. Yet, in late 2010 to early 2011, it would be in Sidi Bouzid, Tunisia, where a video of a street vendor self-immolating rapidly spread across the country, enraging a critical mass of disgruntled, unemployed college graduates in the region. As protesters gathered, shared plans on Twitter, Facebook, and YouTube, they sustained police brutality until they were able to eventually dismantle the governing powers.

In Cairo, protesters used the Tunisian uprising as a model for their own protests. Following the beating of Khaled Said, four Egyptian activists also self-immolated. On January

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<sup>299</sup> José van Dijck, *The Culture of Connectivity: A Critical History of Social Media* (New York: Oxford University Press, 2013), 68-72.

18<sup>th</sup>, student Asmaa Mafhouz released a video that declared she would go to Tahrir Square on January 25<sup>th</sup> and stand alone, if need be, to protest governmental injustices. Mafhouz' video was spread by thousands and led to tens of thousands to descend upon Tahrir Square. Many poor women and children joined the occupation and called for Hosni Mubarak's resignation. Digital platforms converged with offline social networks in order to reach "digitally excluded slums." While the Egyptian government attempted to censor the press and shut down communication lines, "hacktivists" from all over the world worked to ensure that these lines would remain open. Although not without considerable bloodshed, protesters were able to bring down the Mubarak dictatorship regime, with the help of technological outlets.

After the U.S. financial collapse of 2007, Manuel Castells asserts that "[t]here was outrage in the air."<sup>300</sup> As millions lost their homes, jobs, and financial security, taxpayer-funded bailouts cushioned the blow to the economic systems. Yet, simultaneously, mass uprisings in Tunisia, Iceland, Barcelona, and Cairo were fresh in the minds of young Progressive Western activists. On July 13, 2011, the Canadian based *Adbusters* magazine placed the following message on its blog: "#occupywallstreet Are you ready for a Tahrir moment? On September 17<sup>th</sup> flood into lower Manhattan, set up tents, kitchens, peaceful barricades and occupy Wall Street."<sup>301</sup> As the day arrived, over a thousand people set up camp in Zuccotti Park. Over the next several weeks, as organized labor began trumpeting their support, there were upwards of 15,000 protesters in Lower Manhattan between Foley Square and Zuccotti Park.<sup>302</sup>

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<sup>300</sup> Manuel Castells, *Networks of Outrage and Hope: Social Movements in the Internet Age* (Cambridge: Polity Press, 2012), 156.

<sup>301</sup> "Occupy Wall Street: A Shift in Revolutionary Tactics," *Adbusters* (July 13 2011), <https://www.adbusters.org/blogs/adbusters-blog/occupywallstreet.html>.

<sup>302</sup> The Week Staff, "Occupy Wall Street: A Protest Timeline," *The Week* (November 21, 2011), <http://theweek.com/articles/481160/occupy-wall-street-protest-timeline>.

Just as Occupy Wall Street had significant physical presence in Lower Manhattan, the expansion of occupations throughout the country demonstrated the role of social media in spreading and sustaining the cause. Castells writes, “The rapid geographical spread of the movement reflected its viral diffusion on the Internet. The movement was born on the internet, diffused by the internet, and maintained its presence on the internet.”<sup>303</sup> Twitter averaged approximately 120,000 occupy-related tweets per day, reaching upwards of 500,000 on the day that Mayor Bloomberg gave police the authority to raid Zuccotti Park on November 15<sup>th</sup>.<sup>304</sup> The hybridized digital and physical space was, much like in Tahrir Square, a central defining component of the Occupy protests.

Among scholars, there has been disagreement about the democratizing possibilities of Twitter and other social media outlets. While some--such as Castells--see a liberating and interruptive function to social media, others are a bit more skeptical of the claim that Twitter facilitates a horizontal framework of interactivity.<sup>305</sup> Daniel Faltesek argues that the virality praised for its “revolutionary” potential is carefully crafted and calculated based upon media production and advertising relationships. He writes: “[T]he circulation of images through Twitter is not a symptom of democratization but of the continued importance of centralized means of circulation or hubs that animate the public sphere.”<sup>306</sup> Chris Ingraham’s rhetorical analysis of algorithms elaborates upon Faltesek’s critique by arguing that the computational procedures guiding algorithmic operation act as a gatekeeper with their own assumptions and social values attached.<sup>307</sup>

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<sup>303</sup> Castells, *Outrage and Hope*, 168.

<sup>304</sup> Castells, *Outrage and Hope*, 171.

<sup>305</sup> Daniel Faltesek, “Golden Tweet, Camera Raw,” *Visual Communication Quarterly* 20 (2013), 163

<sup>306</sup> Faltesek, “Golden Tweet,” 163

<sup>307</sup> Chris Ingraham, “Toward an Algorithmic Rhetoric,” in *Digital Rhetoric and Global Literacies*, eds. Gustav Verhulsdonck and Marohang Limbu (Hershey, PA: IGI Global, 2014): 62-79.

There are still others who take a more moderate perspective in forecasting the possibilities of a democratized Twitter capable of enacting social change. While Paolo Gerbado agrees that Twitter has had a noteworthy impact on the workings on the mentioned social movements of 2011, he does not see the collectivizing one as leaderless, horizontal, or networked swarm.<sup>308</sup> On his view, these guiding metaphors obfuscate the extent to which major opinion leaders craft a narrative of “togetherness” and “common identity.” Rather, he argues that social media impact social movements through a process of “emotional choreography,” which he defines as “a process of symbolic construction of public space, which revolves around an emotional ‘scene-setting’ and ‘scripting’ of participants’ physical assembling.”<sup>309</sup>

To use Gerbaudo’s terminology, attempts to establish support for Wendy Davis’ filibuster were well choreographed. As *The Washington Post* reported, the Twitter component of Davis’ filibuster was planned by some of the more influential reproductive rights advocacy organizations.<sup>310</sup> *The Washington Post* claims that a Texas Branch of the ACLU coined the hashtag #standwithwendy and played an important role in encouraging adherents to tag their tweets accordingly.<sup>311</sup> Moreover, NARAL Texas used Facebook to arrange for carpooling to the Texas Legislature.<sup>312</sup> Without a doubt, reproductive rights advocacy groups laid the critical groundwork for bodies to direct their attention to the filibuster events.

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<sup>308</sup> Juris (2008) argues for the ‘horizontalism,’ Networks are by Castells, and Swarms are courtesy of Hardt and Negri.

<sup>309</sup> Paolo Gerbaudo, *Tweets and the Streets: Social Media and Contemporary Activism* (London: Pluto Books, 2012), 12-13.

<sup>310</sup> Caitlin Dewey, “Wendy Davis ‘Tweetstorm’ was Planned in Advance,” *The Washington Post* (June 26, 2013), <http://www.washingtonpost.com/blogs/the-fix/wp/2013/06/26/this-tweetstorm-was-planned-in-advance/>.

<sup>311</sup> Dewey, “Planned in Advance.” I cannot externally verify Dewey’s claims here.

<sup>312</sup> Dewey, “Planned in Advance.” The link to NARAL Texas’ ride-sharing page can be found here: <https://www.facebook.com/events/452544881507561/>.

Recognizing that the Davis filibuster was “emotionally choreographed” is important, but insufficient for understanding *how* anger could function rhetorically to build coalitional energy in a spatially dispersed protest situation. In what follows, I offer an exposition into the potential for angry rhetoric to function as a binding and energizing moral emotion. I begin with theoretical precedent about anger’s public and moralizing functions. Then, I lay out my reading strategy for analyzing the diffuse function of anger surrounding the Davis filibuster, which includes identifying its collectivizing function vis-à-vis action tendencies of approach, and the constitution of spaces of dissention.

### **Theorizing Angry Rhetoric as a Moral Emotion**

To date, rhetorical theorists have produced an impressive inventory of angry rhetoric, addressing its numerous forms, functions, and genres. Many of the currently existing frameworks for rhetorical anger approach the subject from a classical rhetorical perspective wherein a rhetor—who is perhaps quite incensed—strategically deploys angry rhetoric to accomplish a particular purpose. As Aristotle noted in the *Rhetoric* and *Nicomachean Ethics*, citizens could achieve moral excellence by training themselves to moderate their displays of anger to only appropriate circumstances. As Aristotle notes in the *Ethics*, one’s anger was appropriate in only particular circumstances: “The man [sic] who is angry at the right things and with the right people, and further, as he [sic] ought, when he [sic] ought, and as long as he [sic] ought, is praised.”<sup>313</sup> On Aristotle’s view, a strategic and appropriate use of anger functioned as a tool in the service of moral development. Aristotle’s articulation of anger and morality provide an important trajectory when attempting to think about contemporary cases.

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<sup>313</sup> See Kenneth Zagacki and Partick A. Boelyn Fitzgerald “Rhetoric and Anger,” *Philosophy and Rhetoric* FJFJFJF. The authors pull this quotation from Aristotle’s *Nicomachean Ethics*, Book 4 Number 5.

Even if anger has been considered part of a classical repertoire of moral emotions, a critical analysis of anger's function in the Davis filibuster proceedings must depart from this framework because Aristotle's cultural context placed strict limitations upon agents capable of expressing anger and situations where it could be used. For Aristotle, anger was considered a response to a status slight, where one's honor was being disregarded by others. As Marlene K. Sokolon elaborates, "[anger] is a judgment concerning what the subject deserves and expects in his [sic] natural political community."<sup>314</sup> Yet, in order to be able to experience this status slight, one needed to be considered a citizen in the polis—a position from which women and slaves were excluded. In a similar vein, during much of the Middle Ages, anger was only afforded to nobles and elites. As Stephen D. White muses, "Public displays of anger are almost always made by kings or other males whose noble status entitles them to express anger."<sup>315</sup> Peasants, on the other hand, were largely depicted as unable to express any form of righteous anger until documented instances of revolts.<sup>316</sup> Thus, even if anger has been considered part of a repertoire of moral emotions, classical theories can only go so far in explaining its role in fostering more contemporary social change.

Most relevant to the Davis filibuster is a reformation of anger in order to take seriously an extensive history of women being constituted as pejoratively angry through harmful and reductive biological and cultural discourses. As Carol Z. Stearns and Peter N. Stearns have argued, the "emotionology" of anger can be understood as the norms, biases, and expectations

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<sup>314</sup> Marlene K. Sokolon, *Political Emotions: Aristotle and the Symphony of Reason and Emotion* (DeKalb: Northern Illinois University Press, 2006), 59.

<sup>315</sup> Stephen D. White, "The Politics of Anger," in *Anger's Past: The Social Uses of Emotion in the Middle Ages*, ed. Barbara H. Rosenwein (Ithaca: Cornell University Press, 1998), 139.

<sup>316</sup> Paul Freedman, "Peasant Anger in the Late Middle Ages," in *Anger's Past: The Social Uses of Emotion in the Middle Ages*, ed. Barbara H. Rosenwein (Ithaca: Cornell University Press, 1998): 171-188.

that mold the boundaries of appropriate anger expression.<sup>317</sup> As the nineteenth century exemplar of this problematic, Freudian psychology relied upon “individual psychodynamics” to diagnose the “hysteric patient,” eliding larger cultural influences over women’s anger and anxiety.<sup>318</sup> Moreover, Lester C. Olson observes that the anger attributed to women of color is stringently disciplinary, often with a chilling effect on speech.<sup>319</sup>

Because women’s anger has historically been disproportionately deprecatd, an alternative explanation of the emotion’s rhetorical power is necessary. In *The Cultural Politics of Emotion*, Sara Ahmed provides a theoretical starting point to interrogate how the circulation of anger around the Wendy Davis filibuster proceedings could function rhetorically. Ahmed complicates the dichotomy of “inside out” and “outside in” theories that either suggests emotions originate within the individual and are transmitted outwards or begin as socially shared and then become absorbed by the individual. Rather, as emotions circulate through discourse, they constitute the mold and reform the contingent boundaries that separate individual corporeality from social influence. For instance, Ahmed writes, “It is not simply that the subject feels hate, or feels fear, and nor is it the case that the object is simply hateful or is fearsome: the emotions of hate and fear are shaped by the ‘contact zone’ in which others impress upon us as well as leave their impressions.”<sup>320</sup> I will suggest, anger is likely to be found operating at these contact zones that define who is, and is not, empowered as a member of the polis, whenever those zones are in contest or movement.

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<sup>317</sup> Carol Zisowitz Stearns and Peter N. Stearns, *Anger: The Struggle for Emotional Control in America’s History* (Chicago: University of Chicago Press, 1986).

<sup>318</sup> Carroll Smith-Rosenberg, “The Hysterical Woman: Sex Roles and Role Conflict in 19<sup>th</sup>-century America,” *Social Research* 39 (1972): 653. For nineteenth-century constructions of the hysteric woman, see Evelyne Ender, *Sexing the Mind: Nineteenth-Century Fictions of Hysteria* (Ithaca, NY: Cornell University Press, 1995); and Mark S. Micale, *Approaching Hysteria: Disease and its Interpretations* (Princeton, NJ: Princeton University Press, 1995).

<sup>319</sup> Olson, “Anger Among Allies.”

<sup>320</sup> Ahmed, *The Cultural Politics*, 194.

Identifying the generative power of emotions, Ahmed examines how emotions move through discourse, provisionally affixing the boundaries of bodies and objects. Ahmed calls the predisposition for the formation of certain boundaries via particular emotional interactions "stickiness." As an emotion repeatedly circulates through discourse, it builds affective investment in specific objects. Ahmed focuses on how the text performs or names an emotion, and how several circulating emotions can stick to an object, shaping its meaning. Second, as emotions circulate through such discourses and produce the provisional boundaries of interiority and exteriority, they form the possibility for bodies with shared orientations toward the "objects" to collectivize. As Ahmed puts it, "stickiness involves a form of relationality, or a 'withness', in which the elements that are 'with' get bound together."<sup>321</sup> The third dimension of Ahmed's theory highlights the way these "objects" are themselves articulated and re-articulated by the variable stickiness of the flowing emotions. Because circulating emotions can adhere to objects in unique articulations, the object can be continually redefined.

### *Anger and Protest Spaces*

As an impetus to claim space for a particular (but not previously sanctioned purpose), anger can re-define who belongs where and for what purpose. As anger circulates, the emotion can adhere to spaces and manipulate the affective dynamics of a protest. Gavin Brown and Jenny Pickerill attest to a reciprocal relationship between emotion (in general) and the configuration of activist spaces. They write: "Space is emotionally saturated and spatial elements transmit the affects, feelings, and emotions that can fuel political activism. Moreover, certain settings are more prone to produce emotions than others: as a result of particular configurations of social

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<sup>321</sup> Ahmed, *The Cultural Politics*, 91.



scripts, the performance of actors present, and the ‘staging’ of that space.’<sup>322</sup> As the authors note, protest spaces not only act upon the bodies gathering therein but also are products of histories of emotional circulation and stickiness.<sup>323</sup>

Rhetorical critics would be well served to examine how *volume* (understood both as a mass of bodies in space and the amplification of sound) can give spaces distinct rhetorical power in a protest situation. First, volume can be understood as a large quantity of matter. As a greater volume of bodies join together in physical or digital space, the sheer quantity can produce a sense of abundance and legitimate future protests within a space. At the risk of making a circular argument about strength in numbers, the more bodies that gather within a space, the more likely the space is to become legitimated for dissent. If Teresa Brennan is correct in her thesis of affective transmission, the more angry bodies that can pile into a space, the more likely for the anger to freely circulate and energetically sustain those bodies.<sup>324</sup>

Understood also as sound amplification, the raising of volume by engaging in chants, cheers, and song can sonically show support for fellow advocates and express collective dissent. Greg Goodale identifies the “protective cocoon” as a vocalized sound strategy for showing support and, at times, sidelining deliberative action in cases where such action is considered unjust. As he writes: “by enveloping ourselves in a comforting sound, we reassure and support ourselves, often in a time when we feel threatened.”<sup>325</sup> Moreover, the raising of volume can physically act upon the materiality of the place and affectively charging the sensory capacities of

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<sup>322</sup> Gavin Brown and Jenny Pickerill, “Space for Emotion in the Spaces of Activism,” *Emotion, Space and Society* 2 no.1 (2009), 5.

<sup>323</sup> Victoria L. Henderson, “Is There Hope For Anger? The Politics of Spatializing and (Re)Producing an Emotion,” *Emotion, Space, and Society* 1 (2008): 28-37.

<sup>324</sup> Brennan, *Transmission of Affect*

<sup>325</sup> Goodale, *Sonorous Envelope* 220.

those participating therein. If a protest can be likened to an endurance activity, then sound can energize, sustain, and channel those participating within an enclosed space.

Anger can also function to re-arrange the dominant meanings of space, allowing protesting collectives to make meaning and, in cases of disenfranchisement, claim spaces for their own from which they may have once been excluded. As Endres and Senda-Cook argue, “Putting on protests in particular places may develop a cycle of many movements using that place which can normalize the meaning of a place as a place of protest.”<sup>326</sup> In the case of Occupy Wall Street, outraged protesters decided to claim spaces that, while public, were corporately owned. Judy Lubin observed this practice as significant for putting anger to use in a form of resistance: “The Occupiers’ appropriation of public space as a rejection of routines of corporate life in the city presents another layer of symbolic action.”<sup>327</sup> In sum, anger’s volumizing function can work to (re)claim spaces, energize bodies, and prevent deliberative processes if the group believes that an initiative is harmful or unjust.

#### *Angry Rhetoric as Collectivizing Moral Agents*

Second, angry rhetoric can be a collectivizing moral emotion when it binds bodies together in relationship to objects deemed harmful or unjust. Ahmed argues that the circulation of emotion shapes bodies in such a way as to cohere in shared orientations toward or away from objects. As Jonathan Haidt succinctly states, “[m]orality binds and blinds.”<sup>328</sup> This two-fold statement suggests that a shared conception of what is (im)moral can function as a powerful social adhesive, setting the stage for what Kenneth Burke called *identification* and *division*. As

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<sup>326</sup> Danielle Endres and Samantha Senda-Cook, “Location Matters: The Rhetoric of Place in Protest,” *Quarterly Journal of Speech* 97 no.3 (2011), 277.

<sup>327</sup> Judy Lubin, “The ‘Occupy’ Movement: Emerging Protest Forms and Contested Urban Spaces,” *Berkeley Planning Journal* 25 (2012), 189

<sup>328</sup> Jonathan Haidt, *The Righteous Mind: Why Good People are Divided by Politics and Religion* (New York: Pantheon, 2012), 28.

Ahmed observes, “We become alienated—out of line with an affective community—when we do not experience pleasure from proximity to objects that are attributed as being good.”<sup>329</sup> We might say that the inverse is also true; we become alienated from others when we do not share the feelings of outrage expressed about objects others attribute as being harmful or unfair. Because morality is commonly associated with the “oughtness” of a belief or behavior, it requires that a judgment be rendered about the rightness or wrongness of an action in question. Since morality is intimately tied to such a judgment, we have tended to privilege its rational components, dismissing anger as superfluous, or worse, immoral.<sup>330</sup> However, I suggest that it is the anger itself—levied against perceived wrongs of harm and injustice—that constitutes a judgment about the barriers around which we collectivize or exclude. The anger will, as Ahmed describes it, “stick” to some bodies, orienting them towards each other in agreement about the perceived injustice. Conversely, for those who do not share the experience of the exclusion, and therefore do not see why the exclusion is immoral, the expressed anger might feel alienating and thus be assessed as inappropriate.

As the feeling of alienation circulates and adheres to bodies, it forms a boundary between the different groups, reframing the relational dynamics of an in-group. In such cases, expressions of anger can function rhetorically as a moral emotion when its circulation influences identification—the adhesion of some bodies and not others – on the grounds of a shared arousal towards particular objects. Perhaps most importantly, anger’s heuristic value allows for a nuanced understanding of the always-changing dynamics of collective group formation.

The agents created are often angrily bound by their shared moral imperative to move forward in corrective action to a perceived injustice. A number of scholars have observed that

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<sup>329</sup> Sara Ahmed, *The Promise of Happiness* (Durham: Duke University Press, 2010), 41.

<sup>330</sup> Kathleen Wallace, “Reconstructing Judgment: Emotion and Moral Judgment,” *Hypatia* 8 (1993): 61-83.

the action tendencies of bodies experiencing an angry affective state tend to be that of an approach (rather than fear, which can paralyze bodies and limit movement).<sup>331</sup> The tendency to fight rather than flee can be strategically harnessed and then further channeled to craft moral agents who, identifying with a collective, feel obligated to take some sort of restorative action to correct a perceived injustice.

In addition to forming the boundary of a collectivity, angry rhetoric can function to define morality itself differently. Considering that morality is a collective rhetorical craft, its contingency relies on the possibility for different emotions to adhere to the concept, producing a new definitional articulation. Scholars of rhetoric and argumentation have long attended to the ability of a definition to imbue a situation with alternative meaning. As David Zarefsky points out, “[p]eople participate actively in shaping or giving meaning to their environment, and they do so primarily by means of naming situations within it.”<sup>332</sup> An expression of moral outrage functions rhetorically insofar as it more or less explicitly defines the action or object in question as immoral. However, as new definitions circulate, accumulate affective value, and thereby stick to more bodies, the possibility for morality to assume different operative meanings becomes all the more possible. Ahmed’s theory supports these possibilities: “[a]nger is creative; it works to create a language with which to respond to that which one is against, whereby ‘the what’ is renamed.”<sup>333</sup> Similarly, Michael P. Vicaro summarizes the prospects nicely, writing, “...definition appears as part of an artistry of power—an opportunity for the *kairotic* articulation

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<sup>331</sup> For research that differentiates the action tendencies of fear and anger, see: Jennifer S. Lerner, Roxanna M. Gonzalez, Deborah A. Small, and Baruch Fishoff, “Effects of Fear and Anger on Perceived Risks of Terrorism: A National Field Experiment,” *Psychological Science* 14 (2003): 144-150; Linda J. Skitka, Christopher W. Bauman, Nicholas P. Aramovich, and G. Scott Morgan, “Confrontational and Preventative Policy Responses to Terrorism: Anger Wants a Fight and Fear Wants ‘Them’ to Go Away,” *Basic and Applied Social Psychology* 28 (2006), 375-84.

<sup>332</sup> David Zarefsky, “Presidential Rhetoric and the Power of Definition,” *Presidential Studies Quarterly* 34 (2004), 611.

<sup>333</sup> Ahmed, *Cultural Politics*, 176

of an alternative that is potentially more useful, more beautiful, more just.”<sup>334</sup> Returning to Aristotle's original formulation, if anger signals the proper (moral) boundaries of different social roles, then whenever advocates seek to change these roles—or whenever social conditions prompt shifts in role relations—then public expressions of anger are to be expected. Reactive judgments about the appropriateness or inappropriateness of these displays of anger will depend on the ways in which the anger sticks—whether the rhetoric positions one to be receptive to the new moral order or more resistant to it.

To summarize, anger can function as a moral emotion when it aligns disparate spaces or alters claims to spatial ownership, and when it constitutes collective moral identities. Taken together, anger can help to reconfigure moral imperatives. In what follows, I bring these observations to bear on an analysis of the proceedings of the Wendy Davis filibuster. First, I examine how anger was performed and recognized. Then, I examine how anger was able to blur spatial boundaries by aligning digital and physical spaces of protest. Finally, I examine the contours of the collective formed in their participation of this angry milieu.

### **Analysis**

#### *Anger, Volume, and the Blurred Spatial Boundaries of Protest*

Over the course of Wendy Davis's filibuster, the bodies protesting in the Texas Capitol were complemented by the construction of a digital protest space that supplemented and at times even blended with the physical space of the protests. In addition to a packed gallery where Davis was delivering her address, hundreds of bodies dressed in burnt orange (to signify Texas' colors) filed into the multiple floors of the Capitol rotunda awaiting the opportunity to enter the gallery. Crowds also gathered outside the Capitol building, holding posters and chanting. Based upon a

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<sup>334</sup> Michael P. Vicaro, “A Liberal Use of ‘Torture’: Pain, Personhood, and Precedent in the Federal Definition of Torture,” *Rhetoric and Public Affairs* 14 (2011), 404.

survey of over 350 Vine videos, I also detected both individuals and small groups gathering in cyberspace to watch the filibuster on Texas' livestream.<sup>335</sup> In short, this section argues that spaces of protest in the Davis filibuster are physical-digital composites, materialized through a doubled sense of volume that brings multiple bodies together while simultaneously amplifying their voices. I analyze the building and blurring of spatial boundaries by engaging the heuristic of *volume*. Simultaneously referring to the aural amplification of sound and an abundance of matter within an enclosure, I examine how anger volumizes the multi-modal spaces of protest.

Throughout the filibuster, protesters claimed the Capitol building as their own by abundantly filling the volume of the space with angry bodies. The decision to occupy the building and put as many bodies in there as possible sought to transform the Capitol space from bureaucratic to democratic. Danielle Endres and Samantha Senda-Cook have argued that “Places, although seemingly permanent because of their physical structures like building, streets, and the like, are actually quite fluid because they are constantly being reiterated, reinforced, or reinterpreted.”<sup>336</sup> Upon Davis' Twitter announcement that she intended to filibuster SB5, hundreds of angry bodies descended upon the Texas Capitol building to both support Wendy and dissent to the special session called to severely limit women's reproductive rights. While protesters filled up the legislative gallery where Davis spoke, hundreds of others waited patiently in line to get in. As several Vines displayed, the bodies snaked through all four floors of the Capitol Rotunda. As user Erica Lies wrote: “This is only a fraction of the line,” as the Vines showed several snippets of people waiting in line. As another example of protesters making the space their own, one Vine showed abundant spreads of food and directed participants: “If you are getting hungry while you #standwithwendy come to e2.002 [a room in the Texas State Capitol].”

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<sup>335</sup> Twitter, “Vine Videos, Tweets Show Support for Davis Filibuster,” *Twitter.com* <https://media.twitter.com/success/vine-videos-tweets-support-wendy-davis-filibuster>

<sup>336</sup> Endres and Senda Cook, “Protest Spaces,” 263.

By lining bodies to reach the gallery and sustaining the angry energy with abundant food spread, the protest volumized the space and gave force to the chant “Whose House? Our House!” that was occurring outside.

Augmenting the volume of angry bodies in the Capitol space, thousands more gathered in cyberspace to watch Davis filibuster SB5 on a livestreaming platform. As these bodies occupied Twitter space, they sought to communicate the enormity of the digital participation by documenting the volume of Tweets. A number of Vine videos demonstrate the copious volume of Tweets streaming on their Tweet Decks, a feature of Twitter that allows one to follow numerous hashtag feeds simultaneously. Vine user Erik Vidor showed how quickly #txlege and #standwithwendy were moving, writing “my tweet deck is blowing up!” Vidor’s video was particularly insightful as he showed the speed of the #standwithwendy hashtags alongside a hashtag whose content was unrelated to the filibuster. User Katrina Lipinsky’s Vine was similar. As her text read, “Crazy! My Tweet Deck is updating like crazy while I watch live stream of #SB5 #standwithwendy #txlege.” While news reports focused on the abundance of tweets as a marker of support for Pro-Choice or Pro-Life groups attending the filibuster, these Vines also demonstrate how adherents attempted to demonstrate how digital space was saturated by attention to the Texas Capitol. While I do not claim that each tweet indexes a different person, the voluminous number of tweets allows us to at the very least to imagine an abundance of bodies gathering in cyberspace. The volume of bodies allowed the physical and digital spaces to align, momentarily blurring what is often perceived as rigid spatial boundaries between the two realms.

In addition to understanding the space as shaped by the numerical volume of bodies, as the volume of voices amplified, it also worked to shape spaces, aligning the physical Capitol

with the digital. If a space is rhetorically rendered intelligible by its function, the amplified volume of the protesters remolded the Capitol from a bureaucratic space to a democratic home base. Protesters did so by amplifying the volume of their voices in outrage, nullifying the possibility that legislative process could occur in the Capitol. At 10:07pm Davis received her third strike for going off topic by mentioning a 2011 sonogram law, allowing the Republican majority to begin the voting process to pass SB5. Outraged, two lone voices in the gallery shouted “bullshit!” and “shame on you!” respectively.<sup>337</sup> These voices ignited a collective chant of “Let Her Speak,” over the next several minutes as the crowd clapped at each word. Sound quickly expanded, overtaking the entire room, making it impossible to advance in the session proceedings.

Once the third strike was sustained, Senate Democrats began engaging in parliamentary tactics in order to run out the clock. Democratic Senator Leticia Van De Putte attempted to inquire into the justification of the Senate’s third strike ruling, as she had been late to the proceedings on account of her father’s funeral earlier in the day. Despite Van De Putte’s attempts to inquire, Republican Senator Robert Duncan kept silencing her. At 11:45pm, just fifteen minutes shy of the session’s expiration, Van de Putte issued a final parliamentary inquiry: “At what point must a female senator raise her hand or her voice to be recognized over the male colleagues in the room?”<sup>338</sup> Following Van de Putte’s inquiry, the crowd in the gallery began cheering and applauding. Although the legislators attempted to begin the voting roll call, they could not hear the Ayes or Nays above the sound. Realizing that the volume was preventing the vote, Davis turned to the crowd and mouthed, “keep it up” as she held up a peace sign. Because

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<sup>337</sup> Rachel Weiner, “6 Key Moments from Wendy Davis’ Filibuster,” *The Washington Post* (June 26, 2013), <http://www.washingtonpost.com/blogs/the-fix/wp/2013/06/26/key-moments-from-wendy-daviss-11-hour-filibuster/>.

<sup>338</sup> Leticia Van de Putte Asks What Women Need to do to be heard in Texas Legislature,” <https://www.youtube.com/watch?v=yPntuZ7jmGY><https://www.youtube.com/watch?v=yPntuZ7jmGY>



the session was set to expire at midnight, the volume of protesters prevented the bill from being legitimately voted upon that evening. The next day, Lieutenant Governor David Dewhurst lamented that “with all the ruckus and noise going on, I couldn’t sign the bill.”<sup>339</sup> The circulating anger, as indexed by the voluminous noise, chants, yells, and applause from the bodies in the gallery momentarily transformed the space from a bureaucratic voting chamber to what Greg Goodale would call a “protective cocoon” of support for Davis’ filibuster attempt.<sup>340</sup>

As protesters in the gallery and rotunda voluminously formed what Goodale calls a “protective cocoon,” sympathetically angry viewers watching the livestream followed suit. In cyberspace, digital protesters In Marisa Cristine’s Vine, two women and one man sat on the floor with mojitos in their hands and their eyes glued to a 13” Macbook Pro that was streaming the filibuster. Within the video, the camera panned to each person sitting in the room intently watching the proceedings as they began to yell at the screen. Taken together, *volume* (both as the concentration of bodies and the amplification of sound) emerges as a central way that anger molds the physical and digital spaces of protest into affective alignment. Equipped now with an understanding of how the protest spaces were materialized, it is now possible to turn towards how anger functioned to mold the identity positions for reproductive advocates in the wake of the filibuster.

#### *Angry Rhetoric and Collectivizing the #FeministArmy*

In this section, I discuss the ways that angry rhetorics circulating around Wendy Davis’ filibuster worked to mold the identity contours of a militant reproductive rights collective. If, within our sociocultural milieu, anger’s action tendencies tend to be that of an adrenaline fueled approach rather than a sheepish retreat, the emotion is a foundational element of a militant

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<sup>339</sup> [http://www.politico.com/story/2013/06/wendy-davis-abortion-filibuster-texas-93397\\_Page2.html](http://www.politico.com/story/2013/06/wendy-davis-abortion-filibuster-texas-93397_Page2.html).

<sup>340</sup> Goodale, “Sonorous Envelope,” 220.

identity that is willing to take radical steps to subvert institutional injustices. I examine two vectors of uptake to discuss anger's collectivizing potential. First, I discuss how the pink Mizuno tennis shoes that Wendy wore during her filibuster functioned as a differentiating site of anger for the #feministarmy. Then, I discuss how anger was cited as a catalyst for feminist opposition to Texas' second attempt to pass an ambulatory surgical bill for abortion clinic regulation.

### *Pink Mizuno Wave Rider 16*

As Davis prepared to be on her feet for upwards of eleven hours, she donned a pair of Mizuno Wave Rider 16 tennis shoes that have since come to stand in for the endurance of her "stand" for reproductive rights. The neon pink of the shoes popped both against her blue-grey striped trench coat and the dark wood of the legislative gallery, making the footwear a focal point in both circulated images and video. Yet, more than merely functioning as a synecdoche for the Davis's endurance efforts, I argue that the footwear functions as a collective sticking point for the angry energy circulating around the case.

To be sure, the pink Mizuno Wave Rider 16 garnered notable attention from news outlets. The shoes were frequently mentioned in the Twitter posts and throughout the news coverage that followed. This news attention translated into commercial demand for the shoes. On June 28<sup>th</sup> 2013, just three days after Davis' filibuster, Mizuno USA posted a press release to its blog that spoke to the sneaker's newfound popularity. While they did not provide sales data, Mizuno attested that "Media and consumers' response via social media nearly doubled traffic to our site and lifted the Wave Rider product page to be the number one viewed page."<sup>341</sup> The attention

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<sup>341</sup> Mizuno Shoes, "Mizuno Responds to Recent Women's Wave Rider 16 News Attention," (June 28, 2013), <http://www.mizunousa.com/running/blog/mizuno-responds-to-recent-womens-wave-rider-16-news-attention/>. Mizuno also distanced themselves from the political issues at stake in the filibuster while celebrating the ability for the shoes to live up to any endurance event. As they wrote later in the

paid to the shoes was just as prominent on Amazon.com, where the Wave Rider became the most viewed women's shoe.

While the shoes garnered significant attention, a number of critics who supported Davis's efforts were frustrated by the gendered attention that the shoes received. For instance, Maggie Severns of *Mother Jones* magazine traced how media attention the morning after the filibuster overly focused on the shoes rather than the reproductive issues of the filibuster. At the end of her article, Severns said:

It's true that the sneakers are an unusual choice for a state legislator—and that the specifics of filibustering, like how deal [sic] with bodily functions when you cannot leave the Senate floor, can get interesting. But there were other related things worth noting; perhaps the mostly white male room she was speaking to, or the tears she shed while reading testimony from one woman who was forced to abort her pregnancy because of medical complications.<sup>342</sup>

Severns ended the article with a sarcastic quip: “Or, yeah, stick with the shoes. Your call.”<sup>343</sup>

Rebecca Schoenkopf of *Wonkette* similarly critiqued *The New York Times* for referring to Davis' shoes but not even mentioning the name “Wendy Davis” until the 17<sup>th</sup> paragraph of their article.<sup>344</sup> Severns and Schoenkopf's anger directed towards gendered media coverage is exemplary of a larger trend of attempts to prevent Davis's accomplishment from being reduced to a fashion choice.

At the same time, though, other Davis supporters were thoroughly celebratory of the pink shoes, eagerly buying their own in order to show solidarity with her stand of endurance. In her

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press release: “We are fortunate to have benefitted from this conversation and do appreciate Ms. Davis selecting our quality athletic footwear for her “endurance” event; however we do not have a corporate position related to the topic she presented.”

<sup>342</sup> Maggie Severns, “Can We Stop Talking About Wendy Davis' Shoes Yet?” *Mother Jones Magazine* (June 26, 2013), <http://www.motherjones.com/mojo/2013/06/wendy-davis-filibuster-shoes>.

<sup>343</sup> Severns, “Can We Stop.”

<sup>344</sup> Rebecca Schoenkopf, “All the People Mentioned By the New York Times in the 16 Paragraphs Before They Named Texas Can-o-Whoop-Ass Wendy Davis,” *Wonkette* (June 26, 2013), <http://wonkette.com/520841/all-the-people-mentioned-by-the-new-york-times-in-the-16-paragraphs-before-they-named-texas-can-o-whoop-ass-wendy-davis#more-520841>.

article “Sisterhood of the Traveling Wendy Davis Sneakers,” Jessica Bennett spoke to professional women *and* men who likened their purchase of the shoes to participating in a “secret club.”<sup>345</sup> Declaring the footwear’s function as a shared signifier of resistance, Bennett was skeptical of the shoes’ critics:

Sure, some didn’t appreciate the focus on Davis’ sartorial choice (*another woman known for her shoes—and pink*). And yet Davis turned that cliché on its head. Soon after, women were flocking to Amazon to purchase the sneakers....Sales data aside, the Mizuno sneaker had become something else: an implicit raised fist; an insta-badge of feminism. Negotiating a raise? Break out the Mizunos. Want to dream of a more equal world? Wear the Mizuno to bed. They have become a sort of knowing nod, a sort of implicit high-five.... Is this feminism’s next wave? It doesn’t hurt they’ve got that word in their title.<sup>346</sup>

Straddling the divide between critique and acceptance of the footwear’s appropriate status as an icon, Sally Kohn of the *Daily Beast* seemed to remain torn. On the one hand, she cited research from NameitChangeit.org that found *any* mention of women politicians’ clothing choices hurt their electoral outcomes.<sup>347</sup> On the other hand, she cited Bennett’s article and declared: “And then I found myself and my feminist friends oogling Wendy Davis’s shoes.”<sup>348</sup> She then implored like-feeling readers to embrace the shoes: “Let’s all buy some hot pink Mizunos and kick mainstream media in the rear for its repeated sexist coverage.”<sup>349</sup>

Outside of journalistic coverage, the channeled anger can be perhaps best seen through some of the creative reviews that people have left for the Mizuno shoes on Amazon. User “Stand with Wendy” noted that the shoes would allow one to “Raise a feminist army and lead the charge when your competitors cheat and change the rules on you.... Highly recommended for

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<sup>345</sup> Jessica Bennett, “Sisterhood of the Traveling Wendy Davis Sneakers,” *New York Magazine* (July 1, 2013), <http://nymag.com/thecut/2013/07/sisterhood-of-the-traveling-wendy-davis-sneakers.html>.

<sup>346</sup> Bennett, “Wendy Davis Sneakers.”

<sup>347</sup> Sally Kohn, “It’s Got to Be the Shoes: Why Wendy Davis’s Iconic Shoes are Newsworthy,” *The Daily Beast* (July 6, 2013), <http://www.thedailybeast.com/articles/2013/07/06/why-wendy-davis-s-iconic-shoes-are-newsworthy.html>.

<sup>348</sup> Kohn, “Shoes are Newsworthy.”

<sup>349</sup> Kohn, “Shoes are Newsworthy.”

fierce women and anyone who is not a Greedy Old Prick (GOP).”<sup>350</sup> In this review, the writer makes mention of one being able to use the shoes to call forth the “feminist army,” constituted by the filibuster and infuses the review with a sarcastic polemic that is likely to alienate those who would not find the angry message appealing. Based upon Amazon’s feature that allows other users to vote upon the helpfulness of the review, 5045 out of 5293 felt like the anger stuck with them. User GML’s tongue-in-cheek review declared, “What’s that? Your crappy mean spirited colleagues on the other side of the isle [sic] say it isn’t fair? That’s right ladies, this shoe is completely washable, so shove it up their ass.”<sup>351</sup> The sarcastic deprecation demonstrates the extent to which anger has found an energetic sticking point on the Mizuno Wave Runners.

The point of voicing this debate is not to come down on one “side” of the shoes’ uptake or the other. Rather, what I hope to demonstrate is that the rhetorical uptake of the Mizunos functioned as a collective sticking point for anger following the end of the filibuster. This uptake defined the contours of a collective that although oriented by their support for Davis’s filibuster must not be considered homogeneous. On the one hand, anger can persist as a response to the perceived sexism about the rhetoric of the shoes, so as to claim that the footwear should be a non-issue. On the other, an embrace of the Mizunos also gestures to one of the ways that some members have channeled their anger in order to relate to Davis and one another. This internal debate also underscores the perpetual partiality of a politically minded collective itself. While feminism has long been fragmented by its desired outcomes and preferred strategies, examining how anger differentially orients bodies in relationship to a central object like a pink sneaker calls for increased attention to the fragmentation of contemporary feminist identity.

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<sup>350</sup> Stand With Wendy, “These Shoes (and a Woman’s Body) Have a Way of Shutting the Whole Thing Down,” *Amazon* (June 26 2013),

[http://www.amazon.com/gp/pdp/profile/A1AIYQT40VWC1T/ref=cm\\_cr\\_dp\\_pdp](http://www.amazon.com/gp/pdp/profile/A1AIYQT40VWC1T/ref=cm_cr_dp_pdp).

<sup>351</sup> GML, “Fits Perfectly up a Republican’s Rear End,” *Amazon* (June 26 2013),

[http://www.amazon.com/gp/pdp/profile/A3STTHI8MCBFGK/ref=cm\\_cr\\_dp\\_pdp](http://www.amazon.com/gp/pdp/profile/A3STTHI8MCBFGK/ref=cm_cr_dp_pdp)

### *The #FeministArmy Keeps Fighting*

While the pink Mizuno functioned as a shared point of orientation, anger was also a central feature of the feminist resistance to further Texas legislation that attempted to restrict abortion. On July 10<sup>th</sup> 2013, Texas' Senate Committee on Health and Human Services opened for a day of public commentary on their bill SB1, which was the next attempt to enact the same restrictive changes that Davis' filibuster had previously derailed. Both advocates and adversaries of abortion rights gathered to officially log their statement to the committee for consideration during the deliberations. While hundreds of testimonies would occur that day, only an address by Texas resident Sarah Slamen would be publicly taken up as the exemplar of the angry collective that Davis' filibuster had nourished.

In a video that has since been viewed almost 682,000 times, Sarah Slamen delivered a scathing and pointed angry address to the Senate Committee, which ended in her ejection from the proceedings. Although having prepared what she called "eloquent remarks" about Rick Perry's financial conflict of interests in retrofitting clinics to meet the standards of ambulatory surgical centers, Slamen scrapped her original speech lamenting "you guys have worn me down all day with this terrible science and glad-handing."<sup>352</sup> She begins by sarcastically thanking the Committee for "descriminat[ing] against us and try[ing] to force your selves into the bodies of Texas women."<sup>353</sup> As she sarcastically thanks the Committee for their parasitic intrusion, her anger is palpably recognizable.

When Slamen began going down the line of legislators, indicting each for what she saw as their incompetence and inability to make reproductive decisions, she was censured and eventually evicted from the proceedings. She said: "Let's start down the line. Senator

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<sup>352</sup> Dragonflyb, "Sarah Slamen (@VictorianPrude) at the Texas Senate Committee Meeting Re: SB1 (The Abortion Bill)" *YouTube* (July 9, 2013), <https://www.youtube.com/watch?v=VTqh7xNdrqM>

<sup>353</sup> Dragonflyb, "Sarah Slamen."

Campbell, you're an ophthalmologist, so I *won't* be making you the expert on reproductive health. We can give you all the children with chlamydia and herpes in their eyes since we don't have sex ed in the state." As she attempted to hurl venom at the next legislator, the moderator began banging her gavel on the table and disciplining Slamen for her "lack of civility" in the proceedings. Without missing a beat, Slamen fired back: "Excuse me! This is my government, ma'am; *I will judge you. I will judge you, ma'am.*" As security guards approached Slamen and removed her from the gallery, she yelled "Everyone on the internet can see what you are doing right now! This is a farce! The Texas legislators are a bunch of liars who hate women!"<sup>354</sup>

Prior to her ejection, Slamen made sure to situate herself within a larger militant collective bound by their anger at the Texas Legislature. As she declared: "Thank you for being *you*, Texas Legislature. You have radicalized *hundreds of thousands* of us and no matter what you do for the next twenty-two days, women and their allies are coming for you." Returning back to the action tendencies associated with anger, bodies experiencing the moral dimensions of the emotion are more likely to engage in behaviors of approach and restoration.<sup>355</sup> By performing her own anger and demonstrating that others were prepared to "come for" the legislators, Slamen both legitimated and channeled the collective anger that had been circulating before, during, and after the filibuster. Since Slamen was ejected from the legislature, Lawrence O'Donnell from MSNBC offered her the opportunity to come on his nightly news show to finish the testimony she had planned. After O'Donnell asked whether she felt like she was speaking for more people than just herself, Slamen responded:

Yes. You know, I'm a southern woman and we are socialized to be hospitable, but women all over the world are socialized to repress our dissent, be agreeable, [and] ask

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<sup>354</sup> Dragonflyb, "Sarah Slamen."

<sup>355</sup> Martijn van Zomeren, Russell Spears, Agneta H. Fischer, and Colin Wayne Leach, "Put Your Money Where Your Mouth Is! Explaining Collective Action Tendencies Through Group-Based Anger and Group Efficacy," *Journal of Personality and Social Psychology* 87 no.5 (2004): 649-664.

what should be rightfully ours. There's been a palpable feeling of fury and anger and weariness of begging for these rights especially from a legislature that is 85% male. We're tired of it...I knew that a catharsis was needed. That's exactly what thousands of women have told me, 'You said what I was thinking. I cried with relief watching you speak.'<sup>356</sup>

Slamen's affirmative response is significant because she felt like she was part of a larger collective defined by "fury," "anger," and "weariness" in the face of gendered social norms that call for anger's suppression.

If militant strategies can be identified by the extent to which they circumvent institutional channels of access in order to achieve a political or social goal, it was clear that Slamen and others like her felt compelled to disregard the rules of decorum in order to give her testimony to the Legislature. As she explained:

It was obvious that even by following decorum and doing what they asked, they aren't protecting us from bad behavior. They can't act ethically on the floor of the house or senate. They've manipulated procedure multiple times. So why continue to play in the context of that political game?<sup>357</sup>

Slamen felt justified in the parts of her angry address that violated rules of decorum because the rules were not being fairly applied to all advocates seeking to add their voices to the proceedings. In so doing, she demonstrated that moral outrage is a persistent motivator for engaging in militant tactics, especially after the traditional lines of institutional access have been exhausted.

To summarize, activists aiming to make abortion care available found themselves bound by an outrage that persisted beyond the filibuster itself. The Mizuno Wave Riders came to function as a shared object that differentially constituted the diverse contours of those sympathetic to the Feminist Army. Moreover, while Davis engaged the legislative mechanism of

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<sup>356</sup> O'Donnell, "Exclusive: Sarah Slamen Finishes Her Testimony," *The Last Word with Lawrence O'Donnell* (July 11, 2013), <http://www.msnbc.com/the-last-word/watch/exclusive-sarah-slamen-finishes-her-testimony-36812867862>.

<sup>357</sup> O'Donnell, "Slamen Finishes Testimony."



filibustering, her adherents found avenues outside of the acceptable decorum to express their outrage.

### Conclusion

Within a month, the restrictive legislation was passed in the state of Texas. In an interview with Wendy Davis the morning after the filibuster, Anderson Cooper of CNN asked what the filibuster had accomplished considering that the restrictions were almost certain to pass in another special session. While Davis agreed that the deliberative force of the filibuster was only temporary, she said that the most important outcome was the formation of political activists. She declared: “We empowered the voice of the people in Texas.”<sup>358</sup> Lane Florsheim of *Bustle* echoed Davis’s sentiment: “In the longer term, her filibuster established the force and determination of the pro-choice movement in conservative Texas.”<sup>359</sup>

This chapter has argued that anger was an emotion that motivated thousands of adherents to militantly attend to reproductive issues in a state so conservative that it was dismissed as a lost cause. The anger circulated on social media, in Vine videos taken by those in the Capitol, and at home, and in the weeks after the filibuster. More than simply circulate, however, anger’s *volume* also adhered to the fragmented spaces of protest, aligning digital space with the spaces of the Texas Capitol building. Anger also adhered in a third way: the emotion drew together a collective that, although fragmented, was bound by moral outrage. Finally, anger emboldened advocates like Sarah Slamen to dismiss the rules of decorum in legislative settings, demonstrating a militant orientation to the State.

Critical attention to anger requires also a consideration of the emotion’s temporality when considering its sustainability as a public emotion. Recall that Aristotle’s normative standards

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<sup>358</sup> <https://www.youtube.com/watch?v=Kcjfv2BF9f0>

<sup>359</sup> <http://www.bustle.com/articles/39667-9-wendy-davis-quotes-from-forgetting-to-be-afraid-thatll-wow-you>

for anger's propriety as a moral emotion specify a situated consideration about whether the emotion is being expressed for a requisite duration. Such an assertion raises the question not only about the normative temporal expectation of anger expression, it also invites inquiry into how long anger can sustain a mobilized collective. While angry demonstrations and parades followed in the weeks after Davis stood for reproductive rights, they too eventually faded. Returning to Margaret Sanger, it is worth noting that following her acquittal for violating the Comstock Laws, the contraceptive crusader turned towards more mainstream avenues for producing social change, leaving behind her militant orientations. The same question of anger's duration can also be asked of *volume* as a rhetorical strategy of aural and corporeal amplification.

## CHAPTER 5

### CONCLUSION

#### **Introduction**

As this project reaches its provisional conclusion, it is helpful to return to the place we began and consider the dissertation's motivating controversy surrounding the *Journal of Medical Ethics* essay: "After Birth Abortion: Why Should the Baby Live?" Recall that authors Alberto Giubilini and Francesca Minerva were baffled that their philosophical meditation on the morality of infanticide produced an eruption of public anger and even disgust. After all, the authors were not making a new argument; they were merely extending "widely accepted premises" that because the newborn's "moral status" is not one of an "actual person," it occupies the same position as a fetus as a "subject of a moral right to life."<sup>360</sup> When pressed by the *Telegraph*, Editor Julian Savulescu responded by reducing the moral outrage present in the threatening posts to "fanatics opposed to the very values of a liberal society [to publish controversial arguments]."<sup>361</sup> With this controversy in the back of my mind throughout this project, my dissertation sought to track three emotionally moving moments in contemporary abortion discourse. While the three moments that constitute the case studies of this dissertation began in 2011 and concluded in 2013, they speak to extensively interwoven legal, political, and social

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<sup>361</sup> Stephen Adams, "Killing Babies No Different From Abortion, Experts Say," *The Telegraph* (February 29<sup>th</sup> 2012), <http://www.telegraph.co.uk/news/health/news/9113394/Killing-babies-no-different-from-abortion-experts-say.html>.

histories contesting the morality of pregnancy termination. These moral histories, I have argued, are *emotional histories*, reflecting the ebb and flow of affiliative boundaries that constitute the social as such.

While concluding this project seems premature, considering the topical complexity I have only begun to unpack, I will begin first with a summary and synthesis of my reading strategy and case studies. Second, I will reconsider my reading strategy alongside recent calls in Rhetorical Studies to attend to the sensory dimensions of public discourse. Third, I will briefly consider how pathos (or the art of emotional perpetuation) can begin to address some of the temporal issues associated with moral emotions. Finally, I will close by returning (again) to the After Birth Abortion controversy, justify the study of *moral* emotions, and close with a meditation on the next steps for reproductive rights advocates.

### **Emotion and Contemporary Abortion Rhetoric**

In the introductory chapter, I argued that while committed abortion advocates and adversaries can find virtually no common ground, most at least concede that the issue is one that stirs deeply held emotions. While rhetorical scholars have made some of the more profound contributions to the study of coalitional abortion politics, the focus has primarily centered upon argumentative strategies, stylistic devices, and proffering critiques of the hegemonic ideologies surrounding this particular type of reproductive advocacy. Yet, I suggested that the durability of this controversy presented an opportunity to examine the public emotions that define the contours of different collective affiliations related to abortion rights. Following scholars who have taken the interdisciplinary “affective turn,” I asked a deceptively simple question: what are emotions doing in abortion discourses? I set out with a reading strategy of *emotional adherence* that, borrowing from rhetorical perspectives on the circulation and uptake of pathos, sought to

discover patterns of affiliation and the perpetual shifting of corporeal, spatial, and moral boundaries.

Chapter two centered the emotion of sympathy circulating in *Faith2Action*'s rally of public feeling. In 2011, Organizers staged an interaction between the audience and a fetal ultrasound in order to generate support for House Bill 125: The Heartbeat Bill. By introducing audience members to a fetus constituted with an individuated personality, encouraging audience members to see and hear a fetal "heartbeat" and attributing voice to the mediated sound-image, *Faith2Action* was able to produce an empathic connection between audience members and the fetal community member. This production of empathy functioned as a foundation for *Faith2Action* to model appropriate sympathy sentiments and proffer ways to display their fellow feeling. The production of sympathy was able to re-mold Pro-Life affiliations in Ohio, a state known for setting powerful anti-abortion legislative precedent. This chapter contributes to scholarship about the rhetorical power of fetal images by encouraging greater attention to the technology's function as an affective mediator of affiliation. As a moral emotion, sympathy encourages the production of expansive affiliative boundaries and helps to explain why the heartbeat bill can be so perennially appealing despite legal arguments that maintain its unconstitutionality.<sup>362</sup>

Chapter three centered the emotion of disgust circulating in the Philadelphia Grand Jury's recommendations to indict Dr. Kermit Gosnell. The Grand Jury constituted Gosnell and the clinic he operated as disgusting. By engaging vivid sensory appeals to sight and smell, the Grand Jury Report was able to provide a vivid textural tableau of Gosnell's clinic. By simultaneously describing Gosnell as a "greedy and arrogant" practitioner who would not think

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<sup>362</sup> Jessica L. Knopp, "The Unconstitutionality of Ohio's House Bill 125: The Heartbeat Bill," *Akron Law Review* 46 (2013): 253.

twice about harming women and babies born alive for financial gain, the Report constituted Gosnell's subjectivity as disgusting. Finally, the Grand Jury Report voiced disgust at the systematic failures in the Department of Health and Department of State that allowed Gosnell's practices to slip through the cracks. In so doing, the Grand Jury Report's disgust rhetorically constituted abortion's contemporary "back alley" as the space of failed jurisdictional oversight between the two governmental regulatory bodies. Despite a strong scholarly rejection of disgust as a moral emotion, this chapter demonstrated that the emotion was able to provisionally align the abortion rights advocates and adversaries in a shared assessment of Gosnell's medical practices. Pro-Life advocates were able to deftly incorporate disgust driven appeals into their political uptake while Pro-Choice advocates found themselves diverting the issue away from the traditionally unappealing emotion.

Chapter four centered the emotion of anger circulating before, during, and after Wendy Davis's filibuster of SB5 in the Texas State Legislature. Drawing upon histories of anger in the birth control movement and militant feminist alliances with issues of sexual autonomy, I suggested that anger was a potent motivator for energizing the overwhelming support for Davis's filibuster by producing spaces of protest and the Feminist Army identity position. Advocates were able to deploy their moral outrage in the service of volumizing bodies in the Texas Capitol and in cyberspace. This volume function was doubled; by engaging a critical mass of bodies in the Capitol building and amplifying sound, the advocates were able to defer what they considered to be unfair attempts to legislate women's reproductive capacities. Simultaneously, anger was operative in the social media spaces. By demonstrating the volume of bodies attending to the filibuster remotely, advocates were able to connect anger across the country in support of the protesters in the Texas Capitol. Furthermore, the anger produced the identity

position of the Feminist Army during the filibuster proceedings and afterwards in relationship to Davis's pink Mizuno sneakers and in advocates like Sarah Slamen who were inspired to get angry as well. As socially mediated protests have evolved to span a range of spaces, this chapter argues that anger functioned as a connective emotion that bridged digital and physical spaces of advocacy.

Taken together, my analyses of the moralizing emotions in these three case studies highlight the internal complexities of pro-life and pro-choice collective identities. This project has observed that the moral line that separates pro-life and pro-choice groups can be thinner in some cases than others. To an extent, this malleability presents a sense of hope for reforming those provisional boundaries. For instance, the Gosnell case demonstrated that the Grand Jurors were able to reflexively bracket their ideological standpoints and coalesce around a sense of moral disgust in order to participate in the justice process. On the opposite side of the coin, this dissertation demonstrates also that the *internal* lines that separate collective advocates can be just as tenuous. In the case of the Heartbeat Bill, sympathetic appeals were able to circumvent Ohio Right to Life's broad affiliative network. The last chapter demonstrates the pitfalls of assuming that the partisan makeup of a state legislature is determining of public coalition building. Rather than accept defeat, abortion rights advocates were able to tap into and channel a powerful anger in order to energize resistance to Texas' omnibus abortion legislation. Despite the differences in these three disparate case studies, one theme that emerges is the extent to which the circulation and adhesion of public moral emotions troubled the underlying affiliative logics binding each group. Put another way, tracking public emotions tells a story of the boundaries of collective affiliation being re-molded by their moral judgments.

In addition to modifying the boundaries of collective affiliation, this project also demonstrated that these identity positions should not be dissociated from the rhetorical spaces in which they inhabit. This dissertation suggests that the rhetoricity of space—in other words, how the space *moves* bodies to align in a particular configuration—is intimately bound up in the emotions that circulate and adhere. In the Kermit Gosnell Grand Jury Report, it is through the appeals to disgust (blood stained exam tables, noxious odors, ect.) that the clinic can be assessed as a harmful space for medical practice. Contrast the vivid descriptors of the space to the image on the front cover of the Grand Jury Report: a bustling urban intersection that seems otherwise unproblematic and benign. In the Wendy Davis filibuster, anger is what tethers the materiality of the physical space with the more ephemeral digital space. The digital space even becomes more complex considering that those occupying the Capitol were active users of their mobile devices to document the situation. In the Heartbeat Bill rally, the projection of the ultrasound image problematically claimed uterine space as community space as they introduced a new “unborn” community member. While there is much to still be done in considering the way particular emotional configurations arrange spaces, this dissertation at the very least suggests that in political activism, defining the spaces proper to the collective are integral to empowering collective action.

### **Theory and Method: Configuring Rhetoric and Emotion in the Affective Turn**

As much as this dissertation addressed the perennial controversy of abortion rhetoric in our contemporary moment, this project also sought to make a rhetorical contribution to the interdisciplinary affective turn in the form of a careful consideration of emotion and pathos, with the latter term understood as the techniques of perpetuating particular emotional



configurations.<sup>363</sup> Considering that the National Communication Association and the *Quarterly Journal of Speech* recently celebrated their 100<sup>th</sup> anniversaries, I will place my (re)turn to emotion alongside recurrent questions about affect and the senses discussed in these venues. While there is still much more work to do in fleshing out the theoretical patterns proper to each emotion, the term “emotion” itself remains potent as a critical framework because of its potential to produce theoretically complex reading strategies while remaining open to multiple vectors of interdisciplinary collaboration.

Over the past six years, in particular, scholars in rhetorical studies have increasingly turned toward affect as a productive heuristic for understanding the complex dynamics of communicative sociality. By 2009, the explosion of affective concerns compelled journals including *Communication and Critical/Cultural Studies* to devote special issues to try to flesh out the rapid adoption of affect into the Communication Scholars rhetorical toolboxes. As forum editor Barbara Biesecker declared, the special issue was designed to “extend and enrich the already vital trans-disciplinary conversation on affect and the variety of (ab)uses to which affect may be put.”<sup>364</sup> Biesecker’s claim of “the already vital trans-disciplinary conversation” is important. In a contemporary sense, Rhetorical Studies was late to the affect conversation. After all, Brian Massumi, drawing heavily on the work of Deleuze and Guattari, published “The Autonomy of Affect” in 1997, instigating a new way of considering the excess energies that irreducible to representation. Yet, it is only within the past ten years that rhetorical critics have imported his work. As Joshua Gunn and Jenny Edbauer Rice maintained, the disciplinary reticence to take on affect as an object of study project is analogous to our disciplinary discomfort with speech as an “unstable object.” The authors argue (and on my view lament) that

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<sup>363</sup> Terada, *Feeling in Theory*.

<sup>364</sup> Barbara Biesecker, “Forum: Introduction,” *Communication & Critical/Cultural Studies* 6 no.2 (2009), 193.

affect was abandoned in favor of a codification of human emotion to solidify a more tangible object of study.<sup>365</sup> At the same time, Rhetorical Studies is also firmly grounded in the concerns that animate the affective turn. Of course, in the ancient context, Aristotle's taxonomy in Book II of *The Rhetoric* provides one of the more thorough accounts of the role of emotions in rhetorical action. When juxtaposed against *The Nicomachean Ethics*, Aristotle not only provides the emotions that can serve as the "available means of persuasion," but also specifies the conditions of their proper use.

Another way that the study of affect is germinal to our discipline is in the waxing and (mostly) waning centrality of the "sensorium" in communicative processes. In the recent centennial issue of the *Quarterly Journal of Speech*, Debra Hawhee considers the journal's historical inquiry into the "sensorium," borrowing her favorite definition from Joseph Dumit as "the sensing package that constitutes our participation in the world."<sup>366</sup> Her tracing of the sensorium through the history of QJS is done in a spirit of nuanced inquiry into bodies, emotion, and affect. Hawhee writes: "The idea of a sensing package, a bundle of constitutive, participatory tendrils, may help press past commonplace conditional observations—e.g., *that* rhetorical activity is embodied—and can offer a way to think about connective, participatory dimensions of sensing."<sup>367</sup> Hawhee not only teaches us that the new lines of inquiry have notable lines of precedent, but that future scholarship into the sensorium should be both specific and careful.

It is with Hawhee's implicit call for specificity and care when engaging the sensorium as a critical heuristic that I more fully consider my deliberate decision to foreground emotion and

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<sup>365</sup> Joshua Gunn and Jenny Edbauer Rice, "About Face/Stuttering Discipline," *Communication and Critical/Cultural Studies* 6 no.2 (2009): 215-219.

<sup>366</sup> Debra Hawhee, "Rhetoric's Sensorium," *Quarterly Journal of Speech* 101 no.1 (2015), 5.

<sup>367</sup> Hawhee, "Rhetoric's Sensorium," 5.

consider affect and the sensorium as emotion's constitutive components. At the end of Hawhee's Centennial contribution, she asks readers to reflect upon some of the productive differences between the sensorium and affective. Questioning whether there is a "useful distinction" between the two terms, she encourages those inquiring into the former to consider how sensation figures into the rhetorical process.<sup>368</sup> In line with Hawhee's question, my dissertation suggested that considering emotions as complex configurations that *include* affective energies *and* the (partially discrete) senses allows critics to not only borrow from and integrate interdisciplinary literatures, but it also permits a nuanced understanding of human action, depending upon the dominant emotion at work in each case study. Each chapter of the dissertation produced a theory of emotion grounded, in part, by the role of the senses in the process of emotional circulation and adhesion. For instance, the Grand Jurors apprehended the disgust of Gosnell's clinic in their tour of the facilities by both seeing and *smelling* the foul surroundings. While being physically present to see and smell can certainly produce the action tendencies of revulsion, the textual dimension of the Grand Jury Report itself suggests that vivid appeals to the human senses can produce similar forms of aversion.

Attending to the "sensorium" also allows us to place bodily capacity at the center of analysis and tease out the way two or more senses work together to seamlessly produce an impression. Recall in the Heartbeat Bill demonstrations, the visual image of the fetus had only limited emotional resonance. The sonic portion of the ultrasound demonstration, the point at which the fetal "heartbeat" could be detected was a major point of audience interaction with the technology. Following Greg Goodale's theoretical offering of synesthesia, I was able to detect how *both* sight and sound blended and worked together to move the audience to an empathic orientation to "Anna." By simply saying that the ultrasound produced an excess of affective

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<sup>368</sup> Hawhee, "Rhetoric's Sensorium," 12.

energy, I would have missed the specific sensory detail that can enabled more careful and pointed criticism of audience attention to the sound-image. My ability to *describe* the rhetorical dynamics at play would have been severely stunted.

Should describing the arrangement of public emotions be sufficient for a rhetorical project? In her response to Hawhee's exposition of Rhetoric's sensorium, Jenny Rice reviews a problematic that has perpetually illuminated the project of rhetorical criticism since at least the exchange between Forbes Hill and Karlyn Kohrs Campbell: the distinction between descriptive and prescriptive criticism. As Rice declares, "Within Rhetorical Studies, however, the *ought* and the *is* have maintained a productive pull. Just as we have toggled between other tensions like epistemic and sensation, we have also shown a tendency to toggle between the descriptive and prescriptive genres. We toggle between the *is* and the *ought*."<sup>369</sup> Much of this project has been concerned with the "*is*"—the arrangement of public emotions that serve a moralizing force and can function to remold the boundaries of collective identity. Yet, in addition to description, the challenge moving forward in this project will be that of thinking about prescription. After all, if I situate public emotions as a potentially disruptive force in the moral patterns of reproductive rights advocates, what if anything should they be doing differently?

It is Rice's attention to the distinction between description and prescription that not only allows me to consider the choice to engage *emotions* as a heuristic, but *moral emotions* in the context of completing a feminist rhetorical project. Rice draws attention to how specifying a normative function on emotion has historically produced rules of decorum that have pejoratively subjugated women and other marginalized subjects. As I mentioned in the Wendy Davis chapter (and as Rice reviews in her response to Hawhee), an Aristotelian normative framework of anger was meant for those who could be considered as a part of the polis. Women and slaves were not.

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<sup>369</sup> Jenny Rice, "Pathologia," *Quarterly Journal of Speech* 101 no.1 (2015), 36.

As Feminist scholars have taken on the important task of uncovering these assumptions, it has been in the spirit of challenging the dominant standards of “oughtness.” Throughout this project, I have repeatedly drawn attention to the moralizing function of public emotions and how collective identity is often wrapped up in the “moral” dimension of the emotions. In the next section, I will discuss more thoroughly the relationship this dissertation suggests between *morality, emotions, and pathos*. I do so, on the one hand, in order to project the next steps for this project. On the other hand, I seek to make these connections in order to better speak to scholars working on emotion outside of the realm of Communication Studies.

### **Towards a Pathos of Perpetuation**

One of the persistent political limitations of moral emotions that I found while working throughout this project came with an accompanying issue of *temporality*. In other words, emotions circulated, adhered, but then faded into the background. To illustrate, I offer the example of the Wendy Davis filibuster. The anger at what was conceived as legislative overreach was able to motivate enough bodies to either occupy the Capitol building or tune in to the Texas livestream website. Anger was then able to sustain rallies, parades, and angry participants who attended the deferred legislative attempts to pass the restrictions behind the SB5 initiative. Yet, the anger faded and advocacy organizations like NARAL and Planned Parenthood were left to the hard work of trying to re-ignite the “magic” of the filibuster with only marginal success. While there were elements of this dynamic also present in the other two case studies, my feminist affiliation leads me to dwell upon the relative brevity and political effectivity of the moral outrage in the Davis case, in particular. To summarize, while public emotions have a history and potency that consistently reappear, the emotions likewise tend to

*disappear*. The disappearance, especially when premature, is potentially troubling when it undermines the sustenance of a new collective boundary that is always-already tenuous.

An increased attention to and incorporation of pathos begins to help understand why some emotions are sustainable and what advocates can do in order to sustain the emotions that expand affiliative boundaries. Celeste Condit defines pathos as “the deliberate art for the construction of shared public emotion.”<sup>370</sup> We might productively supplement Condit’s assertion with one of Rei Terada’s observations about *pathos* as “convey[ing] the explicitly representational, vicarious, and supplementary dimensions of emotion...If passion raises questions about the ‘upper’ threshold of emotion...pathos raises questions about its ‘lower’ threshold and *techniques of perpetuation*.”<sup>371</sup> In other words, if the emotion’s duration becomes a problem for sustaining broader networks of affiliation, pathos (and rhetorical action) offers hope that the emotions can be productively perpetuated. The first step in doing so, however, is recognizing the centrality of emotions to our moral judgment. With that in mind, I turn back to the “After Birth Abortion” controversy.

### **After Birth Abortion, Academic Affiliation, and Alternatives**

In this section, will be discussing some of the implications of this dissertation as it applies to the “After Birth Abortion Controversy.” In particular, I will claim that in the face of an increasingly globalized and connected world, the academic cannot merely occupy a position that is disconnected from the public implications of their work, especially when they choose to publish their work in a publicly accessible journal like the *Journal of Medical Ethics*. I argue that in the face of an increased legitimation problem of 21<sup>st</sup> century University systems, producing such insular arguments that blatantly ignore situated context and the landscape of

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<sup>370</sup> Condit, “Pathos in Criticism,” 3.

<sup>371</sup> Terada, *Feeling in Theory*, 5.

public affiliation could potentially undermine the ability for scholars to perform the research that encourages progressive patterns of sociality.

First, I am compelled to offer a few important disclaimers. The purpose of this concluding section is by no means designed to lambast the speech and tenure protections that have granted academics the ability to make radical and sometimes unpopular arguments. Indeed, in order to imagine a world radically different than the one we currently occupy, there is a strong sense in which the academic must have the speech protection necessary to question comfortable patterns of affiliation that may have produced considerable intellectual and emotional reward. Reconfiguring comfortable social patterns are rarely going to occur without public outcry, especially when alternatives suggested might be so different than what has been accepted as normal. Second, the force of my criticism of the “After Birth Abortion” article is not to suggest that all academic endeavors must function as a mode of public advocacy either. Sometimes controversial thought experiments are necessary to push the boundaries of our collective rationalities.

What I am arguing is that the authors’ narrow commitment to exploring the logical dimensions of morality without attending also to the emotional dimensions presents an impoverished view of moral judgment and its larger relationship to suturing networks of sociality. First, this dissertation drives me to suggest that it is inadequate to consider the intricacies of the moral webs that bind collectives together without also taking the accompanying emotions seriously as well. As this dissertation suggested, morality is not only a collective rhetorical craft; it is an *emotional* craft. Part of the emotional attachments that have made the “After Birth Abortion” argument so ire-inducing is the framework of social services that humans have produced in order to care for the children who are not wanted following birth. While

advocates will certainly argue about the extent to which social services do their job or reach far enough in their offering of care, the fact that they *exist* speaks at least provisionally to a tacit agreement to provide care for offspring that are not our own. What perhaps raised so much ire in the authors' assertion is that after birth, the question no longer is that of obfuscating women's corporeal autonomy to a perceived fetal right to life. Rather, in crafting such arguments, the authors rejected a collective moral imperative to provide care for those who are in need.

Bioethicist P. Biegler echoes this sentiment cogently in his response:

People do, nonetheless, derive a tangible good from the knowledge their society protects the vulnerable from harm. It is for example, a source of solace that laws exist to shield children from abuse, enable access to vaccinations, make the walk to school safer, and ensure teachers are properly trained. It gives comfort to know that ambulances have benchmark response times and that pediatric emergency departments are equipped to deal with life threatening illness or misadventure.<sup>372</sup>

As Biegler here explains, there is often a sense of relief that is felt knowing that there is some semblance of social protections for those who are not able to care for themselves. While one could argue that Biegler's response obfuscates the extent to which many are not able to access the social protections that have been provided, that still does not negate the progressive push to configure our culture in such a way that cares for the most vulnerable. The authors of the "After Birth Abortion" article undertook their moral argument as a hermetically sealed thought experiment that was painfully out of touch with public feeling and care imperatives.

In light of this observation, I would like to return again to the utility of retaining the term morality for this project. While the concept of morality so often evokes critique of specific normative impulses, it is important that reproductive rights advocates not dissociate from the term's strong rhetorical power. By attending to the emotions that moralize and recognizing the emotional pitfalls that progressive discourses can routinely fall into, we might be better able to

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<sup>372</sup> P. Biegler, "Public Distress as a Moral Consideration in After-Birth Abortion," *Monash Bioethics Review* 30 no.1 (2012), 50.



produce patterns of affiliation that can claim women's healthcare as a *moral* imperative. In other words: we should circulate disgust when impoverished women are forced into receiving substandard medical care in unsanitary circumstances. We should get angry when politicians unfairly push healthcare imperatives that do not attend to women's health. We should harness the power of sympathy in our own ways. Claiming morality as a heuristic for theorizing social change is just a first step in re-configuring existing patterns of sociality.

## REFERENCES

- Aaronson, Becca. "Interactive: The Impact of Proposed Abortion Restrictions," *The Texas Tribune* (June 25, 2013), <http://www.texastribune.org/library/data/sb5-abortion-restrictions/>
- Abbott, Don Paul, "Kant, Theremin, and the Morality of Rhetoric," *Philosophy and Rhetoric* 40 no.3 (2007): 274-292.
- Abizadeh, Arash, "The Passions of the Wise: *Phronesis*, Rhetoric, and Aristotle's Passionate Practical Deliberation," *Review of Metaphysics* 56 no.2 (2002): 267-296
- Adams, Stephen. "Killing Babies No Different From Abortion, Experts Say," *The Telegraph* (February 29<sup>th</sup> 2012), <http://www.telegraph.co.uk/news/health/news/9113394/Killing-babies-no-different-from-abortion-experts-say.html>.
- Ahmed, Sara, *The Cultural Politics of Emotion* (New York: Routledge, 2004).
- , *The Promise of Happiness* (Durham: Duke University Press, 2010).
- Ambassador Speakers, "Janet Folger Porter: President and Founder of *Faith2Action*," <http://www.ambassadorspeakers.com/ACP/speakers.aspx?speaker=270>.
- Ashenburg, Katherine, *The Dirt on Clean: An Unsanitized History* (New York: North Point Press, 2007).
- Barnes, David S., "Scents and Sensibilities: Disgust and the Meanings of Odors in Late Nineteenth-Century Paris," *Historical Reflections* 28 no.1 (2002), 27.

- Bashford, Alison, *Purity and Pollution: Gender, Embodiment, and Victorian Medicine* (New York, St. Martin's, 1998),
- Bassett, Laura. "Ohio 'Heartbeat Bill' Divides Pro-Life Community," *The Huffington Post* (July 7, 2011), [http://www.huffingtonpost.com/2011/07/07/ohio-heartbeat-bill-divides-pro-life\\_n\\_892530.html](http://www.huffingtonpost.com/2011/07/07/ohio-heartbeat-bill-divides-pro-life_n_892530.html)
- Beisel, Nicola, *Imperiled Innocents: Anthony Comstock and Family Reproduction in Victorian America* (Princeton, NJ: Princeton University Press, 1997).
- Bennett, Jeffrey A. *Banning Queer Blood: Rhetorics of Citizenship, Contagion, and Resistance* (Tuscaloosa, AL: University of Alabama Press, 2009).
- Bennett, Jessica. "Sisterhood of the Traveling Wendy Davis Sneakers," *New York Magazine* (July 1, 2013), <http://nymag.com/thecut/2013/07/sisterhood-of-the-traveling-wendy-davis-sneakers.html>.
- Benson Gold, Rachel, "Lessons From Before Roe: Will Past be Prologue?" *The Guttmacher Report on Public Policy* 6 (2003).  
<http://www.guttmacher.org/pubs/tgr/06/1/gr060108.html#chart1>.
- Biegler, "Public Distress as a Moral Consideration in After-Birth Abortion," *Monash Bioethics Review* 30 no.1 (2012): 48-51.
- Birke, Lynda, *Feminism and the Biological Body* (Edinburgh: Edinburgh University Press, 1999).
- Black, Jason Edward, "Extending the Rights of Personhood, Voice, and Life to Sensate Others: A Homology of Right to Life and Animal Rights Rhetoric," *Communication Quarterly* 51 no.3 (2003): 312-331.

- Blair, Carole, and Neil Michel, "Reproducing Civil Rights Tactics: The Rhetorical Performances of the Civil Rights Memorial," *Rhetoric Society Quarterly* 30 (2000): 31-55.
- Bloomer, Fiona and Eileen Fegan, "Critiquing Recent Abortion Law and Policy in Northern Ireland," *Critical Social Policy* 34 no.1 (2014): 109-120.
- Blumenthal, Jeremy A., "Abortion, Persuasion, and Emotion: Implication of Social Science Research on Emotion for Reading *Casey*," *Washington Law Review* 83 no.1 (2008), 1-38.
- Boonstra, Heather D. and Elizabeth Nash, "A Surge of State Abortion Restrictions Puts Providers—And the Women They Serve—in the Crosshairs," *Guttmacher Policy Review* 17 no.1 (2014): 9-15.
- Bordo, Susan, *Unbearable Weight: Feminism, Western Culture, and the Body*. (Berkeley: University of California Press, 1993)
- Bramwell, Ros. "Blood and Milk: Constructions of Female Bodily Fluids in Western Society," *Women & Health* 34 no.4 (2001): 85-96.
- Brennan, Teresa, *The Transmission of Affect* (Ithaca, NY: Cornell University Press, 2004).
- Brown Gavin, and Jenny Pickerill, "Space for Emotion in the Spaces of Activism," *Emotion, Space and Society* 2 no.1 (2009): 24-35.
- Browne, Stephen H., "'Like Gory Spectres': Representing Evil in Theodore Weld's *American Slavery as It Is*," *Quarterly Journal of Speech* 80 (1994): 277-293.
- Bunn, William and Jan Terpstra, "Cultivating Empathy for the Mentally Ill Using Simulated Auditory Hallucinations," *Academic Psychiatry* 33 no.6 (2009): 457-460.

- Cahill, Courtney Megan, "Abortion and Disgust," *Harvard Civil Rights-Civil Liberties Law Review* 48 (2007): 409-456.
- Campbell, Karlyn Kohrs, "Conventional Wisdom—Traditional Form': A Rejoinder," *Quarterly Journal of Speech* 58 (1972), 452.
- Campkin, Ben and Rosie Cox, eds. *Dirt: New Geographies of Cleanliness and Contamination* (New York, NY: I.B. Tauris, 2007).
- Candisky, Catherine. "House Passes 'Heartbeat Bill' After Emotional Debate," *The Columbus Dispatch* (March 26, 2015),  
<http://www.dispatch.com/content/stories/local/2015/03/25/Ohio-House-heartbeat-abortion-bill.html>
- Casper, Monica J., *The Making of the Unborn Patient: A Social Anatomy of Fetal Surgery* (New Brunswick, NJ: Rutgers University Press, 1998)
- Castells, Manuel. *Networks of Outrage and Hope: Social Movements in the Internet Age* (Cambridge: Polity Press, 2012).
- Chaput, Catherine, "Rhetorical Circulation in Late Capitalism: Neoliberalism and the Overdetermination of Affective Energy," *Philosophy and Rhetoric* 43 (2010), 1-25
- Claeys, Vicky. "Brave and Angry—the Creation and Development of the International Planned Parenthood Federation (IPPF)," *European Journal of Contraception and Reproductive Care* 15 no.s2 (2010): S67-S76.
- Clark, Candace. *Misery and Company: Sympathy in Everyday Life* (Chicago, IL: University of Chicago Press, 1997).

Cloud, Dana, "Therapy, Silence, and War: Consolation and the End of Deliberation in the 'Affected' Public." *Poroi* 2 (2003): on-line.

Conaboy, Chelsea. "Doctor's Long Tumble to Jail," *Philly.com* (January 23, 2011), [http://articles.philly.com/2011-01-23/news/27044753\\_1\\_abortion-clinic-methadone-clinic-abortion-practice](http://articles.philly.com/2011-01-23/news/27044753_1_abortion-clinic-methadone-clinic-abortion-practice).

Condit, Celeste Michelle, "Crafting Virtue: Rhetorical Construction of Public Morality," *Quarterly Journal of Speech* 73 (1987): 79-97.

-----, *Decoding Abortion Rhetoric: Communicating Social Change* (Urbana, IL: University of Illinois Press, 1994).

-----, "How we feel with metaphors for genes: Implications for understanding humans and forming genetics policies," *Bioethics, Public Moral Argument, and Social Responsibility*, ed. Nancy M.P. King and Michael J. Hyde. (New York and London: Routledge, 2012), 123-140.

-----, Condit, "Pathos in Criticism: Edwin Black's Communism-As-Cancer Metaphor," *Quarterly Journal of Speech* 99 no.1 (2013): 1-26.

Cook, Henrietta, "Abortion Paper Led to Death Threats," *The Sydney Morning Herald* (March 2, 2012), <http://www.smh.com.au/national/abortion-paper-led-to-death-threats-20120301-1u60a.html>.

Corbin, Alain, "Commercial Sexuality in Nineteenth-Century France: A System of Images and Regulations," *Representations* 14 (1986), 209-219.

Cottle, Michelle. "Heartbeat Crusader: Janet Folger Porter, Abortion Warrior, on her Heartbeat Crusade," *The Daily Beast* (July 7<sup>th</sup> 2013), <http://www.thedailybeast.com/articles/2013/07/07/janet-folger-porter-abortion-warrior-on-her-heartbeat-crusade.html>

Cram, Emily Dianne, "Angie Was Our Sister: Witnessing the Trans-Formation of Disgust in the Citizenry of Photography," *Quarterly Journal of Speech* 98 no.4 (2012): 411-438.

Curtis, Valerie A., "Dirt, Disgust and Disease: A Natural History of Hygiene," *Journal of Epidemiology and Community Health* 61 no.8 (2007): 660-664.

Decety, Jean and P.L. Jackson, "The Functional Architecture of Human Empathy," *Behavioral and Cognitive Neuroscience Reviews* 3 (2004): 71-100.

Demasio, Antonio, *Descartes Error: Emotion, Reason, and the Human Brain* (Berkeley, CA: Penguin, 1994).

-----, *Looking for Spinoza: Joy, Sorrow, and the Feeling Brain* (Orlando, FL: Harcourt, 2003)

Dewey, Caitlin. "Wendy Davis 'Tweetstorm' was Planned in Advance," *The Washington Post* (June 26, 2013), <http://www.washingtonpost.com/blogs/the-fix/wp/2013/06/26/this-tweetstorm-was-planned-in-advance/>.

Dickinson, Greg, and Brian L. Ott, and Eric Aoki. "Spaces of Remembering and Forgetting: The Reverent Eye/I at the Plains Indian Museum." *Communication and Critical/Cultural Studies* 3, no. 1 (2006): 27-47

Dickson, Caitlin. "Fetus to Testify Against Abortion," *The Wire* (March 1, 2011), <http://www.thewire.com/politics/2011/03/fetus-to-testify-against-abortion/17696/>

van Dijck, José. *The Culture of Connectivity: A Critical History of Social Media* (New York: Oxford University Press, 2013).

- Dubriwny, Tasha N., "Consciousness-Raising as Collective Rhetoric: The Articulation of Experience in the Redstockings' Abortion Speak-Out of 1969," *Quarterly Journal of Speech* 91 no.4 (2005), 395-422.
- Douglas, Mary, *Purity and Danger: An Analysis of Concepts of Pollution and Taboo* (New York, Frederick Praeger, 1966).
- Dubow, Sara, *Ourselves Unborn: A History of the Fetus in Modern America* (New York: Cambridge University Press, 2010).
- Dworkin, Andrea. *Heartbreak: The Political Memoir of a Feminist Militant* (New York: Basic Books, 2002),
- Eckholm, Erik. "Anti-Abortion Groups Are Split on Legal Tactics," *The New York Times* (December 4, 2011), [http://www.nytimes.com/2011/12/05/health/policy/fetal-heartbeat-bill-splits-anti-abortion-forces.html?pagewanted=all&\\_r=0](http://www.nytimes.com/2011/12/05/health/policy/fetal-heartbeat-bill-splits-anti-abortion-forces.html?pagewanted=all&_r=0)
- Edbauer, Jenny, "Rhetorical Ecologies: Unframing Models of Rhetorical Action," *Rhetoric Society Quarterly* 35 no. 4 (2005): 5-24.
- Ender, Evelyne. *Sexing the Mind: Nineteenth-Century Fictions of Hysteria* (Ithaca, NY: Cornell University Press, 1995).
- Endres, Danielle and Samantha Senda-Cook, "Location Matters: The Rhetoric of Place in Protest," *Quarterly Journal of Speech* 97 no.3 (2011): 257-282.
- Engbergs, Susanna Kelly, "With Great Sympathy: Elizabeth Cady Stanton's Innovative Appeals to Emotion," *Rhetoric Society Quarterly* 37 (2007): 307-332
- Esacove, Anne W., "Dialogic Framing: The Framing/Counterframing of "Partial-Birth" Abortion," *Sociological Inquiry* 74 no.1 (2004): 70-101.



Faltese, Daniel. "Golden Tweet, Camera Raw," *Visual Communication Quarterly* 20 (2013): 159-167.

Faith2Action, "The Facts on H.B. 125: The Heartbeat Bill," 1. [www.heartbeatbill.com](http://www.heartbeatbill.com)

----- "Unborn Child Speaks at Heartbeat Bill Celebration," (September 20, 2011),  
<https://www.youtube.com/watch?v=k0uLQCdvDnA>.

-----, "Heartbeat Bill Celebration—Part 1," (September 27, 2011),  
[https://www.youtube.com/watch?v=\\_hnhC-uQ-wo](https://www.youtube.com/watch?v=_hnhC-uQ-wo).

Fairclough, *The Romantic Crowd: Sympathy, Controversy, and Print Culture* (Cambridge: Cambridge Books, 2013).

Faludi, Susan, *Backlash: The Undeclared War Against American Women* (New York: Crown, 1991).

Feldt, Gloria, *Behind Every Choice is a Story* (Denton: University of North Texas Press, 2002).

-----, *The War on Choice: The Right-Wing Attack on Women's Rights and How to Fight Back* (New York, NY: Bantam Books, 2004).

Fernandez, Manny and Erik Eckholm. "Texas House Restricts Abortions in a Move That Could Force Clinics to Shut," *The New York Times* (June 24, 2013),  
[http://www.nytimes.com/2013/06/25/us/texas-house-restricts-abortion-in-a-move-that-could-force-clinics-to-shut.html?\\_r=0](http://www.nytimes.com/2013/06/25/us/texas-house-restricts-abortion-in-a-move-that-could-force-clinics-to-shut.html?_r=0).

Foley, Megan. "Voicing Terri Schaivo: Prosopopeic Citizenship in the Aporia Between Sovereignty and Biopower," *Communication and Critical/Cultural Studies* 7 no.4 (2010): 381-400.

- Fraser, Nancy, "Rethinking the Public Sphere: A Contribution to the Critique of Actually Existing Democracy," *Social Text* 25/26 (1990): 56-80.
- Freedman, Paul. "Peasant Anger in the Late Middle Ages," in *Anger's Past: The Social Uses of Emotion in the Middle Ages*, ed. Barbara H. Rosenwein (Ithaca: Cornell University Press, 1998): 171-188.
- Frentz, Thomas S., "Rhetorical Conversation, Time, and Moral Action," *Quarterly Journal of Speech* 71 no.1 (1985): 1-18
- Fusco, Caroline, "Spatializing the (Im)Proper Subject: The Geographies of Abjection in Sport and Physical Activity Space," *Journal of Sport and Social Issues* 30 no.1 (2006), 5-28.
- Gallagher, Victoria, and Kenneth S. Zagacki, "Visibility and Rhetoric: The Power of Images in Norman Rockwell's Depictions of Civil Rights," *Quarterly Journal of Speech* 92 no.2 (2005): 175-200.
- Garrett, Mary M., "Pathos Reconsidered from the Perspective of Classical Chinese Rhetorics," *Quarterly Journal of Speech* 79 (1993): 19-39.
- Garver, Eugene, "Deliberative Rationality and the Emotions," in *Aristotle's Rhetoric: An Art of Character* (Chicago,IL: University of Chicago Press, 1994).
- Gerbaudo, Paolo. *Tweets and the Streets: Social Media and Contemporary Activism* (London: Pluto Books, 2012).
- Gerdes, Karen E. "Empathy, Sympathy, and Pity: 21<sup>st</sup>-Century Definitions and Implications for Practice and Research," *Journal of Social Service Research* 37 no.3 (2011): 230-241.

- Giner-Sorolla, Roger, *Judging Passions: Moral Emotions in Persons and Groups* (New York: Psychology Press, 2012).
- Giubilini, Alberto and Francesca Minerva, "After-Birth Abortion: Why Should the Baby Live?" *Journal of Medical Ethics* 39 no.5 (2013): 261-263.
- Goetz, Jennifer L., Dacher Keltner, and Emiliana Simon-Thomas, "Compassion: An Evolutionary Analysis and Empirical Review," *Psychological Bulletin* 136 no.3 (2010): 351-374.
- Goodale, Greg, "The Presidential Sound: From Orotund to Instructional Speech, 1892-1912," *Quarterly Journal of Speech* 96 no.2 (2010), 166.
- , *Sonic Persuasion: Reading Sound in a Digital Age* (Urbana, IL: University of Illinois Press, 2011).
- , "The Sonorous Envelope and Political Deliberation," *Quarterly Journal of Speech* 99 no.2 (2013): 218-224.
- Goodnight, G. Thomas, "The Personal, Technical, and Public Sphere of Argumentation: A Speculative Inquiry into the Art of Public Deliberation," *Argumentation and Advocacy* 18 (1982): 214-227.
- Goodstein, Laurie. "The Architect of the 'Gay Conversion' Campaign," *The New York Times* (August 13, 1998), <http://www.nytimes.com/1998/08/13/us/the-architect-of-the-gay-conversion-campaign.html>.
- Gregg, Melissa and Gregory J. Seigworth, eds. *The Affect Theory Reader* (Durham, NC: Duke University Press, 2010).

- Gross Alan G., and Marselo Dascal, "The Conceptual Unity of Aristotle's Rhetoric," *Philosophy and Rhetoric* 34 no.4 (2001): 275-291
- Gross, Daniel M., *A Secret History of Emotion: From Aristotle's Rhetoric to Modern Brain Science* (Chicago, IL: University of Chicago Press, 2006).
- Grosz, Elizabeth. *Volatile Bodies: Toward a Corporeal Feminism* (Bloomington: University of Indiana Press, 1994).
- Gunn, Joshua, "On Speech and Public Release," *Rhetoric and Public Affairs* 13 (2010): 175-215.
- Gunn Joshua and Jenny Edbauer Rice, "About Face/Stuttering Discipline," *Communication and Critical/Cultural Studies* 6 no.2 (2009): 215-219.
- Haidt, Jonathan, *The Righteous Mind: Why Good People Are Divided by Politics and Religion* (New York, NY: Pantheon Books, 2012).
- , "The Moral Emotions," in *Handbook of Affective Sciences*, R.J. Davidson, K.R. Scherer, and H. H. Goldsmith, eds. (Oxford: Oxford University Press, 2003): 852-870.
- Hallowell, Billy, "After Horrific Murders Were Undetected for Years at Gosnell's Grimy Clinic, Filmmaker Hopes New Movie Makes People 'Very Angry,'" *The Blaze* (May 17, 2014), <http://www.theblaze.com/stories/2014/03/17/after-horrific-murders-went-undetected-for-years-at-kermit-gosnells-grimy-clinic-filmmaker-hopes-new-movie-makes-viewers-really-angry/>
- Halva-Neubauer Glen A., and Sara L Zeigler, "Promoting Fetal Personhood: The Rhetorical and Legislative Strategies of the Pro-Life Movement after *Planned Parenthood v. Casey*," *Feminist Formations* 22 no.2 (2010), 101-123.

Hariman, Robert, and John Louis Lucaites. "Dissent and Emotional Management in a Liberal-Democratic Society: The Kent State Iconic Photograph." *Rhetoric Society Quarterly* 31 (2001): 5-32

-----, "Visual Tropes and Late Modern Emotion in U.S. Public Culture," *POROI* (2008).

Hart, Patricia Kilday. "Perry's Sister an Advocate for Surgical Centers," *The Houston Chronicle* (July 5, 2013), <http://blog.chron.com/texaspolitics/2013/07/perrys-sister-an-advocate-for-ambulatory-surgical-centers/>.

Harold, Christine L., "The Green Virus: Purity and Contamination in Ralph Nader's 2000 Presidential Campaign," *Rhetoric & Public Affairs* 4 no.4 (2001): 581-603.

Harold, Christine and Kevin Michael DeLuca, "Behold the Corpse: Violent Images and the Case of Emmett Till," *Rhetoric & Public Affairs* 8 no.2 (2005): 263-286.

Hatfield, E., J.T. Cacioppo, and R.L Rapson, *Emotional Contagion* (New York: Cambridge University Press, 1994).

Hauser, "The Story of a Philadelphia Serial Killer," *WIBC, Indy News Network* (September 8, 2014), <http://www.wibc.com/blogs/indys-morning-news/story-philadelphia-serial-killer>.

Hawhee, Debra. "Rhetoric's Sensorium," *Quarterly Journal of Speech* 101 no.1 (2015): 2-17.

Hayden, Sara, "Revitalizing the Debate between <Life> and <Choice>: The 2004 March for Women's Lives," *Communication and Critical/Cultural Studies* 6 no.2 (2009): 111-131.

Henderson, Victoria L. "Is There Hope For Anger? The Politics of Spatializing and (Re)Producing an Emotion," *Emotion, Space, and Society* 1 (2008): 28-37.

- Hennessy-Fiske, Molly and Mark Z. Barabak, "Texas Sen. Wendy Davis' Abortion Filibuster Galvanizes Activists," *L.A. Times* (June 26, 2013), <http://articles.latimes.com/2013/jun/26/nation/la-na-texas-abortion-20130627>.
- Herz, Rachel, *That's Disgusting: Unraveling the Mysteries of Repulsion* (New York: W.W. Norton & Company, 2012).
- Hoffman, M.L. *Empathy and Moral Development: Implications for Caring and Justice* (New York: Cambridge University Press, 2000)
- Holc, Janine P., "The Purest Democrat: Fetal Citizenship and Subjectivity in the Construction of Democracy in Poland," *Signs* 29 no.3 (2004), 755-782.
- Howes-Mischel, Rebecca. "With This You Can Meet Your Baby': Fetal Personhood and Audible Heartbeats in Oaxacan Public Health," *Medical Anthropology Quarterly*, forthcoming, DOI: 10.1111/maq.12181.
- Hu, Elise, "Texas Lawmaker's 11-Hour Filibuster Ended on a Technicality," *National Public Radio* (June 26, 2013), <http://www.npr.org/blogs/thetwo-way/2013/06/26/195723770/texas-lawmakers-11-hour-filibuster-ended-on-a-technicality>.
- Hubbard, Philip, "Desire/disgust: Mapping the Moral Contours of Heterosexuality," *Progress in Human Geography* 24 no.2 (2000): 191-217.
- Hyde, Michael J., and Craig R. Smith. "Aristotle and Heidegger on Emotion and Rhetoric: Questions of Time and Space." In *The Critical Turn: Rhetoric and Philosophy in Contemporary Discourse*, edited by Ian Angus and Lenore Langsdorf, 68-100. Carbondale, IL: Southern Illinois University Press, 1993.

Ingraham, Chris. "Toward an Algorithmic Rhetoric," in *Digital Rhetoric and Global Literacies*, eds. Gustav Verhulsdonck and Marohang Limbu (Hershey, PA: IGI Global, 2014): 62-79.

International Planned Parenthood Federation, "Ever Brave, Ever Angry: IPPF at 60," (November 30, 2012), <http://ippf.org/news/Ever-brave-ever-angry-IPPF-60>.

Jackson, Margaret. *The Real Facts of Life: Feminism and The Politics of Sexuality c. 1850-1940* (London: Burgess Science Press, 1994).

Jaggard, Alison, "Love and Knowledge: Emotion in Feminist Epistemology," *Inquiry: An Interdisciplinary Journal of Philosophy* 32 no.2 (1989): 151-176.

James Dobson Radio Broadcasts, "The Heartbeat of the Pro-Life Movement. Guest: Janet Folger Porter." <http://www.myfamilytalk.com/Broadcasts/Broadcast?i=72c13c3b-30a0-441d-ac81-98d78c9c4187>

Johnson Thornton, Davi, "Neuroscience, Affect, and the Entrepreneurialization of Motherhood," *Communication and Critical/Cultural Studies* 8 no.4 (2011): 299-424.

Jones Patterson, Maggie and Megan Williams Hail, "Abortion, Moral Maturity, and Civic Journalism," *Critical Studies in Mass Communication* 15 no.2 (1998): 91-115.

Jorgensen-Earp, Cheryl R. "*The Transfiguring Sword:*" *The Just War of the Women's Social and Political Union* (Tuscaloosa, AL: The University of Alabama Press, 1997).

Jorgensen-Earp, Cheryl R. and Lori A. Lanzilotti, "Public Memory and Private Grief: The Construction of Shrines at the Sites of Public Tragedy." *Quarterly Journal of Speech* 84 (1998): 150-70.

Kass, Leon, "The Wisdom of Repugnance: Why We Should Ban the Cloning of Humans," *Valparaiso University Law Review* 32 no.2 (1998): 679-705.

Keller, Eve, *Generating Bodies and Gendered Selves: The Rhetoric of Reproduction in Early Modern England*, (Seattle, WA: University of Washington Press, 2007).

Kelly, Daniel R. *Yuck! The Nature and Moral Significance of Disgust* (Cambridge, MA: MIT Press, 2011).

Klumpp, James F. and Thomas A. Hollihan, "Rhetorical Criticism as Moral Action," *Quarterly Journal of Speech* 75 (1989), 84-97.

Kohlberg, Lawrence, *The Development of Modes of Moral Thinking and Choice in the Years 10 to 16* (Chicago: University of Chicago Press, 1958).

Kohn, Sally. "It's Got to Be the Shoes: Why Wendy Davis's Iconic Shoes are Newsworthy," *The Daily Beast* (July 6, 2013), <http://www.thedailybeast.com/articles/2013/07/06/why-wendy-davis-s-iconic-shoes-are-newsworthy.html>.

Konstan, David, *The Emotions of the Ancient Greeks: Studies in Aristotle and Classical Literature* (Toronto, CA: University of Toronto Press, 2006).

Korsmeyer, Carolyn, *Savoring Disgust: The Foul and the Fair in Aesthetics* (Cambridge: Oxford University Press, 2011).

Koziak, Barbara, *Retrieving Political Emotion: Thumos, Aristotle, and Gender* (University Park, PA: Pennsylvania State University Press, 2000)

Koivunen, Anu, "An Affective Turn? Reimagining the Subject of Feminist Theory," in *Working with Affect in Feminist Readings*, Marianne Liljeström and Susana Paasonen, eds. (New York and London: Routledge, 2010).



- Ladwein, Peter M., "Discerning the Meaning of *Gonzales v. Carhart*: The End of the Physician Veto and the Resulting Change in Abortion Jurisprudence," *Notre Dame Law Review* 83 (2007-2008).
- Lang, Simone, Tau Yu, Alexandra Markl, Friedemann Muller, and Boris Kotchoubey, "Hearing Others' Pain: Neural Activity Related to Empathy," *Cognitive Affective Behavioral Neuroscience* 11 (2011): 386-395.
- Lerner, Jennifer S., Roxanna M. Gonzalez, Deborah A. Small, and Baruch Fishoff, "Effects of Fear and Anger on Perceived Risks of Terrorism: A National Field Experiment," *Psychological Science* 14 (2003): 144-150.
- Lauritzen, Paul, "Visual Bioethics," *The American Journal of Bioethics* 8 no.12 (2008): 50-56.
- Lister, Joseph, "On the Antiseptic Principle in the Practice of Surgery," *The Lancet* 90 no.2299 (1867): 353-356.
- Little, Margaret Olivia, "Seeing and Caring: The Role of Affect in Feminist Moral Epistemology," *Hypatia* 10(3) (1995), 117-137.
- Lubin, Judy. "The 'Occupy' Movement: Emerging Protest Forms and Contested Urban Spaces," *Berkeley Planning Journal* 25 (2012): 184-197.
- Lucaites, John Louis, Celeste Michelle Condit, and Sally Caudill, "Part 4: Rhetoric, Reason, and Public Morality," in *Contemporary Rhetorical Theory: A Reader*, eds. John Louis Lucaites, Celeste Michelle Condit, and Sally Caudill (New York: Guilford Press, 1999),247.
- Ludlow, Jeannie, "The Things We Cannot Say: Witnessing the Trauma-tization of Abortion in the United States," *Women's Studies Quarterly* 36 no.1-2 (2008): 28-41.

- Luker, Kristin, *Abortion and the Politics of Motherhood* (Berkeley: University of California Press, 1984).
- Lundberg, Christian, "Enjoying God's Death: *The Passion of the Christ* and the Practices of an Evangelical Public," *Quarterly Journal of Speech* 95, no. 4 (2009): 387-411.
- Lupton, Ellen, *Thinking with Type: A Critical Guide for Designers, Writers, Editors, and Students* (Princeton, NJ: Princeton Architectural Press, 2010).
- Lutz, Catherine, *Unnatural Emotions: Everyday Sentiments on a Micronesian Atoll & Their Challenge to Western Theory* (Chicago: The University of Chicago Press, 1988).
- Mall, David, *In Good Conscience: Abortion and Moral Necessity* (Libertyville, IL: Kairos Books Inc., 1982).
- MariAnna, Cara, *Abortion: A Collective Story* (Westport, Conn: Praeger/Greenwood, 2002).
- Mason, Carol. "Cracked Babies and the Partial Birth of a Nation: Millennialism and Fetal Citizenship," *Cultural Studies* 14 no.1 (2000): 35-60.
- McDonald, Lynn, ed. *Florence Nightingale and Hospital Reform: The Collected Works of Florence Nightingale* (Waterloo, ON: Wilfrid Laurier University Press, 2012).
- MacKinnon, Catherine A., *Toward a Feminist Theory of the State* (Cambridge: Harvard U.P., 1989)
- , "The Male Ideology of Privacy: A Feminist Perspective on the Right to Abortion," *Radical America* 17 (1983): 22-35.

- Mann, Dave and Forrest Wilder, "Wendy Davis Channels Anger of Millions as New Texas Makes Itself Heard," *The Guardian* (June 28 2013), <http://www.theguardian.com/world/2013/jun/28/wendy-davis-texas-abortion-bill>.
- Mantyla, Kyle. "VCY Drops Porter's Radio Program Over Dominion Theology," *Right Wing Watch*, (March 3, 2010), <http://www.rightwingwatch.org/content/vcy-drops-porters-radio-program-over-dominion-theology>.
- Marback, Richard, "The Rhetorical Space of Robben Island," *Rhetoric Society Quarterly* 34, no. 2 (2004): 7-27.
- Mason, Carol, "Cracked Babies and the Partial Birth of a Nation: Millennialism and Fetal Citizenship," *Cultural Studies* 14 no.1 (2000): 35-60.
- Massumi, Brian, *Parables for the Virtual: Movement, Affect, Sensation* (Durham, NC: Duke University Press, 2002).
- McCaffrey, Dawn, and Jennifer Keys, "Competitive Framing Processes in the Abortion Debate: Polarization-vilification, Frame Saving, and Frame Debunking," *The Sociological Quarterly* 41 no.1 (2000): 41-61.
- McCullough, Alison, "The Rise of the Fetal Citizen," *Women's Studies Journal* 26 no.2 (2012): 17-25
- McGee, Michael Calvin, "The 'Ideograph': A Link Between Rhetoric and Ideology," *Quarterly Journal of Speech* 66 no.1 (1980), 1-16.
- McGinn, Colin, *The Meaning of Disgust* (New York: Oxford University Press, 2011).
- Meckel, Richard A. "Immigration, Mortality, and Population Growth in Boston, 1840-1880," *The Journal of Interdisciplinary History* 15 no.3 (1985): 393-417.

- Micale, Mark. *Approaching Hysteria: Disease and its Interpretations* (Princeton, NJ: Princeton University Press, 1995).
- Miller, Susan B., *Disgust: The Gatekeeper Emotion* (Hillsdale, NJ: The Analytic Press, 2004).
- Miller, William Ian, *The Anatomy of Disgust* (Cambridge, MA: Harvard University Press, 1997).
- Mills, Catherine. "Images and Emotion in Abortion Debates," *American Journal of Bioethics* 8.12 (2008): 42-62.
- , *Futures of Reproduction* (New York: International Library of Ethics, Law and New Medicine, 2011).
- Mizuno Shoes, "Mizuno Responds to Recent Women's Wave Rider 16 News Attention," (June 28, 2013), <http://www.mizunousa.com/running/blog/mizuno-responds-to-recent-womens-wave-rider-16-news-attention/>.
- Mountford, Roxanne, "On Gender and Rhetorical Space," *Rhetoric Society Quarterly* 31 no.1 (2001), 41-71.
- Murphy, John M., "'A Time of Shame and Sorrow': Robert F. Kennedy and the American Jeremiad," *Quarterly Journal of Speech* 76 (1990): 401-414
- Myrsiades, Linda, "Split at the Root: Narrative Collapse in Abortion Jurisprudence," *Cultural Studies* 16 no.3 (2002): 365-500.
- Nabi, Robin, "The Effect of Disgust-Eliciting Visuals on Attitudes Toward Animal Experimentation," *Communication Quarterly* 46 no.3 (1998): 472-484.
- Nemeroff, Carol and Paul Rozin, "You are What You Eat:" Applying the Demand-Free "Impressions" Technique to an Unacknowledged Belief," *Ethos* 17 no.1 (1989): 50-69.

Newman, Karen, *Fetal Positions: Individualism, Science, Visuality* (Stanford: Stanford University Press, 1996).

Ngai, Sianne, *Ugly Feelings* (Cambridge, MA: Harvard University Press, 2005).

Nussbaum, Martha C., *Hiding from Humanity: Disgust, Shame, and the Law* (Princeton, NJ: Princeton University Press, 2004).

-----, *From Disgust to Humanity: Sexual Orientation and Constitutional Law* (Oxford University Press, 2010)

Oats, Laurie “Smoke-Filled Wombs and Fragile Fetuses: The Social Politics of Fetal Representation,” *Signs* 26 no.1 (2000): 63-108.

“Occupy Wall Street: A Shift in Revolutionary Tactics,” *Adbusters* (July 13 2011), <https://www.adbusters.org/blogs/adbusters-blog/occupywallstreet.html>.

Olson, Lester C. “Anger Among Allies: Audre Lorde’s 1981 Keynote Admonishing the National Women’s Studies Association,” *Quarterly Journal of Speech* 97 no.3 (2011): 283-308.

O’Neill, Onora, *Constructions of Reason: Explorations of Kant’s Practical Philosophy* (Cambridge: Cambridge University Press, 1989).

Oxley, Julinna, *The Moral Dimensions of Empathy: Limits and Applications in Ethical Theory and Practice* (London: Palgrave Macmillan, 2011).

Parkinson, Brian, “Emotions are Social,” *British Journal of Psychology* 87 (1996): 663-683.

Perelman, Chaim and Lucie Olbrechts-Tyteca, *The New Rhetoric: A Treatise on Argumentation* (Notre Dame: University of Notre Dame Press, 1958/1969),

Petchesky, Rosalind Pollack, *Abortion and Woman's Choice: The State, Sexuality, and Reproductive Freedom* (Boston, MA: Northeastern University Press, 1985).

-----, "Fetal Images: The Power of Visual Culture in the Politics of Reproduction," *Feminist Studies* 13 no.2 (1987): 263-292

Peterson, Jon A., "Impact of Sanitary Reform upon American Urban Planning, 1840-1890," *Journal of Social History* 13 no.1 (1979): 83-103.

Pfau, Michael William, "Whose Afraid of Fear Appeals? Contingency, Courage, and Deliberation in Rhetorical Theory and Practice," *Philosophy and Rhetoric* 40 (2007): 216-237.

Phillips, Kendall R. "The Spaces of Public Dissension: Reconsidering the Public Sphere," *Communication Monographs* 63 no.3 (1996): 231-248.

Piaget, Jean, *The Child's Conception of the World* (London: Routledge and Kegan Paul, 1929).

Pickert, Kate, "What Choice? Abortion-rights Activists Won Epic Victory with *Roe v. Wade*. They've Been Losing Ever Since," *Time* (January 14, 2013), 38-46.

Pitt, Dennis and Jean-Michel Aubin, "Joseph Lister: Father of Modern Surgery," *Canadian Journal of Surgery* 55 no.5 (2012), E8-9.

Pizarro, David, "Nothing More than Feelings? The Role of Emotions in Moral Judgment," *Journal for the Theory of Social Behavior* 30 no.4 (2000): 355-375

Pizarro, David, Yoel Inbar, and Chelsea Helion, "On Disgust and Moral Judgment," *Emotion Review* 3 no.3 (2011): 267-268.

Porter, Janet. "In Response to my May Day Critics," (May 11, 2010),  
<http://www.wnd.com/2010/05/152137/>

Porzig-Drummond, Renata, Richard Stevenson, Trevor Case, and Megan Oaten, "Can the Emotion of Disgust be Harnessed to Promote Hand Hygiene? Experimental and Field-Based Tests," *Social Science & Medicine* 68 (2009), 1006-1012.

Press, Andrea L. and Elizabeth R. Cole, *Speaking Abortion: Television and Authority in the Lives of Women* (Chicago, IL: University of Chicago Press, 1999).

Preston, S.D. and F.B.M. de Waal, "Empathy: Its Ultimate and Proximate Bases," *Behavioral and Brain Sciences* 25 (2002): 1-72

Provance, Jim. "Heartbeat Bill' Splits Anti-Abortion Groups," *The Toledo Blade* (December 12, 2011).

Rand, Erin J., "An Inflammatory Fag and a Queer Form: Larry Kramer, Polemics, and Rhetorical Agency," *Quarterly Journal of Speech* 94 (2008): 297-319.

Rawls, John, "Constructivism in Moral Theory," *The Journal of Philosophy* 77 no.9 (1980): 515-572.

Rheingold, Howard, *Smart Mobs: The Next Social Revolution* (Cambridge, MA: Perseus Publishing, 2003).

Rice, Jenny Edbauer "The New 'New': A Case for Critical Affect Studies." *Quarterly Journal of Speech* 94 (2008): 200-12.

-----, "Pathologia" *Quarterly Journal of Speech* 101 no.1 (2015): 34-45.

Roe v. Wade 410 U.S. 113 (1973)

Rose, Melody, *Safe, Legal and Unavailable? Abortion Politics in the United States* (Washington, DC: CQ Press, 2007),

Rose, Melody and Mark O. Hatfield, "Republican Mother Redux? Women as Contingent Citizens in 21<sup>st</sup> Century America," *Journal of Women, Politics, and Policy* 29 no.1 (2007),

Rozin, Paul, Maureen Markwith, and Caryn Stoess, "Moralization and Becoming a Vegetarian: The Transformation of Preferences Into Values and the Recruitment of Disgust," *Psychological Sciences* 8 no.2 (1997): 67-73.

Saab, Rim, Nicole Tausch, Russell Spears, and Wing-Yee Cheung, "Acting in Solidarity: Testing an Extended Dual Pathway Model of Collective Action by Bystander Group Members," *British Journal of Social Psychology* (2011): 1-22.

Saletan, William, "After-Birth Abortion: The Pro-Choice Case for Infanticide," *Slate*, [http://www.slate.com/articles/health\\_and\\_science/human\\_nature/2012/03/after\\_birth\\_abortion\\_the\\_pro\\_choice\\_case\\_for\\_infanticide.html](http://www.slate.com/articles/health_and_science/human_nature/2012/03/after_birth_abortion_the_pro_choice_case_for_infanticide.html).

Sanger, Alexander, *Beyond Choice: Reproductive Freedom in the 21<sup>st</sup> Century* (New York: Public Affairs, 2004).

Sanger, Margaret. "Militants in England," *The Woman Rebel* 1 no.5 (July 1914), 35.

Savulescu, Julian, "Why Did the Journal Publish an Article Defending Infanticide?" *Journal of Medical Ethics* 39 no.5 (2013), <http://jme.bmj.com/content/early/2012/03/01/medethics-2011-100411/suppl/DC2>



- Schiappa, Edward, "Analyzing Argumentative Discourse from a Rhetorical Perspective: Defining 'Person' and 'Human Life' in Constitutional Disputes Over Abortion," *Argumentation* 14 (2000): 315-332.
- Schoenkopf, Rebecca. "All the People Mentioned By the New York Times in the 16 Paragraphs Before They Named Texas Can-o-Whoop-Ass Wendy Davis," *Wonkette* (June 26, 2013), <http://wonkette.com/520841/all-the-people-mentioned-by-the-new-york-times-in-the-16-paragraphs-before-they-named-texas-can-o-whoop-ass-wendy-davis#more-520841>.
- Schrage, Laurie, *Abortion and Social Responsibility: Depolarizing the Debate* (New York, NY: Oxford University Press, 2003).
- Sedgwick, Eve Kosofsky. *Touching Feeling: Affect, Pedagogy, Performativity* (Durham, NC: Duke University Press, 2003).
- Selzer, Jack and Sharon Crowley, eds. *Rhetorical Bodies* (Madison: University of Wisconsin Press, 1999).
- Severns, Maggie. "Can We Stop Talking About Wendy Davis' Shoes Yet?" *Mother Jones Magazine* (June 26, 2013), <http://www.motherjones.com/mojo/2013/06/wendy-davis-filibuster-shoes>.
- Shirkey, Clay, *Here Comes Everybody: The Power of Organizing Without Organizations* (New York, NY: Penguin Press, 2008).
- Skitka, Linda J., Christopher W. Bauman, Nicholas P. Aramovich, and G. Scott Morgan, "Confrontational and Preventative Policy Responses to Terrorism: Anger Wants a Fight and Fear Wants 'Them' to Go Away," *Basic and Applied Social Psychology* 28 (2006), 375-384.

Smith-Rosenberg, Carroll. "The Hysterical Woman: Sex Roles and Role Conflict in 19<sup>th</sup>-century America," *Social Research* 39 (1972): 652-678.

Solinger, Rickie, *Reproductive Politics: What Everyone Needs to Know* (New York: Oxford University Press, 2013).

Sokolon, Marlene K. *Political Emotions: Aristotle and the Symphony of Reason and Emotion* (DeKalb, IL: University of Northern Illinois Press, 2006)

Stabile, Carol, "Shooting the Mother: Fetal Photography and the Politics of Disappearance," *Camera Obscura* 28 (1992): 178-205.

Stearns, Carol Zisowitz and Peter N. Stearns, *Anger: The Struggle for Emotional Control in America's History* (Chicago: University of Chicago Press, 1986).

Stillion Southard, Belinda A. *Militant Citizenship: Rhetorical Strategies of the National Woman's Party, 1913-1920* (College Station: Texas A & M University Press, 2012).

Stormer, Nathan, *Articulating Life's Memory: U.S. Medical Rhetoric About Abortion in the Nineteenth Century* (New York: Lexington Books, 2002).

Suitters, Beryl. *Be Brave and Angry: Chronicles of the International Planned Parenthood Federation* (London: Stephen Austin and Sons, 1973).

Taylor, Janelle S. "Of Sonograms and Baby Prams: Prenatal Diagnosis, Pregnancy, and Consumption," *Feminist Studies* 26.2 (2000): 391-418.

Taylor, Justin. "Overturning and Undermining *Roe v. Wade*: An Interview with Clarke Forsythe," *The Gospel Coalition* (January 22, 2010), <http://thegospelcoalition.org/blogs/justintaylor/2010/01/22/overturning-and-undermining-roe-v-wade-an-interview-with-clarke-forsythe/>.

Terada, Rei, *Feeling in Theory: Emotion After the "Death of the Subject,"* (Cambridge, MA: Harvard University Press, 2001).

Tonn, Mari Boor. "Donning Sackcloth and Ashes: *Webster v. Reproductive Health Services* and Moral Agony in Abortion Rights Rhetoric," *Communication Quarterly* 44 no.3 (1996): 265-276.

-----, , "Militant Motherhood: Labor's Mary Harris 'Mother' Jones," *Quarterly Journal of Speech* 82 (1996): 1-21.

Topinka, Robert, "Resisting the Fixity of Suburban Space: The Walker as Rhetorician," *Rhetoric Society Quarterly* 42 no. 1 (2012): 65-84.

Valenti, Jessica. "A 'Feminist Army' Storms Texas," *The Nation* (July 2, 2013), <http://www.thenation.com/article/175086/feminist-army-storms-texas#>.

Vicaro, Michael P. "A Liberal Use of 'Torture': Pain, Personhood, and Precedent in the Federal Definition of Torture," *Rhetoric and Public Affairs* 14 (2011): 401-426.

Wallace, Kathleen, "Reconstructing Judgment: Emotion and Moral Judgment." *Hypatia* 8 (1993): 61-83.

Weber, Sarah E., "An Attempt to Legislate Morality: Forced Ultrasounds as the Newest Tactic in Anti-Abortion Legislation," *Tulsa Law Review* 45 no.2 (2009): 358-384.

Wheat, Andrew. "Sister Act: Gov. Perry's Little-Known Sister is a Lobbyist for Lucrative Doctor Owned Hospitals," *Texas Observer* (October 10, 2012), <http://www.texasobserver.org/obamacare-jags-rick-perrys-lobbyist-sister/>.

- White, Stephen D. "The Politics of Anger," in *Anger's Past: The Social Uses of Emotion in the Middle Ages*, ed. Barbara H. Rosenwein (Ithaca: Cornell University Press, 1998).
- Winderman, Emily. "S(anger) Goes Postal in *The Woman Rebel*: Angry Rhetoric as a Collectivizing Moral Emotion," *Rhetoric & Public Affairs* 17 no.3 (2014): 381-420.
- Williams, R. Seth, "Report of the Grand Jury XXIII" *1<sup>st</sup> Judicial District of Pennsylvania Criminal Trial Division*, Misc. No. 000-9901-2008. The entire report is available online: <http://www.phila.gov/districtattorney/pdfs/grandjurywomensmedical.pdf>.
- Wilson, Joshua C. *The Street Politics of Abortion: Speech, Violence, and America's Culture Wars* (Stanford, CA: Stanford University Press, 2013),
- Wright, Elizabethada A., "Rhetorical Spaces in Memorial Places: The Cemetary as a Rhetorical Memory Place/Space," *Rhetoric Society Quarterly* 35, no. 4 (2009)
- Zagacki Kenneth, and Patrick A. Boelyn-Fitzgerald, "Rhetoric and Anger," *Philosophy and Rhetoric* 39 (2006): 290-309.
- Zagacki Kenneth S., and Victoria J. Gallagher, "Rhetoric and Materiality in the Museum Park at the North Carolina Museum of Art," *Quarterly Journal of Speech* 95, no. 2 (2009): 171-191.
- Zarefsky, David, "Echoes of the Slavery Controversy in the Current Abortion Debate," *Proceedings of the seventh SCA/AFA conference on argumentation* (1991): 89-95.
- , "Presidential Rhetoric and the Power of Definition," *Presidential Studies Quarterly* 34 (2004): 607-619.
- Zechmeister, Ingrid. "Foetal Images: The Power of Visual Technology in Antenatal Care and the Implications for Reproductive Freedom," *Health Care Analysis* 9 (2001): 387-400.