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Absurdity in the Statehouse: Burlesque Legislation and the Politics of Rejection.

Abstract

This manuscript analyzes the public debate over legislation designed to mock and reject regulations of abortion in the United States. The bills, such as one in Texas requiring men to remain abstinent and avoid seminal discharge outside of narrow circumstances, are intentionally unworkable to critique Targeted Regulation of Abortion Provider (TRAP) laws, and laws regulating access to abortion in the US. I argue the bills are a form of Burkean burlesque, a novel strategy of humor and biting critique in the context of the US abortion debate. As that debate is characterized primarily by Burke's (1984) tragic frame, with a foreclosure of a comic frame, the use of burlesque is a notable break from the previously established rhetorical landscape. The burlesque elements of the bill are contextualized against political humor generally and analyzed, with subsequent discussion unpacking the implications and possible pitfalls of the limited proliferation of burlesque. Ultimately, burlesque is concluded to be situationally appropriate in responding to the rhetorical constraints of the abortion debate, but pragmatically dangerous by offering legislation that can further polarize both rhetorics of abortion and individual rhetors.

Keywords: Abortion rhetoric, satire, burlesque, Women Protective Anti-abortion Arguments, public policy rhetoric

In March of 2017, Texas State Representative Jessica Farrar introduced House Bill 4260, a bill that would fine men \$100 for discharge of seminal fluid outside of a medical facility, or outside of a vagina (Louis, 2017). The bill, designed to promote abstinence in men, also featured a booklet titled “Men’s Right to Know” to be distributed to men seeking a vasectomy, a colonoscopy, or medication for erectile dysfunction. An obviously humorous take on medical regulation, the legislation was filed in protest against the prevalence of fetal personhood bills and regulations designed to instill “guilt” in women seeking an abortion (Louis, 2017, para. 6). Though unlikely to pass, Farrar’s was the latest in a string of mock legislation introduced across the country. Bills and amendments in Ohio, Oklahoma, South Carolina, and Kentucky among others use humor to protest what some lawmakers view as the unnecessary regulation of women’s reproductive health.

These bills and their proponents exist at a time when access to abortion in the US is tenuous for many women. The Guttmacher Institute (2019), a non-profit for sexual and reproductive health, notes significant barriers restrict women’s access to abortive services. 43 states have laws prohibiting abortion after a specific point in the pregnancy (normally between 20 and 24 weeks, if not based on viability of the fetus), policies consistent with and upheld in *Planned Parenthood v. Casey*. The legal landscape is further complicated by legislative proposals granting legal protection to children in utero in states such as Colorado and Louisiana (Coker, 2016), including one passed in Alabama in 2018 (Blackmore, 2018). Fetal personhood, and bills like Ohio’s and Mississippi’s “heartbeat bills,” would change the legal standard for fetal viability to significantly limit access to abortion (Will, 2013).

To justify these bills, advocates often employ Women Protective Anti-Abortion Arguments (WPAAs) that contend regulating women’s reproductive health prevents harm from

coming to those who seek abortive services (Rose; 2011; Saurette & Gordan, 2014; Seigel, 2008). The regulative logic of these bills relies in part on what Seigel (2008) calls “gender-paternalist” reasoning (p. 1705), and Cheu (2012) adds that components of the decision in *Roe* featured the ideological trappings of coverture, as women were treated as legally incompetent, and therefore able to be regulated. WPAAs build from the assumption that women are unable to make medical decisions and must be protected from both abortion providers’ deceptive messages and the possibility that a regrettable decision would be made (Rose, 2011). This strain of argumentation suggests abortion providers are “uncaring patriachs – biased, uncompassionate, and knowingly harming women” (Saurette & Gordon, 2014, p. 283). The regulation of abortion, then, is justified because it insulates society generally, and women specifically, from the social and mental harm incumbent in abortion. The proliferation of WPAAs, as documented in the legal sphere (Seigel, 2008; Rose, 2011) and the broader public sphere in comparisons between the US and Canada (Saurette & Gordon, 2014), constitutes a shift away from punitive discourse while still justifying the curtailment of reproductive autonomy.

Against this backdrop, female legislators have adopted a unique protest tactic in humorous legislation. I submit these bills function as *burlesque*, Burke’s (1984) term for mockery that reduces its target to the absurd, inviting the subject of criticism to view their own hypocrisy. Appel (1996) argues burlesque occupies a space between comedy and tragedy, as burlesque lampoons the target without generosity, but fails to call for their complete annihilation. Identifying the bills as burlesque affords a critical vocabulary to describe their functions and interaction in the public sphere, and in doing so illuminates the (in)effectiveness of a novel strategy in programmatic terms. Humorous legislation engenders tension, insofar as humor generally, and parodic imitation specifically, has the potential to be radically democratic

(Hariman, 2008), and the use of humor as a feminist strategy of resistance has a storied history (see Campbell, 1998). Furthermore, Waisanen (2019) notes that comic counterfactuals, the use of humor to articulate alternative political realities, are important resources in sustaining civic discourse. Despite this potential, however, burlesque legislation can fail in programmatic or persuasive terms. The bills themselves are rarely functional or enforceable, and the use of burlesque entails rhetorical risk vis a vis intended audiences.

I develop two interrelated arguments in this essay. First, I demonstrate these bills, and the women who introduce them, engage in a Burkean burlesque as rejoinder to the proliferation of Women Protective Anti-Abortion Arguments (WPAA) and the resultant legislation. The use of humor via burlesque as a tactic is worthy of attention both because it is a departure from the otherwise stark and polarized rhetorical landscape of the US abortion debate, and because of the capacity for burlesque to invert contexts and turn focus inward onto contradiction and hypocrisy. As WPAAs derive simultaneously from gender-paternalism (Siegel, 2008; Cheu, 2012) and feminist discourses surrounding abortion (Siegel, 2008; Rose, 2011), burlesque legislation is uniquely suited to problematize resultant legislation via reversal. Second, I argue that burlesque is *situationally* appropriate in the sense that it is neither fully tragic or comic to use Burke's language, but *pragmatically* dangerous because it risks alienation, misunderstanding, and backlash. The (in)effectiveness of burlesque in the context of the American abortion debate demonstrates the rhetorical conundrum facing those who wish to achieve legislative change enshrining women's reproductive health.

With these arguments in mind, I proceed in the following way. I situate the prevalence of WPAAs against the broader rhetorical landscape of the abortion debate in the US and focus on how that debate can be understood through the lens of Burke's comic and tragic frames. Second,

I analyze the discourses surrounding the legislation using that critical vocabulary. Finally, I discuss the implications of humorous legislation, and the broader strategy of burlesque.

Burlesque, Burke, and the Abortion Debate

Burlesque legislation is a break from the rhetorical trajectory and landscape of the abortion debate in the US. A robust body of literature suggests abortion rhetoric is characterized by intransigence wherein both pro-choice and anti-abortion activists employ polarizing strategies that lead to ideological gridlock sans compromise (e. g. Coker, 2016; Condit, 1990; Stormer, 2015). The novelty of humorous legislation, then, necessitates further investigation. In this section, the conditions giving rise to humorous legislation will be discussed in the context of a Burkean critical vocabulary. First, the prevalence of WPAs will be explained relative to the broader landscape of the abortion debate. Next, that I will situate that explanation with Burke's discussion of comic and tragic frames. Finally, I will explain how the framing of WPAs and legislation regulating women's health invites burlesque rhetoric.

Women Protective Anti-Abortion Arguments (WPAA) center on two contentions. The first is summarized, according to Seigel (2008), in the circulation of cautions against "Post Abortion Syndrome" (PAS) in the late 1980s. PAS is a variation on Post Traumatic Stress Disorder and was not, nor has it been, recognized by the American Psychological Association or the American Medical Association (Stotland, 1992). PAS's symptoms of deteriorating mental health, depression, and suicidal ideations were used to justify the regulation of women's access to a seemingly dangerous medical procedure. In this reading of abortion, doctors who provide abortive services are immoral agents who destroy an innocent life and inflict psychological trauma on unsuspecting women (see Maxwell, 1994). Under this logic, women are regulated for their own protection.

The second core contention, following that women are harmed by abortion, is that women are incapable of avoiding that harm absent state intervention. Rose (2011) suggests this argument manifests as the demonization of abortion providers as deceptive and self-interested, while women are discussed as gullible and ill-informed. Cheu (2012) corroborates this reading of women-as-incompetent, suggesting anti-abortion rhetoric during and post *Roe* smuggles the ideology of coverture into legislative practice on women's health. Siegel (2008) argues coverture justifies a regulatory apparatus wherein "the new forms of gender paternalism remedy harm to women through the control of women." (p. 1705). Ultimately, if women are harmed by abortion, and they are incapable of preventing that harm themselves, the state has a compelling interest in the protection (read: regulation) of women's reproductive health.

The prevalence of WPAAAs in the late 1980s, and their resurfacing in the mid 2000s, is not the only time the abortion debate has centered on the protection of vulnerable caricatures of women. There is historical precedent for the argument that abortion is harmful to women and must therefore be restricted. Schreiber (2002; 2008) argues that harm to women was a meaningful frame from the nineteenth century to the second wave of the women's movement, an assessment further supported by Stormer's (2015) genealogy of abortion rhetoric. Post *Roe*, however, the dominance of fetal framing and anti-woman messages shifted the conversation away from regulation and toward protecting children-in-utero from vile mothers (Daniels, 1996; Saurette & Gordon 2014). This strategy was questionable in its effectiveness. Saurette and Gordon (2014) suggest there is a contemporary pivot away from punitive discourse, partially because of a lack of public interest in that brand of argumentation, and partially due to concerted social change on the acceptability of abortion access.

Rose (2011) notes that following *Gonzalez v. Carhart*, the permissibility and rhetorical weight of WPAAAs improved via legal victories employing a gender-paternalist logic. The Supreme Court's decision in *Casey*, and later in *Carhart*, invited regulation of abortion providers in the name of women's health. A recent trend highlighted in *Whole Women's Health v. Hellerstedt* is the introduction of Targeted Regulation of Abortion Provider (TRAP) laws. These laws dramatically increase regulations on abortion providers, requiring doctors who perform abortions have hospital admitting privileges, clinics meet specific and onerous building requirements, or that they meet full surgical facilities standards. Though the Supreme Court struck down Texas's wide-ranging TRAP laws in *Women's Health*, noting the requirements had led to the widespread closure of clinics across the state, these bills continue to be introduced in statehouses across the country. Ultimately, the rhetorical landscape of the abortion debate in the US has shifted alongside changes in reproductive law.

Even in light of the prevalence of WPAAAs, however, rhetorical intransigence and extreme caricatures of one's opponents are markedly common (see Blanchard & Prewitt, 1993; Condit, 1990; Stormer, 2010). Though political violence is routinely decried as unacceptable, the past decade has featured deadly attacks on abortion clinics in Kansas and Colorado alongside vitriolic rhetoric against both Planned Parenthood, and women who seek abortions (Somashekhar, 2015). Lake (1984) notes that the moral landscape of the abortion debate includes the demonization of pro-choice individuals, alongside intractability and inability to compromise endemic to a heavily polarized debate. Hustings (2006) corroborates this reading, suggesting that a conflict centered frame using the language of warfare dominated media coverage of the abortion debate in the 1990s, concluding that the language of threats and violence precluded meaningful compromise or introspection.

The prevalence of such rhetoric is a clear demonstration of Burke's (1984) tragic frame, a lens through which individuals view the motives of others. In *Attitudes Toward History*, Burke (1984) discusses macro-sociological frames through which human beings view and interpret the actions of others. Two frames worth isolating here, the comic and the tragic, are not necessarily *opposed* so much as represent extremes of thought (Burke, 1973; Kerr, 1985). The first, the comic frame, assumes that individuals act with imperfect information. If a person commits a transgression, their act emanates not from malice but from foolishness. The comic frame presupposes "that people are *necessarily* mistaken, that *all* people are exposed to situations in which they must act as fools, that *every* insight contains its own special kind of blindness" (p. iii, italics original). An alternative to the comic frame is the tragic frame, which assumes that actions are taken with full knowledge of their consequences and malicious intent. Where the comic frame would look to a problematic action and assume its perpetrator was a fool, the tragic frame would suggest that person was acting in bad faith, guilty and deserving of punishment. In the context of the abortion debate, the dominance of the tragic frame – evident in extreme positions decrying "abortionists" and characterized by intransigence and violence -- creates a condition whereby the comic frame is foreclosed. Despite strategies to individuate women and center the debate on health care, the commonness of the tragic frame promotes stasis. A comic frame, one that presupposes one's own fallibility and the foolishness but good intentions of the opposing side, is seemingly impossible.

The proliferation of WPAs and resultant legislation regulating women's health contribute to a rhetorical climate where fully tragic framing – which would call for the annihilation of the political other -- is too extreme, but comic framing is foreclosed. The use of humorous legislation, then, works in the space between tragic and comic as a Burkean burlesque,

a frame of rejection that stops short of the destruction of one's target. Rhetoricians employing the burlesque "desituationalize their enemies, strip them of excuses, of dignity" (Appel, 1996, p. 272) to change an unfavorable social arrangement, but despite its somewhat uncharitable nature burlesque leaves open the possibility of redemption. The condition for redemption, under burlesque, does not require a demonstration of the offending party's humanity as in the comic frame. Rather, burlesque rejects an actor in the hope that guilt and embarrassment will spur action. Appel's (1996) summary, worth quoting at length, notes that:

Burlesque builds a framework of limited exclusion, denying opponents a place in the fellowship of the righteous, but not denying them a place in the sun. Burlesquers do not slap the wrists of idiots only then to embrace them, like comedians. Nor do they kill their enemies dead, like tragedians. They do, though, want them gone from the featured scene of activity. They scapegoat them. They throw them out the door, but not beyond the boundaries of human sympathy. (p. 272)

Burlesque constructs an argument for the rejection of a social hierarchy by highlighting "the externals of behavior, driving them to a 'logical conclusion' that becomes their 'reduction to absurdity'" (Burke, 1984, p. 54). Though burlesque is categorized by Burke as a frame of rejection that "makes no attempt to get inside the psyche of his [*sic*] victim" (p. 54), the form may have an appeal in its capacity to reject prevailing social hierarchies whilst precluding the destruction of those responsible for the hierarchy's creation.

Ultimately burlesque is similar too, but distinct from, other forms of comedic interventions in the political sphere. Note here that *comedic*, meaning humor, is distinct from *comic* as a means of framing. This distinction does not preclude the possibility of overlap; though burlesque is a frame of rejection as characterized by Burke, that characterization does not

preclude the capacity for burlesque to employ humor towards its ends. In that vein, at first glance the bills appear as form of comedic parody, imitation where language is “placed beside itself” (Hariman, 2008, p. 251) to both reveal the limits of that language and clarify underlying ideology in the original act. Similarly, burlesque legislation is characteristic of a comic counterfactual, in that the politicians who propose these actions “use comedic methods to juxtapose certain events against alternate realities” (Waisanen, 2018, p. 72). Compared to other uses of political-comedy-as-activism, however, burlesque affords a more biting form of criticism which almost directly indicts undesirable social arrangements. Carlson (1988) notes that women’s movements transitioned from satire to burlesque when it became apparent that a social arrangement oppressive to women was pervasive, stubborn, and entrenched in nineteenth century United States. Where satire made light of a circumstance, poking fun to make change while assuming the humanity and fair intention of one’s opponents, burlesque eschewed charitability in favor of more pointed rejection of the social order. Opponents of women’s rights couldn’t be trusted to change via light criticism, as hinting at the hypocrisy of gender-based oppression was insufficient to spur introspection and alter behavior. More to the point, systemic oppression, and the institutions and people who maintain it, are not so fragile that pointing out inconsistencies is sufficient to collapse the system. In that way, the (un)willing agents of patriarchy are not loveable buffoons, but it is still possible that they know not what they do. In light of that positionality, tragic framing is too harsh while comic framing is too permissive. At the very least, Carlson (1988) suggests activists’ disempowered state precluded tragic disavowal of patriarchal oppression, and burlesque afforded a sharper discourse with which to debate. When satire and a comic frame proved ineffective, women’s movements transitioned to a more pointed form of criticism. The failure of the comic frame, and the extremity of the tragic frame, creates a

condition whereby novel strategies mixing aspects of comedy and tragedy can flourish.

Humorous Legislation as Burlesque

In this section, I analyze publicly circulated statements concerning various protest bills to demonstrate that the bills functioned as burlesque. The legislation draws attention to the hypocrisy and unworkability of abortion regulations to argue WPAAAs generally, and bills regulating women's health specifically, ought to be rejected. Like the comic frame, which shifts the emphasis "from *crime* to *stupidity*" (Burke, 1984, p. 41, italics original), burlesque in the context of politics uses a situated and pointed humor to reject hierarchies of power without promising the destruction of those complicit. The protest legislation and amendments are identifiable as burlesque in two ways. First, these actions mirror the language and procedures of extant regulations or proposals, with key reversals and incongruities which push the critiqued object's logic into absurdity. Second, these acts are often intentionally invasive, patronizing, and unworkable to highlight the intellectual inconsistency of anti-abortion politicians.

Mirrored Language and Procedure

Burlesque is an absurd mimicry of the subject, and in that mimicry the audience gleans an understanding of the problematic nature of the prevailing social order (Burke, 1984). As such, burlesque will often craft situations that are recognizable relative to their target. In legislation, one mechanism of achieving this similarity is the use comparable legal language. For example, Ohio State Representative Nina Turner introduced a bill in 2012 which would have mandated men undergo counseling prior to seeking a prescription for Viagra and witness written information regarding the health risks of erectile dysfunction (ED) medication (Basset, March 13, 2012). Turner borrows language from an Ohio bill introduced in early 2012 that would have prevented abortions following the detection of a heartbeat of a child in utero. Such a strategy is

unsurprising, as political humor of this kind functions best when it is closely associated, even juxtaposed, with the object of ridicule. Hariman (2008) argues “the full significance of the parodic function is evident when placing a parody and its target discourse side by side. (...) Once set beside itself, not only that discourse but the entire system is destabilized” (p. 254). That destabilization is facilitated and clarified by close rhetorical proximity to the subject of criticism. By demonstrating the intrinsic similarities between the performance and its target, the humorous legislation indicts both the form and function of abortion regulation.

In this context, humor achieved through similarity has a de-naturalizing function, as evidenced by rejoinder attempts by anti-abortion activists and spokespersons. In this context, the legislation offers critique by mapping a recognizable regulatory logic of WPAA's onto men's health, but the imperfect fit of the map invites criticism from proponents of legislation restricting abortion access and renders the comedic performance as burlesque. Jeanne Monahan, director of the conservative Family Research Council's Center for Human Dignity commented on Turner's bill “abortion is not like having a wart removed. More often than not, it's an invasive surgery with real consequences, and I would think that most women want more rather than less information before having one” (Basset, March 13, 2012, para 8-11). Monahan demonstrates the tendency to distinguish abortion as a *unique* procedure worthy of regulation, thereby insulating regulation from broader claims of being intrusive. Burlesque legislation draws comparison on the axis of reproductive health, with gender being the “only” difference between existing and proposed regulations. If regulation of abortion procedures is justified along the lines of medical necessity, burlesque transports that same logic under the guise of parity to de-naturalize the assumption that abortion is significantly different than other medical procedures. When Monahan argued that Turner's bill didn't appear “serious,” Turner responded:

I'm just as serious as a heart attack. I'm serious about the potential side effects of Viagra. I'm as serious as my right-wing male colleagues who introduced bills to legislate women's health. It's ironic that when it comes to women's health people think that's a serious matter, but when it comes to a man, they think we're joking. I don't think any of my sister legislators are joking. (Basset, March 13, 2012, para 15)

In short, the legislation asserts abortion as a normal process of reproductive health. The jarring, seemingly un-intuitive text of the protest bills is achieved via reversal along relatively simple lines. That reversal, however, renders the performance absurd by changing the core unspoken dynamic: regulation of women's bodies is acceptable and normal, where a man's body is to be left untouched. In this reversal, the utility of burlesque is evident; the humor, recognizable via close proximity to the critiqued object, has incumbent in it a direction of action. By de-naturalizing the unregulated standards in care for men and asserting their regulation ought to be given the same credence as those regulating women, Turner's bill questions both the underlying gender-paternalist logic of WPAAAs, and their contention that abortions are somehow unique procedures relative to broader practices in reproductive medicine.

Using this same mirroring strategy, some lawmakers took aim at bills requiring waiting periods, medically unnecessary procedures, and the distribution of medically inaccurate information for women who seek an abortion. For example, a bill was passed in Illinois in 2012 that required women seeking an abortion to submit to a transvaginal ultrasound, an invasive and medically unnecessary procedure. In response, Illinois State Rep. Kelly Cassidy introduced an amendment requiring men who seek a prescription for Viagra to submit to a rectal exam. When prompted, Cassidy highlighted the need for gender parity, suggesting:

When the ultrasound bill was introduced, I talked about desire to put something in that was reciprocal. If we were to require informed consent for potential erectile dysfunction patients on the potential side effects and treatment of those side effects, it would be a reasonable balance. (State Rep., 2012, para. 10)

Though prescriptions for Viagra and access to abortion are different, their juxtaposition under the banner of health care facilitates an important comparison. The imperfect mapping of regulatory logic onto the general category of “reproductive health” is core to the burlesque rhetoric of the bills. Rather than rendering the performance ineffective or unrecognizably humorous because of difference, the creation of invasive regulations on men disrupts the acceptability of invasive regulations on women by articulating a grotesque imitation of the status quo. Cassidy indicated in an interview with the *Huffington Post* “if [male legislators are] serious about us not being about to make our own health care decisions, then I’m just as serious about them not being able to make theirs” (Basset, March 5, 2012, para. 3). Bills regulating male access to particular technologies create dissonance by intruding in a realm previously untouched by the legislature. Bills and amendments creating gender parity for reproductive health are jarring because the subject matter and procedures in question are intensely personal, and as such bills like Cassidy’s are viewed with justifiable suspicion. By requiring a rectal exam, the amendment would ask men to submit to an embarrassing and diagnostically useless procedure in the process of accessing a previously taken-for-granted medication. That reversal, then, prompts a consideration of difference between the seemingly serious progenitor legislation and the admittedly humorous legislative response.

A similar justification was offered in Virginia when State Sen. Janet Howell’s amendment on an ultrasound bill drew attention for requiring both a rectal exam and a cardiac

stress test for any man seeking a prescription for ED medication. When prompted, Howell posed the hypothetical: “the Virginia senate is about to pass a bill that will require a woman to have totally unnecessary medical procedure at their cost and inconvenience. If we’re going to do that to women, why not do that to men?” (Basset, January 2012, para. 2). Here burlesque offers a sort of comic counterfactual, where humor is used to propose a “plausible political alternative” (Waisanen, 2019). Unlike other performative comedic counterfactuals, like Waisanen’s example of the Yes Men, the parodied object is proximal and readily identified. The comparative lack of mediation between the performance, the critiqued object, and the audience is crucial. Because of overt work from the performer and rhetorical proximity of the critique to the target, the audience needn’t do much work to understand the precise inversion, or to conceptualize the possible political future. By grouping the actions together under the banner of “medical decisions,” each subject to “unnecessary medical procedures,” the bills normalize and contextualize abortion in immediate material terms, medicine rather than morality. Dubriwny (2005) notes that framing access to abortion in terms of women’s health draws focus to bodily autonomy and ultimately softens the moral judgment on abortion. Despite the marked differences between abortion and other medical procedures, merely speaking about abortion *as a medical procedure* has a profound naturalizing function.

This emphasis on the material invited a particular response to burlesque bills, and in that response the specific utility of burlesque as activism is made apparent. Representative Mia McLeod’s South Carolina bill received criticism based on the impracticability of an amendment requiring a 24-hour waiting period and counseling sessions for men seeking ED medication. In response to blowback, McLeod indicated that her opponent’s outrage was both novel and ill timed. McLeod asked in an interview:

where have these guys been all these years? We could've really used the help when my Republican colleagues wasted our time and your tax dollars investigating Planned Parenthood without cause and coming up with extra hoops and hurdles for women. (South Carolina, 2016).

Like the preceding bills, McLeod's contains a reversal along gendered lines which results in an imperfect mapping. That imperfect mapping renders the imitation as burlesque, crafting for the audience a grotesque version of reality which violates the standing social order. That violation, then, necessitates interrogation of what, precisely, makes the bill so troubling. Burlesque offers a more pointed critique than other humorous interventions in politics in so far as burlesque performances here are clearly identifying the target of mockery. Unlike some forms of parody or comic counterfactuals with a lighter touch, ambiguity and subtlety are eschewed in burlesque to clearly skewer the target and propose a specific audience response.

By introducing seemingly unenforceable or questionably useful bills, individuals craft a situation where an appropriate response by their opponents would be to point out the absurdity of the proposed legislation. Georgia State Representative Yasmin Neal, author of a bill to limit access to a vasectomy "unless needed to avert serious injury or death" (Gumbrecht, 2012, para. 1), echoed the concern: "there are too many problems in the state. Why are you under the skirts of women? I'm sure there are other places to be" (para. 5). That highlighting could then be turned onto the object of mockery, demonstrating the hypocrisy of anti-abortion advocates and the unfairness of the policies they advocate. The bills illuminate the invasive nature of government actions to regulate abortions, drawing public eye to the distinct material impacts of legislation often justified on moral and ideological grounds. This tendency to privilege abstraction in the context of abortion in the United States can be and has been disrupted by focus

on the material impacts of legislation (Coker, 2016). Burlesque bills continue this disruption by demonstrating the absurdity of the practical implications of the legislation they mock.

Mirrored Paternalism

Similarity does not end in the practical components of the bills, a tit-for-tat in which men's reproductive health is mediated in the exact same way as women's. One mechanism of translating humorous legislation into burlesque rhetoric is the adoption of bills mirroring the underlying philosophical assumptions of the standing social hierarchy to demonstrate the absurdity of those assumptions when taken to their logical conclusion. This strategy of reducing an opponent's argument to a recognizable caricature is specifically well suited for the criticism of bills establishing fetal personhood. Fetal personhood as a legal construct would extend protection under the law to children in utero (Coker, 2016). The legal framework for regulation of abortive procedures concerns viability and personhood as established in *Roe* and *Casey*, meaning that fetal personhood would impact access to abortion in the United States (Will, 2013). Under a framework of fetal personhood, a woman who seeks an abortion, and a doctor who performs the procedure, would both be subject to legal scrutiny and possibly criminal charges. Personhood bills introduced between 2006 and the present have drawn criticism as *de facto* bans on abortion from pro-choice activists and women's rights organizations.

Personhood bills suggest a fertilized egg ought to be envisioned as an entity under the law deserving the same protections as a human being (Will, 2013). This premise was mocked by a number of legislators across different states through bills playing on an uncharitable reciprocity. Constance Johnson, an Oklahoma State Representative, offered an amendment to Oklahoma's 2012 personhood bill that would extend legal protection to seminal discharge. Johnson's amendment reads: "any action in which a man ejaculates or otherwise deposits semen

anywhere but in a woman's vagina shall be interpreted and construed as an action against an unborn child” (Ryan, 2012, para. 3). The amendment, called in some media circles an “Every Sperm is Sacred” clause after a humorous song in *Monty Python's The Meaning of Life*, sought to display the logical inconsistency of fetal personhood alongside “absurdity, duplicity and lack of balance inherent in the policies of [Oklahoma] in regard to women” (C. Johnson, 2012, para. 3). The underlying logic of the amendments and bills draws attention to the intellectual work that must be done to justify treating a fertilized egg as a legal person but not accounting for the life-giving potential of sperm. Though the circumstances are not perfectly analogous, they are similar enough that the amendments appear to be taking the philosophical assumptions of personhood to their logical (and absurd) conclusion.

Johnson was copied by a city council in Delaware requesting legislation from the capital that would ensure each “‘egg person’ and each ‘sperm person’ should be subject to the same laws and regulations as any other dependent minor and be protected against abuse, neglect or abandonment” (A. Johnson, 2012, para 2). These bills render personhood absurd by criminalizing a previously naturalized action under the same philosophical ideal espoused by personhood advocates: a component of human reproduction (ovaries and sperm) constitutes a protected class, and therefore the state has a compelling interest in regulation. Johnson argues in an editorial for *The Guardian* that personhood bills represent an inconsistent legal framework that would damage the women of Oklahoma. Burlesque is appropriate in this instance, because of “Oklahomans' frustration regarding the ridiculousness of our reproductive policy initiatives” (Johnson, 2012, para. 7). By adopting the underlying assumption of personhood bills in their amendments to protect sperm, these legislators demonstrate the inconsistency and absurdity of granting personhood to a fetus.

Additionally, there were attempts by some representatives to invert the gendered ideology inherent in WPAAAs. Kentucky State Rep. Mary Lou Marzian introduced a bill requiring men seeking erectile dysfunction medication to present a note from their wife. The bill's obvious paternalism (or, in this case, maternalism) regarding medical decisions mirror a number of regulations governing access to an abortion without spousal or parental consent. Marzian comments on the invasive and condescending nature of her bill, suggesting:

I have found that men are very touchy about their sexual lives, and they think that is very personal. So I wanted to hit a chord that men could understand how it feels to have a politician say, "Well, you really don't know enough; you really need some education about this because you just don't know enough about your body; and we need to insert ourselves into your private life." (Vector, 2016, para. 13)

This overt advocacy sharpens the burlesque performance to both identify for the audience the offending target, and propose an appropriate course of action. Marzian's explanation puts in plain terms the both the material target of her critique- proposed legislation- and the ideological target-paternalism and the presumption of women's incompetence. According to Cheu (2012) paternalism often masquerades as coverture, the legal designation of women as less than others in the name of their protection. Cheu (2012) notes that justifications for regulation of abortion within and after *Roe* infantilize women and treat the legislature as a savior to regulate otherwise incompetent individuals. Marzian directly indicts this logic in an interview with *MSNBC*, suggesting: "the legislature doesn't have a medical degree. It's inappropriate, insulting and demeaning to have this patriarchal view that women cannot talk to their own physicians and figure out what they need to do" (Margolin, 2016, para. 7). By explicitly mocking coverture through her own patronizing bill, Marzian uses burlesque to invite ridicule of thinly veiled

attempts to regulate women's bodily autonomy. Marzian inverted the social hierarchy in an interview with local Kentucky affiliate *WDRB*, stating:

we are very 'family values' in the Kentucky General Assembly – they are all awash in Christian, family values, so that's why I put that part in there that (erectile pills) can only be used in a marital relationship. I'm just making sure the government is taking care of your safety. (Kentucky Lawmaker, 2016, para 8).

This philosophical inversion uncharitably demonstrates the hypocrisy of her opponents to illustrate and critique the impropriety of the gender-paternalist arrangements of the status quo.

Similarly, Rep. Kelly Cassidy's bill took aim at the assumption that women were ignorant and unable to make informed medical decisions. Recall that Cassidy's bill focused on men's access to ED medication, requiring a spouse's signature and a rectal exam. Cassidy's bill also required a video showing the dangers of Viagra be shown to men seeking ED medication, as "they need to see a visual depiction of the treatment for the most common side effect to Viagra use, which is priapism, and it's not a pretty procedure to watch" (Volsky, 2012, para. 1). The logic of WPAAs, that a population is in need of protection (read: regulation), is critiqued via the importation of a strategy of anti-abortion activists onto men's health care. As few men are likely able to describe priapism, their medical ignorance invites regulation from Cassidy's bill in the same way existing bills police women.

By deliberately crafting legislation that is intrusive, unnecessary, and downright unworkable, proponents of the burlesque legislation invite questions about the objects of ridicule. Coker (2016) suggests that one reason a personhood amendment to the Colorado constitution failed in 2014 was the overt focus by activists on the material consequences of the amendment's passage. As the Colorado legal code included over twenty thousand mentions of the word

“person,” granting children-in-utero personhood would amount to an upheaval in criminal, medical, and property law. Johnson’s amendment declaring sperm to a legal entity under the law creates a similar comparison by imagining legal limits on seminal emissions. By demonstrating the utterly unworkable nature of a bill which legally protects semen, she invites a comparison onto the workability of personhood bills that would likely craft circumstances where “a woman in Oklahoma may now face additional criminal charges and potential incarceration for biological functions that produce or, in some cases, destroy eggs or embryos, such as a miscarriage” (C. Johnson, 2012, para 3). Personhood, in this instance, could have led to a legal landscape that criminalized miscarriage and invited police investigations into previously benign health contexts. In turn, a burlesque performance is offered which would be similarly catastrophic. If implemented, Johnson’s bill would be, at best, unenforceable government overreach. At worst, legislation enshrining the personhood of semen would lapse Oklahoma into a police state with an unhealthy interest in half the subject’s bodily functions. The amendment’s impossibility of protecting seminal discharge crafts a recognizable and absurd hypothetical to critique personhood and demonstrate the dystopian conclusions inherent in such legislation.

A similar strategy was used in Texas to combat regulations requiring a trans-vaginal ultrasound for women seeking an abortion. Jessica Farrar, a Texas State representative, introduced House Bill 4260 to require men remain “fully abstinent” and precludes male masturbation or other seminal release or face a “\$100 penalty for each emission made outside of a vagina or medical facility” (Louis, 2017, para. 1-3). Additionally, Farrar’s bill would mandate the distribution of a pamphlet titled a “Man’s right to know” and require a digital rectal exam prior to a vasectomy or the prescription of Viagra. Farrar’s bill, when placed alongside existing abortion regulations including waiting periods, unnecessary medical procedures, and the

distribution of medically dubious information, highlights the similarities between seemingly ridiculous regulation of men versus the supposedly serious regulation of women (Rahman, Katzive, & Henshaw, 1998). Taken together, Farrar's bill is unworkable and unnecessary by design. In an interview with the *Houston Chronicle*, Farrar indicates that her bill's partisan and self-serving nature suggests the need to amend existing laws: "If the state's going to step in to the arena of women's healthcare, let's look to the best practices of the doctors, not bad science, not political agendas and not votes in a Republican primary" (Louis, 2017, para. 20). If Farrar's bill ought to be rejected on the grounds that the regulation is not serious, that same standard ought to be applied to existing laws. Similarly, charges of partisanship would logically apply to the regulation of abortion providers. By building her bill on "bad science," Farrar creates a circumstance where the responses to her bill would also implicate regulations of women's health.

As has been hinted above, the burlesque components of some bills are more overt than others, with some legislators explaining outright the egregious overstretch of their laws. South Carolina State Rep. Mia McLeod introduced a bill requiring a number of invasive conditions on men seeking ED medication. McLeod objected to requirements that women seeking an abortion submit to a transvaginal ultrasound, and stated "the requirements (in the bill) were intentionally ridiculous, because I think that's what the requirements are like for women in this state who are seeking to exercise their reproductive rights" (South Carolina, 2016). Juxtaposing the bill's requirements opposite a transvaginal ultrasound demonstrates the fundamentally invasive nature of government regulation of healthcare and questions the usefulness of such intrusion. The focus on gender disparity does more, however, than demonstrating the hypocrisy of male legislators imposing undue burden on women. By including gender parity, a clear dictate for the audience is

created. These bills ultimately ask observers whether conditioning health care on submission to legally required but medically unnecessary procedures is acceptable in *any* circumstance.

Implications and Conclusion

The preceding analysis has demonstrated the use of burlesque as a means of critiquing abortion regulations and legal frameworks that would limit women's access to healthcare. By extending the philosophical and material implications to their absurd conclusions, proponents of burlesque legislation invite the target of mockery to see their own ridiculousness. However, while these bills are meant to promote change and reflexivity, a fundamentally comic perspective, the results of burlesque may actually reinforce the tragic frame. To that end, the following section will discuss the way burlesque can open the public debate, and the possibility of lapsing further into tragic framing of one's opponents.

First, in line with other forms of political comedy-as-activism, burlesque in the context of legislation is useful because it lays bare ideological structures responsible for subjugating women through regulation of their health. Like most comedic forms, burlesque has the capacity to move from "sense to nonsense to newsense" (Waisanen, 2018, p. 76). In the context of legislation, however, burlesque doesn't simply reveal gender paternalist logic; the performance of such biting criticism actively subverts and disrupts that logic. In the face of WPAA's and accompanying legislation, women are demoted to a class of subjects in need of regulation, a body politic requiring protection from bad actors and themselves. Female legislators who, in their own words, wish to even the reproductive playing field, conduct the performative elements of these bills, their introduction and defense. The simple *existence* of women in the political sphere legislating on health is a rejection of coverture and, by extension, WPAA's, in so far as legislators like Farrar and Johnson disrupt the ideological assumptions of patriarchal legal

structures via sharp wit, resolve, and clear competence. The feminist function of humor, discussed by Carlson (1988) and Campbell (1998), suggests that structures impeding's women's access to the public sphere can be disrupted and even dismantled via novel strategies employing humor. In addition to the foregrounding of women in the political sphere, the enthemymatic function of the burlesque legislation sharply indicts the underlying arguments surrounding the regulation of women's health.

Beyond disruption of ideology, political humor generally, and burlesque specifically, is useful because laughter has an inherently democratic function of demystification. Hariman (2008) argues "the parodied object is offered to anyone who might be played for a laugh, that is, anyone in the most wide-open, mixed-up, unfettered public audience, rather than for peer review, formal deliberation, or informed consent" (p. 255). However, a distinct limitation of comedic forms is that, beyond laughter, the call to action by the comedian may be too implicit, or too obtuse, to be intelligible to the audience (Waisanen, 2018). Burlesque legislation resolves this limitation in two ways. First, burlesque legislation is more overt and pointed than other subtle forms of comedic interventions. Those who offer the burlesque legislation cast their comedic performance directly against contemporary proposals. Their temporal proximity, combined with the explicit coupling of burlesque bills to their progenitor proposals, both clarifies and intensifies the comedic and argumentative effect. Second, by demystifying components of the abortion debate in a legislative context, humorous legislation can invite substantive public dialogue on complicated philosophical and moral questions where remedies (read: legislation) are readily apparent. Burlesque can take a fraught debate, replete with saturated ideological symbols and longstanding historical significance, and place that debate in concrete, material terms. Even against the backdrop of increasing regulation of women's health (see Raghuram & Demuse,

2018) the present analysis demonstrates the capacity for burlesque legislation to indict and disrupt stubborn ideological assumptions at the core of commonly circulated discourses. As legislation, the bills and their proponents make a technical argument concerning the utility and underlying justification of bills regulating women's health. On a micro-level, burlesque legislation offers rhetorical resources to pro-choice advocates in the form of a pointed, novel, humorous strategy that invites anti-abortion rhetor's to view their own hypocrisy.

There remains a risk, however, even in those locally circulated discourses, for burlesque arguments to further rhetorical intransigence and polarization. Consider Fiorina, Abrams and Pope's (2006) contention that polarization of attitudes towards abortion does exist, but not to the extent that is popularly recorded. The authors suggest that in the mid 2000s, roughly eighty percent of the country believed that abortion should be widely available in cases of need (rape, incest, life of the mother), with varying levels of support for regulation in other instances. A minority of individuals believes that abortion should be unconditionally available, or unconditionally illegal. Though recent Pew data suggests the gulf is increasing, with 25% of respondents believing abortion should be available in all instances and 16% believing the procedure should be completely illegal, a plurality of Americans believe some regulation of abortion, alongside continued access, is appropriate (Public Opinion, 2017)

The notion that a debate is polarized, but a majority of its participants are not, may create a false flag wherein burlesque is strategically appropriate as a situated rejection of specific bills, but risks severe alienation of a broader public. Burke (1984) characterizes burlesque as a frame of rejection because it precludes identification with the target of criticism. Where a frame of acceptance, such as the comic, will privilege an understanding of the target's humanity, a frame of rejection will denigrate the object of criticism, in this instance bills proposing restrictive

regulations. As burlesque can function in-between, there is a risk that the use of burlesque may preclude the eventual acceptance of an individual or group (Appel, 1996). The reduction of the target for the purposes of criticism and mockery may not facilitate an improved public dialogue on the topic, an ideal of political comedy highlighted by Hariman (2008) and Waisanen (2019). Where these scholars isolate the civic function of humor and suggests a light touch capable of promoting improved discourse, burlesque may foreclose that possibility by imitating without charity, and criticizing without offering redemption.

To be sure, the prevailing tragic frame of the abortion debate precludes comedic identification by relegating women to victim status and positioning abortion as a fundamentally immoral act. As such, burlesque can straddle the line between acceptance and rejection without calling for the absolute destruction of the target. However, “the target” of humorous legislation may be legislators and political elites who advocate for a seemingly narrow view of abortion regulation. The use of mirrored language, for example, clearly offers supporters of abortion regulation an uncanny sight; their own rhetoric, their own logics, presented *just a little bit differently*. In that uncanniness, those anti-abortion advocates may perceive hypocrisy and view the resultant shame as a motivation for change. Despite the comparatively clear dictate of burlesque legislation, and the relatively modest scope of their advocate’s claims, the use of burlesque specifically, and humor generally, in the broader debate over abortion in the United States may invite pronounced backlash. The public may interpret burlesque criticism as not a narrow rejection of specific policies, but a disrespectful condemnation of the avowed political middle who believe some regulation to be appropriate. There are no shortages of times where humor and politics have not mixed well, including, in recent memory, Samantha Bee’s use of vulgarity concerning Ivanka Trump in a segment on her show *Full Frontal* (Wang, 2018), and

Pete Davidson's poorly received joke at the expense of Congressman Dan Crenshaw (R-TX) on *Saturday Night Live* (Itzkof, 2018). In each of those instances, an apology was demanded by offended parties and the use of humor was deemed inappropriate and unacceptable. As burlesque eschews the lightness of satire in favor of a pointed, uncharitable condemnation through imitation, there exists the real possibility that burlesque criticism will be interpreted (or criticized as) a mean-spirited rejection of an entire segment of the population. Ultimately, a sort of double bind surfaces for those considering comedic intervention in politics. When one's humor is softer, more general, and less pointed, the audience may fail to heed the comedian's call to action (or perhaps fail to even *identify* a call to action). However, when one adopts a stance like that of burlesque- clear, biting, and unwilling to suffer the foolishness of its target- the audience may reject the comedian for their wantonness and disdain. The previously mentioned director for the Family Research Council Center for Human Dignity, Jeanne Monahan said of the Ohio Viagra bill in an interview with *The Washington Post* "it sounds like they're mocking pro-life bills. I will say, having met quite a few women who profoundly regret their abortions, this is not a laughing matter" (Basset, March 13, 2012, para. 8). Burlesque could foster disgust and outright rejection of the comedic attempt, thus rendering the criticism ineffective. Similarly, in highlighting the hypocrisy of male legislators, burlesque does not offer a path to compromise. Rather, burlesque calls for the full stop rejection of the target, a position that may foster further intransigence and ideological polarization.

Protesting the regulation of women's health through burlesque legislation is a novel strategy that responds to the rhetorical constraints of the abortion debate in the United States. By adopting a strategy that straddles the line between comic and tragic frames, these humorous bills reject a dysfunctional social order by inviting laughter at the absurdity of regulations on women.

This essay has sought to understand the function of these burlesque protests and situate them within the broader rhetorical landscape of the abortion debate. Ultimately, these strategies may continue to exist and evolve in response to the shifting legal and philosophical landscape of reproductive law in the United States.

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