

In this issue:

- Editor's Letter
- Digital and Dustfree: A Conversation on the Possibilities of Digital-Only Searching for Third-Wave Historical Recovery by Patricia Sullivan and Tarez Samra Graban
- Translating Good Impulses into Action": Rhetorical Education in a High School Girls' Club, 1916-1926 by Lori Ostergaard
- Is now the time?: Divergent Discourses in the Pro-life movement Regarding Ohio HB 125 by Sheryl Cunningham

Editor's Letter

Dear All:

Peitho is changing! In Fall 2012, *Peitho* will become a peer-reviewed journal. With this transformation, *Peitho* will continue to publish essays pertaining broadly to women and gender in the fields of rhetoric, composition, and communications studies. *Peitho* will continue to be published twice a year, in electronic format, a format which will allow us some leeway in length and types of submissions. Submission and inquiry information will be located on the *Peitho* page of the Coalition's website (cwshrc.org/peitho) at the end of January. We urge you to submit your manuscripts!

This issue of the newsletter contains revised presentations from the Feminisms and Rhetorics conferences of 2009 and 2011. Pat Sullivan and Tarez Graban's "Digital and Dustfree: A Conversation on the Possibilities of Digital-Only Searching for Third-Wave Historical Recovery" offers us both a model of methods and a methodology for research that challenges the boundaries of traditional archival research. Lori Ostergaard's "Translating Good Impulses into Action": Rhetorical Education in a High School Girls' Club, 1916-1926" explores how the Girls' Club at Oak Park and River Forest Township High School exposed participating girls to feminist thought and activity. Finally, Sheryl Cunningham analyzes the discourse of Ohio pro-life forces attempting to pass a bill that bans abortions once a fetal heartbeat is present in her essays "Is now the time?: Divergent Discourses in the Pro-life movement Regarding Ohio HB 125."

Enjoy this issue of *Peitho* and we look forward to reading your submissions for the inaugural issue of *Peitho*, the journal and all subsequent issues.

Barb L'Eplattenier



Peitho fleeing the seduction of Leda appearing on an Apulian red figure vase, ca. 350-340 B.C.E.

J. Paul Getty Museum
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Digital and Dustfree: A Conversation on the Possibilities of Digital-Only Searching for Third-Wave Historical Recovery

Patricia Sullivan

Tarez Samra Graban

During their digital historiography session at the 2009 Feminisms and Rhetorics conference in East Lansing, Michigan, Patricia Sullivan and Tarez Samra Graban considered the possibilities of digital-only searching and the theoretical contradictions that make such searching a uniquely feminist project, especially for breaking into origin narratives for the field. We have reconstructed key moments in their presentation and discussion here, focusing on some of the ways in which they position digital historiography in rhetoric and composition as different from digital history writ-large.

Sullivan: The past decade has recovered many contributions by women to the history of Rhetoric and Composition in America, including their work in literary circles, religious education, political movements, and education. While much of this recovery has required intensive investigation in libraries and archives—generating considerable archival dust—it has also stemmed from the proliferation of newly digitized texts available online. Besides being dust-free, the digitized versions can be searched and simultaneously opened for side-by-side comparisons. They offer exhaustive contents and indexes and can be used for acknowledgment-webbing, among other useful processes.

Graban: However, *digitized texts* demand a proactive—not a reactive—building of historical methodologies in rhetoric and composition. Far from suggesting a dawning utopia for historians committed to recovering women’s contributions via electronic texts, or that widespread digitization projects are not somehow impacted by the authors’ positions or by their institutions, *in this project*, we reconsider what makes a stable rhetorical system evolve, and we invite our readers to think with us on the challenges that lie ahead in this “third wave” of historical recovery in Rhetoric and Composition, where materials themselves determine the boundaries of our questions and the parameters of our involvement with them, and where we let digital rhetorical recovery

shift our theoretical frames for more than just archival work. What follows here is not intended to be a state of The Field, but rather a discussion of our own work in it, beginning at the intersection of several projects, including Pat’s work in articulating connections between digital-born searching and feminist narratives of the field.

Sullivan: Recently I have been pondering why women cannot break into the origin narratives for the field when there is considerable, even increasing, historical work about them; how the GoogleBooks Project remakes possibilities for historical work in American Rhetoric by increasing the likelihood that women’s contributions can be noticed; how the “doing” of history morphs in a digital age; and finally, how these first three points impact how I teach graduate students to do history of rhetoric. Admittedly, pursuing these possibly disparate topics as interrelated invites them to slip and slide and makes it difficult to attach examples to them that have any detail. For that reason, I begin our conversation by offering a thought experiment in what it means to do digital history—or to do history digitally. The case of Frances Melville Perry can function as a kind of status report on our thinking together, as well as on the work we have done independently that is closely related to our conversation.

Graban: Our task is not to prove a case or define a single response to the question of whether and how we should employ digital archival methodologies. Rather, our task is to dislodge the security of what have been our disciplinary and archival locations, corpora, and major themes or players. We dislodge in order to offer an *epistemic reconstruction*—a putting back together of a more inclusive or productive way of questioning based on our various traces.

Sullivan: Tracing digital records about Frances Melville Perry began in an exercise I used in “teaching digital history” to explore how increased digital resources allowed for revisiting historical themes using a more inclusive cast. I asked students: “How can digital sources open up our origin stories

to review? For example, would origin stories of Composition Studies as a Field change if John Brereton’s proclaimedly document-centered text, *The Origins of Composition Studies in the American Colleges, 1875-1925: A Documentary History*, were comprised of textbooks and articles authored by all women, except three men?” I had prepared supporting materials for this exercise: a set of links to textbooks from 1875-1925 that were authored by women and were available online, which I housed at delicious. (See Figure 1: delicious19ctextbooks), a bibliography, and maps of women faculty at colleges during that 50 years, which I built on

GoogleMaps. (See Figure 2: Women Faculty.) My students were more taken by their realization, through their own mapping Brereton’s authors, that most of the country was not included in his history (See Figure 3: Female

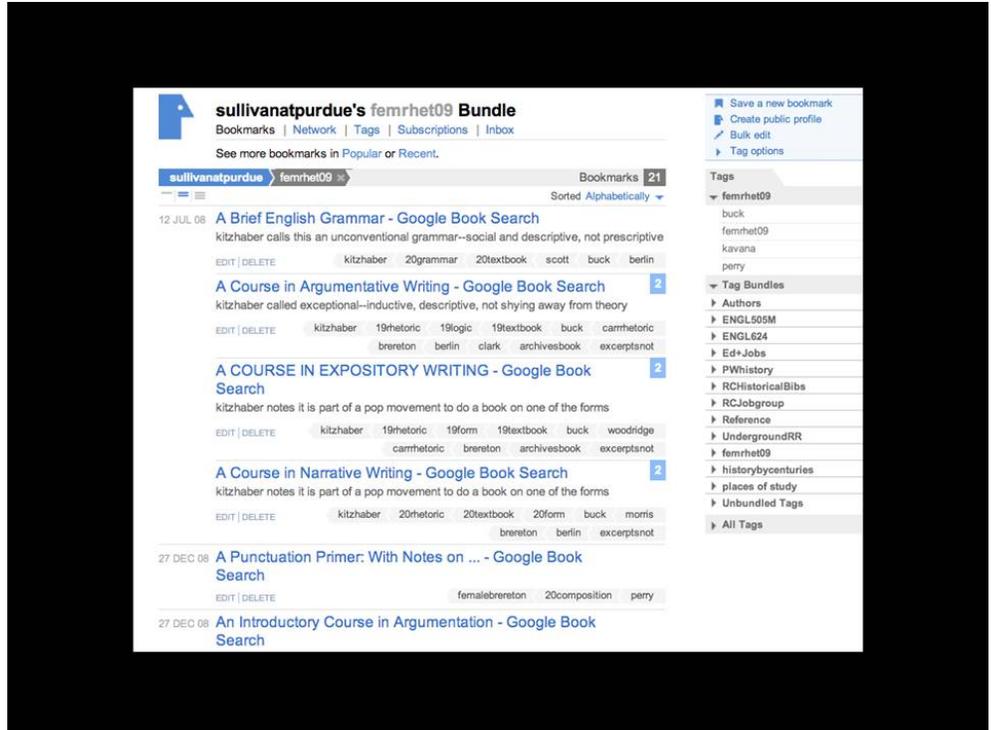


Figure 1: delicious19ctextbooks

Brereton).

But that was a useful response because I was trying to position them both to think about two arguments of history: first, the subtle one that the data

I assemble for you to use to draw your own conclusions is *the* data; and second, having more and wider resources available online could open spaces for investigation. No matter how sincerely Professor Brereton intended his project to open up discussion by delivering primary sources to students, assembling a set of documents could be taken as assembling *the* set of documents and thereby be used to cordon off the space and narrow discussion in ways that made it more difficult for women, non-New Englanders, or other minorities to build alternative origin stories. Assemblage establishes a canon.

I was working to assemble this pet project—namely, the Female

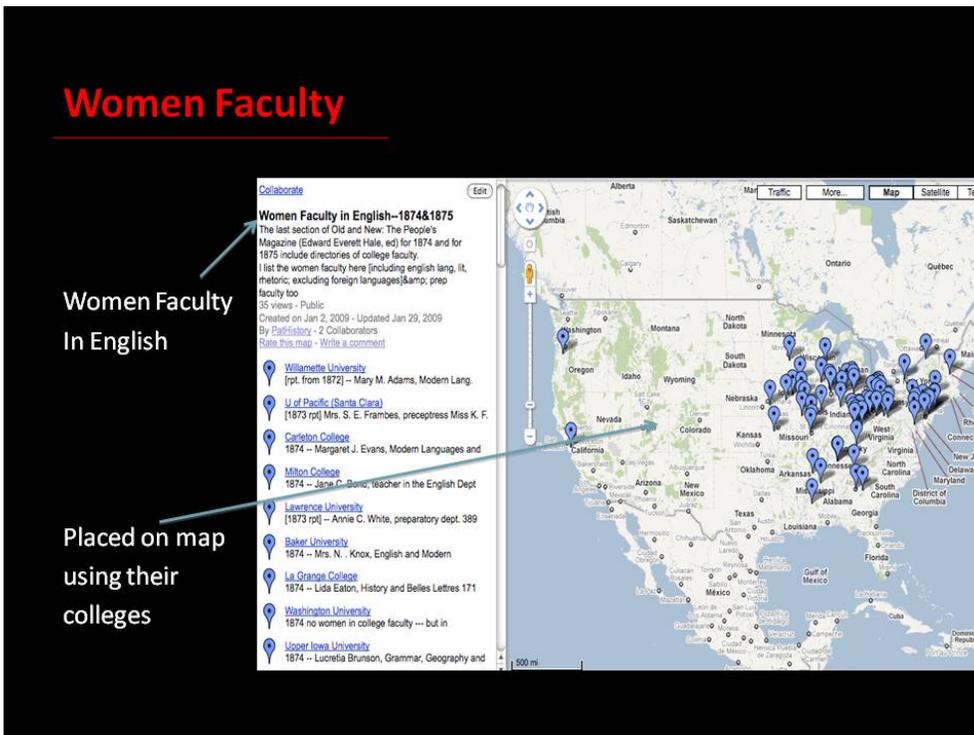


Figure 2: Women Faculty

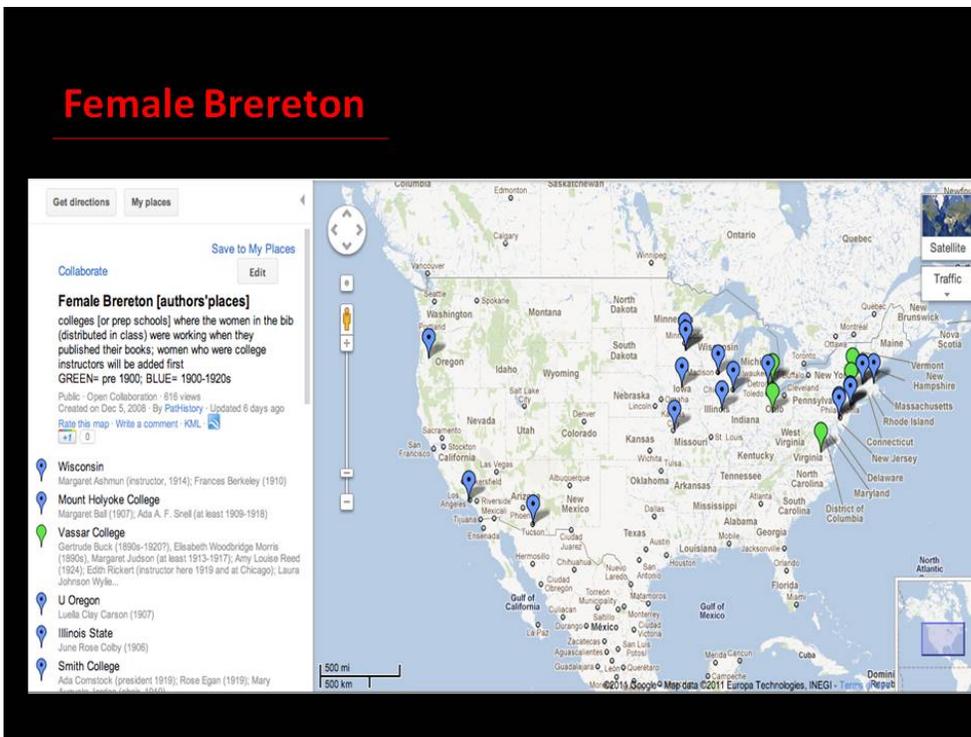


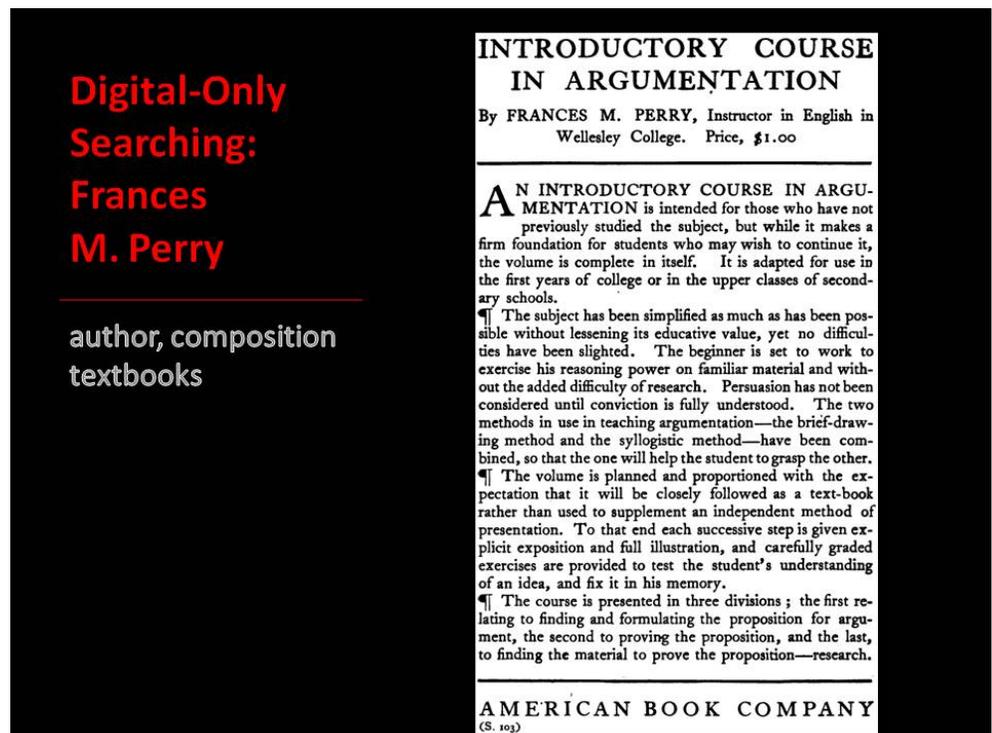
Figure 3: Female Brereton

repositories for full texts—including GoogleBooks, The Internet Archive, the Nietz Collection, the Hathi Trust, Project Gutenberg, and the University of Michigan General Digital Collection—more of *her books* [beyond *An Introductory Course in Argumentation* (1906) and *An Introductory Course in Exposition* (1908)] showed up (See Figure 4: Perry's *An Introductory Course in Argumentation*). I realized that Perry shared characteristics with figures already recovered, but not all the obvious ones. She taught at Wellesley College from 1900-1910 and again from 1924-1925. She gained promotion there and, after Wellesley, she chaired the Department of Rhetoric and

Composition at the University of Arizona and was a professor there until she died in 1933. She published six textbooks, taught writing her whole career, published on the teaching of writing in *The Public* Brereton—when I stumbled into Frances Melville Perry, A.M. (1870-1933). Since she was a woman compositionist from the Progressive Era who had risen to associate professor at a Seven Sisters college, eventually published 5 or so college textbooks, and left Wellesley to teach at the University of Arizona, I was surprised to find relatively little coverage of her work, given the good recovery work that has been done in this area. Most of the historical scholarship into women in the history of writing instruction may be built on dust (i.e., work in the library stacks and archives). So, what would happen if we tried to do such work but limited our queries to anything we could find online? How thoroughly (and satisfyingly) could I recover Perry's work? What would I not be able to do?

When I began systematically searching the large digital

Composition at the University of Arizona and was a professor there until she died in 1933. She published six textbooks, taught writing her whole career, published on the teaching of writing in *The Public*

Figure 4: Perry's *An Introductory Course in Argumentation*

School Journal and *English Journal*, and her essay in *Educational Review* (1917) entitled “New Standards in Oratory” was summarized in other journals.

However, Perry also was from the Midwest—born in Indiana, earning a BA and MA at Butler University in Indianapolis, spending a stint teaching at the normal school there, and perhaps earning another degree from the University of Chicago. Further, she did not spend her entire career at Wellesley or enter into their lore about teachers, and thus has little representation in their institutional archives aside from the course catalogs and the presidents’ annual reports. Like many women composition teachers of the day, she published both composition textbooks and books of a different stripe—in Perry’s case, a successful group of *juvenile biographies* on pioneers, inventors, presidents, and Indians, as well as an article on “Solidarity” in *Science* (1909) (See Figure 5: Perry’s Juvenile Biographies). Unlike other Progressive-Era women rhetors, Perry was not publishing on political issues—social or educational. Because she was not figured in what we retrospectively identify as our “earliest” histories, it is unclear what motive researchers would have to pursue her as a Wellesley research subject in the first place.

Graban: Pat’s thought experiment on Frances Perry enacts some of the ways that new historians of Rhetoric and Composition can be trained *with* and *from* riches of available texts that enhance vital questions of history, methodology, and disciplinary identity. This is meaningful in my own work on models of archival locatability that emerge from digital gaps. We see what we do as imagining a discipline of archival questioning and textual recovery based on an intellectual posturing towards what Pat has called the *deployment* of texts, and we offer this as one way to position Rhetoric and Composition in the ongoing epistemic formation of this loose baggy monster

called “digital humanities.” But what precisely does *deployment* mean in this sense? Here are the principles I see driving it in Pat’s and my development of different discourses involved in the digital humanities:

- (1) we see in electronic archives larger questions related to browsing, using, and responding to repositories, webs, and digital tools (i.e., ways of learning and knowing that are intrinsic to electronic environments, not simply imported from print to digital environments);
- (2) we see it as our concern to develop approaches to managing and collecting what Matthew Kirschenbaum might call “born-digital” literacy materials for scholarly use (beyond just thinking about how to digitize and store existing print materials);

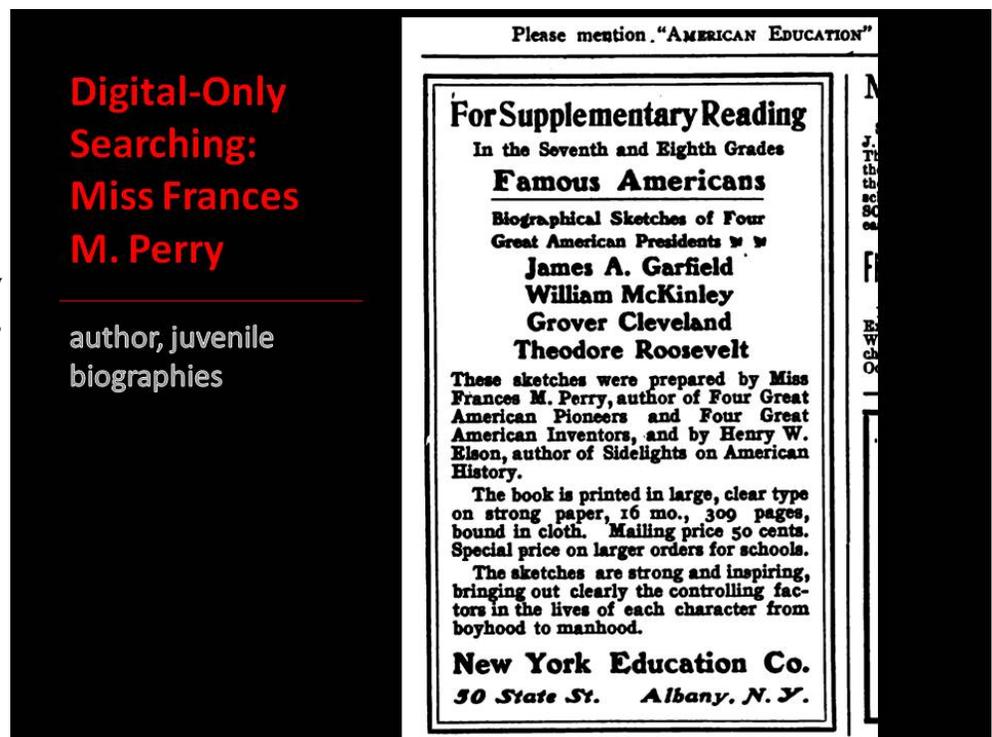


Figure 5: Perry’s Juvenile Biographies

- (3) our overarching concern is with archives as multimedia compositions, and with the consequent acts that go into teaching, theorizing the production of, and supporting these compositions—thus, we may or may not be involved in the actual construction of archives or repositories online;
- (4) ultimately, it means that we are interested in

theorizing production-oriented interactions between history and technology.

Sullivan: It is important to build context for this kind of theorizing. Perry's textbooks could have been found before digitization, and she was apparently known by historians before digitization. Thus, Perry has and did have a presence in primary and secondary print materials. A digital-only research methodology does not prove her existence. What digitization makes more evident are the possible reasons why her print presence is as understated as it is. For example, Katharine Bates' 1896 article on "Teaching the Art of Writing" helps to historicize rhetoric education at Wellesley College (in turn, influencing Brereton's survey of the field), yet it was published in *The Dial* four years before Perry joined Wellesley's faculty. She left Wellesley in 1910 and thus was not represented in their archives during the period that Barbara L'Eplattenier and Lisa Mastrangelo's work on in their historical studies of writing program administration. Yet, while print searches may obscure Perry as a research subject, we can find digitized versions of college books from this period, which open up further material avenues of inquiry. Moreover, other materials—articles, mentions, and advertisements in books and magazines—can be located more quickly and grouped more easily than by hand.

Before the Perry experiment, I would have located information on female faculty in this way:

- (1) searching *Old and New* (a magazine edited by Edward Everett Hale) for its lists of college faculty, 1870-1875;
- (2) searching the MLA, which listed its members beginning in 1886; and
- (3) building a map, using the MLA as a starting point, adding women who had been discussed in secondary scholarship, and adding women who turned up as authors of books (and those women they thanked or acknowledged).

Based on my Perry experiment, I have the following expanded research methodology for all-digital searches:

- (1) searching for digitized versions of books she has authored (titles ascertained at Library of Congress and OCLC);
- (2) conducting Internet searches for various permutations of her name;

(3) noting the tags on her publications and searching for her name and those locations together;

(4) searching institutional records online at Butler, the University of Chicago, Wellesley, and the University of Arizona;

(5) looking inside digitized versions of her books for colleagues she thanked and people mentioned in acknowledgments, for example, Katharine Bates and Sophie Chantal Hart;

(6) building a professional and personal timeline, including birth and death dates, degrees, dates of graduation, thesis titles, positions held, and teaching responsibilities, as much as this information can be ascertained online;

(7) building a publishing timeline by organizing her books and articles into bibliographies by focus, subject, and readership into an electronic bibliography with active URLs; and

(8) considering the frequency of the original (or facsimile) editions of her texts that appear on e-Bay, Amazon, or other electronic venues.

At the same time, there are marked limitations.

Contemporary and historical scholarship in journals is accessible online, and often easier to locate in other fields or disciplines. For books under copyright and older dissertations, however, the story is somewhat different. If a book is in Amazon or GoogleBooks, it can be term searched, but not read online. So, sophisticated, rich scholarly conversation gets missed. Ultimately, one has to use more materials than GoogleBooks, no matter how much it wows us. In Perry's case, although digital projects like Google Books may be prime motivators for studying Perry in print, it is projects like The Internet Archive that hold key institutional records for both justifying and questioning her presence in the field. When I wondered whether Perry's books were shelved close enough to books included in those early origin stories—close enough so that historiographers might expect they would be stumbled into in a shelf search (and considered, then discarded)—I used a search in WorldCat for the Dewey decimal numbers that were used for Perry's books. These full-text searches for "f. m. perry" or "frances perry" yielded mentions of her in publications such as *Science* and *Macbeth*. I had to decide whether to follow all of these seeming dead ends because I had thousands of hits to explore.

Then I discover that she did write a response in *Science* and that this particular version of *Macbeth* contained an advertisement for her textbook. The time it takes to sift through all of the hits felt a bit like panning for gold in the stream below a played-out mine.

Graban: Since, as Pat argues, digitization is neither transparent nor without its own material shifts, we are careful not to overlook or flatten the paradigmatic disruption that has allowed us to identify “female Breretonization” as a method to be employed, or that might cause “Breretonization” to be seen as an end in itself. If we are to argue for this deployment as epistemology—within and beyond Rhetoric and Composition—what considerations should we attend to in its development? I offer three such considerations as “contradictions” in the same vein as Valerie Renegar and Stacey Sowards have recently described this term in third-wave feminist literature as “internally inconsistent or oppositional positions” (“Contradiction” 5). Renegar and Sowards survey the short history of this term in third-wave feminism in order to argue for its employment as a “transcendent term that includes a myriad of other strategies such as ambiguity, paradox, multiplicity, complexity, anti-orthodoxy, opposition, and inconsistency” (5-6), specifically to promote divergent thinking. So, *contradiction* is agential because of how it has been used to realize emergent identities, develop new ways of thinking, and imagine new forms of social action.

The first “contradiction” is in how these methodologies disrupt traditional notions of serendipity that come with accidental browsing in archival work, even to the point of removing or dislocating the repository’s frame from our examination of a text, or to the point of dissociating archival work from a sense of physical immediacy. Obviously we want to do more than simply preserve *the thing as it is*. We want to make a text’s ephemerality, disappearance, and change more visible. But what does this do to the singly experienced “aha” moment that is often seen as requisite in archival recovery? How might this diminished importance of physical space in determining a “collection” lead to an ahistorical imagining that complicates rather than complements the construction of more complete historical

narratives?

Pat’s trace of Frances Perry demonstrates that there is no longer a didactic relationship between “finder” and “found text” because digital findings are not necessarily contained according to spatial provenance but rather are defined and accessed according to a broader set of motives. *Primary* and *secondary* become diachronic (rather than synchronic) designations, and immediacy becomes understood in terms of *kairos* rather than in terms of physical location. Thus, this kind of instruction likely serves to shift the “aha” moment from finding the rare artifact or text to gaining an understanding of how groups of rare artifacts or texts could have functioned together more broadly. In the same way that Kress, Jewitt, and Tsatsarelis observe how the contemporary communicational landscape makes theoretical challenges for pedagogic discourse, I see that working with online repositories or digital archival tools challenges a number of epistemic “frames,” including those that define the place, site, and time of education; those that distinguish the audiences of and outcomes for education; and those that determine locations of educational authority (“Knowledge” 9). When the archival space changes—when immediacy no longer relies on the solitary relationship between a researcher and her “finds”—so too can the value-added nature of archival instruction. Yet simply removing the research act from a physical environment need not be viewed as promoting a kind of historical amnesia of moments, events, and archival spaces out of which these discoveries occurred. Digital archives simply trade one set of materialities for another, urging historiographers towards an art and craft of dispensation and discernment. Thus, unlike Kress, Jewitt, and Tsatsarelis, I would not say that in teaching and learning digital archival methodologies historiographers are necessarily “smuggling” one kind of discourse into a domain where it previously had no place (29).

The second “contradiction” is in how these methodologies motivate us to rethink information literacy as meta-inquiry. With the kinds of searchable full-text versions already available in databases like EBSCO, MOA and JSTOR, Rhetoric and Composition has been for some time promoting digital finding aids and literal search strings over

static databases and topical keywords. But what does the promotion of digital-only searches mean for the employment of these aids and search strings? How does this complicate our beliefs about information literacy instruction? Pat's observations of GoogleBooks serve to disrupt our reliance on the organizational nature of the information we tend to think we produce. This disruption may serve as a much-needed modeling of how micro- and macro-analysis can inform the same inquiry, rather than be treated as different kinds of inquiry. Some fields within English studies might charge these approaches with being historically specious, and yet that charge most likely relies on disciplinary biases related to information literacy.

Sullivan: We might, for example, prepare graduate students to take 150 texts from the nineteenth century and note patterns in their contents (i.e., whether the word “practical” appears in the subtitle, making it a distinctively American project, or whether text A was mentioned and reviewed as widely as author B says it was in the latter part of the century). Or we might ask them to analyze the preface chapters of 150 books to trace the scope and reach of each book, or to do a side-by-side comparison of tables of contents in several books at a time and in different combinations, to account for how beliefs about the books' market values may have perpetuated.

Graban: Activities like these don't have to be learned at the expense of close reading, just as the ability to generalize based on a vast corpus of snippets need not be performed distinctly from the explication of a complete single text. The methodologies we find ourselves inventing and grappling with make it possible for viable research questions to emerge from text-up (“close reading”) or from texts-down (“corpus examination”) or from both places simultaneously. Perhaps this, in turn, will signal the end of keywords or search strings as *compasses*—as spatial pointers or locators—causing

historiographers instead to consider them more usefully as *temporal indicators*—as semantic representations of values that are themselves unstable and lead us to a genealogy of instabilities caused by language.

Sullivan: This methodological and genealogical work with digital history also can be enacted in undergraduate classes as Tarez has shown in her “Women in Social Movements” course.

Graban: Particularly for challenging the first- and second-generation digital positioning of women rhetors—or, for understanding what it means for texts to be brought digitally into historiographic consciousness. I regularly teach this course as a breadth and depth examination of women writing in social spheres. During one unit of the syllabus, my students and I sought to understand what factors might determine the parameters of a “critical” study of women's rhetoric, especially if using online tools. Students went about it one of *two ways*

- (1) Several students chose to search the 1848 “Declaration of Sentiments” (on [NAWSA](#))¹ for key phrases from Karlyn Kohrs Campbell's introductory chapter in *Man Cannot Speak*. (See Figure 6: Women in Social Movements—Terms). These phrases described women's texts or their

Women in Social Movements – First- and Second-Generation Digital Positioning

Campbell Class Discussion – on <http://womsocmov.blogspot.com> and on <http://womsocmov2.blogspot.com>

HISTORICAL / ARCHIVAL QUESTION - OPTION ONE (choose one option)

From our course resources page, search the “[National American Woman Suffrage Association Collection](#)” for the 8-page document called “Declaration of Sentiments.” What can you learn about this document based on the page images and the bibliographic information given in the NAWSA Collection?

Then, start a new “full-text” search for one or two of the terms Campbell introduces in her chapter excerpt, i.e., “woman's rights,” “cult of womanhood,” “true woman,” “feminine,” “feminist,” “pragmatic,” etc. Based on the selections that come up for your search, formulate a theory about the values, connotations, or uses attached to your term between 1848 and 1921. What questions does this activity raise for you about meta-language?

Figure 6: Women in Social Movements—Terms

social participation, and they included “woman’s rights,” “feminine/feminist,” “pragmatic,” and “cult of womanhood.” Students then extended the same search to a 25-year period within the whole database, as a way of theorizing about the usage, connotation, or evolution of these terms in related documents. Discussing their search results on the class weblog, they considered both the presence and absence of certain phrases, as well as the role of each phrase in Campbell’s historicization of feminine style.

(2) Other students chose to compare and contrast

four online timelines of Suffrage history to draw conclusions about how women’s movements have been/can be represented online (See Figure 7: Women in Social Movements—Timelines). On the class weblog, they discussed how the timelines represented history, noting such explicit and implicit differences as: “beginning”, highlights, and “endpoints” of Suffrage in England and America; varied definitions of “suffrage”; events linking Suffrage to other movements; and complications in viewing Suffrage as a singular or coherent “movement” (or as distinct from emancipation, abolition, and equal rights). One student noted that timelines function typologically, with some creating a casual chain of events and others highlighting Suffrage’s stalled movements and setbacks, and that social movements are not rhetorically isolated events.

During subsequent class discussions, both groups indicated that the “Declaration of Sentiments” served as a focal point on all timelines, even after they discovered the relative inadequacy of that document alone to represent the broader movement based on how it employed language. In other words, these results helped them to consider the role of the “Declaration of Sentiments” in the whole NAWSA

Women in Social Movements – First- and Second-Generation Digital Positioning

Campbell Class Discussion – on <http://womsocmov.blogspot.com> and on <http://womsocmov2.blogspot.com>

HISTORICAL / ARCHIVAL QUESTION - OPTION TWO (choose one option)

Locate and compare the following timelines of Suffrage history:

[Laurie Mann’s Timeline of Women’s Suffrage in the United States](#)

[“One Hundred Years Towards Suffrage” \(hosted by NAWSA\)](#)

[“A History of the American Suffragist Movement”](#)

[Women and Social Movements in the United States, 1600-2000](#)

Discuss some of the explicit and implicit differences between the timelines and how they represent the movement. Note any interesting patterns or dissonances between them. What questions does this activity raise for you?

Figure 7: Women in Social Movements—Timelines

collection, noting richer interactions between key terms and meta-language, and helped them to consider the control that key terms exert over their efforts to do historical recovery, and how a word search can help them to rethink, or reevaluate an “unsexing” of women speakers and writers through these terms. At the very least, in that class, we gained a clearer sense of what texts and text terms were available for public consumption and how we might (or to what extent we should) read them dissociated from their lore. So, it may be that the more we invent, the more we grapple with what kinds of evidences this research pushes us to require and/or to discount, the greater are the demands on our key terms to help us discover *types and kinds of mediation*.

The third “contradiction” is in the challenges that come with targeting this period for a fuller sense of disciplinary formation. In other words, how does our work position Rhetoric and Composition as an historically expedient site for knowledge-making without reinforcing the same disciplinary determinism that contributed to Perry’s archival gaps? And what does our being an epistemological “site” mean for other disciplines engaged in the analysis and production of archival discourse? Susan Wells offers an image of archival reading as “sutur [ing] together” the relation between texts (911), and I

like to think that describes the productive nature of what Pat and I do here. Wells argues that archives can help shape intellectual projects in Rhetoric and Composition to resist knowledge and refuse closure (*qua* Walter Benjamin, 913), reveal our tendency to promote historical erasure when we think we are preserving historical memory (912), help loosen disciplinary “resentment” that comes with undervaluing literacy (914), and help us imagine ways of reconfiguring our own discipline (915).

These rhetorical attitudes—resisting, refusing, revealing, loosening, and imagining—do more than simply justify our digital historical methods as an episteme for “third-wave” theorizing in Rhetoric and Composition. Indeed, they illumine how our digital historical methods offers the following heuristic of destabilizing moves that might, in turn, be extended towards other digital work:

- (1) Accept the simultaneous abundance and (potential) obsolescence of materials as the creation of “a framework” or “an ontology” that enables people to “experience, read, and follow an argument about a historical problem” (Thomas, in Cohen et al 454).
- (2) Rebuild or reshape the relationships between artifacts and cultures that have been severed through the digitization of print, by focusing on the ways that artifacts are encountered, juxtaposed, and displayed. These might be relationships between texts and original culture, texts and original material, texts and audiences, or texts and time.
- (3) Name these relationships, such as understanding an “always/already” state of knowledge, building production-oriented (vs. analysis-oriented) theories of digital archives, and understanding archives as compositions (vs. merely “collections”). Barbara Biesecker posits the *always/already* or *present/absent* nature of the historical space as a scene of collective invention because it gestures towards what is “not yet” as much as to “what is,” and because it is denotative and ontological at the same time (124).
- (4) Use these named relationships to develop critical models for questioning *of* and *from* the text, not merely *on* or *about* the text, especially when examining texts that have been deployed for more public or civic aims.

Destabilizing or decentering moves such as these, operating in classes that use digital tools to assist students in building both macro- and micro-interrogations, begin to work with indeterminacy in productive ways. We invite our readers to take up these moves in other contexts. In so doing, we invite our readers to view these moves as “transcendent third options” (to use Renegar and Sowards’ appropriation of Mary Daly) (“Contradiction” 11)—as sites for illuminating the “artificial and constructed nature” of historical, archival, and digital dichotomies that could be nudged apart towards the formation of a new self-determination in digital rhetorics, and perhaps even a new discipline.

Notes

- ¹ <http://memory.loc.gov/ammem/naw/nawshome.html>

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Translating Good Impulses into Action”: Rhetorical Education in a High School Girls’ Club, 1916-1926

Lori Ostergaard

In “Telling Evidence: Rethinking What Counts in Rhetoric,” Carol Mattingly argues that scholars of rhetorical history must broaden their research to “add figures to a more inclusive tradition” (99).¹ Mattingly suggests that in their efforts to lend legitimacy to the women rhetors they celebrated, pioneering feminist scholars may have focused on figures who conformed closely to the agonistic discourse practices of male rhetors of the time, and this focus may have “diminished our appreciation” of the individual women and groups who worked on the margins, or beyond the reach, of those agonistic practices (101). Irenic traditions of rhetorical education and activism are detailed in histories by scholars like Karen J. Blair, Ann Ruggles Gere, Jacqueline Jones Royster, Theodora Penny Martin, and Wendy Sharer, who have uncovered the ways that clubs and social groups functioned as empowering sites for the promotion of women’s engagement in American civic, creative, and professional life. These clubs, working from an irenic tradition of private conversation and discussion, may have prepared women in the late nineteenth and early twentieth centuries for public rhetorical engagement in their own communities and on the national level. For those women whose stories populate the pages of *Clubwoman as Feminist*, *Intimate Practices*, *Traces of a Stream*, *The Sound of Our Own Voices*, and *Vote and Voice*, however, their rhetorical education and engagement with public and professional identities may well have begun with high school literary societies and clubs.

Research investigating high school literary societies and clubs may afford us with a more comprehensive history of women’s rhetorical education during this time than simply examining women’s rhetorical education in college.² Indeed, early twentieth-century high school clubs may well have served as the nurseries for activist and professional women, providing high school girls with occasions for public address, opportunities to work alongside activists and professional women in their local communities, and support for pursuing careers or advanced education. Histories constructed from

high school archives may also provide insights into the ways early feminist pedagogues fostered independence, political activism, and entrepreneurship among girls and young women during this time.

On the surface, the Girls’ Club at the Oak Park and River Forest Township High School (OPRFHS) in Illinois demonstrated many of the charitable and gendered behaviors expected of upper-middle-class clubwomen in this affluent suburb of Chicago. But Martin observes that many adult women’s groups adopted this kind of conservative façade to disguise their feminist leanings (37), and Blair suggests these seemingly conservative organizations may have actually “served as a first step for feminists determined to improve their status” (*Clubwomen* 58). While their formal programs would have raised few eyebrows within this Midwestern community, the Girls’ Club at OPRFHS provided these young women with exposure to what Blair describes as “free-wheeling forums that would stimulate thought” (58).

The tension between the gendered expectations for the club and the more progressive aspirations of its founders is evidenced from the club’s inception. Thus, the first newspaper announcement about the founding of the Girls’ Club in 1916 includes allusions to charitable work and sewing, noting that in the first meeting the senior girls held to establish the club, it was proposed that the girls sew while listening to the programs, but “of course there were many objections raised to this proposal by the ‘lazy’ members of the class, who don’t like to sew” (Plummer 1). However, in an article published just two weeks later, newspaper reporter Muriel West worried that the new club for the girls will be viewed as little more than an off-shoot of the boys’ Hanna Club: “the ‘Mrs. Hanna Club’” (1). West lamented that the boys at the school may talk about the club as a “sewing circle,” but she argued that the club would show the boys “that girls can do just as good things and stand for just as much that’s worthwhile as they can” (1). To illustrate this point, West asked readers, “have you ever stopped to think how few real leaders there are among the

girls?” (1). She predicts that the new Girls’ Club will make future class presidents and “true leaders” out of the female students, promising that the club’s discussions will result in “fewer Junior girls petrified at debate time” and more Senior girls “fitted to speak at Commencement” (1). In the work that follows, I examine the extent to which West’s aspirations for the club were realized and to what extent the club may have conformed to the gendered expectations of the community at this time.

My research into the Girls’ Club at Oak Park and River Forest Township High School began with a little serendipity. In preparation for my first visit to the school’s archives to research how their progressive English faculty taught writing in the early twentieth century, I read about half a dozen published histories of the school. While reading a collection of the English essays and newspaper articles Ernest Hemingway wrote while a student at the school, I became intrigued by a photo of the school’s newspaper and, in particular, by the headline “Girl’s Club Organized” (Hemingway, Maziarka, and Vogel 19). The print on the reproduced newspaper was too small to read, but the headline was enough to make me curious about how an early twentieth-century high school girls club might compare to a community or college literary society. As I searched the archives at OPRFHS for information about the curricular and extracurricular writing instruction offered at the school, I also gathered documents related to this club. For this article, I rely on information found in the Girls’ Club’s school newspaper and yearbook reports; accounts of the club’s activities that were published in the town’s newspaper; an article the club’s faculty mentor, Essie Chamberlain, wrote for the *School Review* in 1919; and relevant chapters from OPRFHS teacher Lura Blackburn’s book, *Our High School Clubs*, which was written with the help of her “English Five” class and published in 1928. While this research is still in process, I have begun to develop a picture of the Girls’ Club’s organization, activities, and speakers, and—ultimately—of the service this club may have provided to the girls at the school.

My research thus far reveals a complicated set of motives surrounding this high school Girls’ Club’s pedagogical, social, and charitable activities and a tension between the gendered socialization expected

of these primarily, affluent white students and the feminist sympathies of the faculty advisor, Essie Chamberlain, and of some of the members of the Girls’ Club Council. These tensions are not unusual. Indeed, Blair suggests that women’s clubs represented one of the few spaces where women from wildly divergent perspectives—conservative women looking to preserve the past and suffragettes hoping to radically change the status quo—could work together in relatively productive harmony (*Torchbearers* 7). In their meetings, discussions, and activities, these high school girls found common ground to build on.

The Girls’ Club was formed largely to provide the girls at the school with the same kinds of social and literary club experiences that the school’s Hanna Club offered the boys. The Hanna Club was open to all of the boys at the school, and the Girls’ Club was similarly open to all of the girls. Because the Girls’ Club was constituted of the entire female student body, a Girls’ Club Council comprised of seniors was appointed by the principal to direct club activities and meetings and to determine how best to spend the club’s considerable annual budget. The whole club meet twice a month on Wednesday afternoons either to listen to powerful speakers or to engage in planned discussions. A diverse group of speakers were invited to present to the Girls’ Club: activists, alumni, professional women, as well as local housewives. However, my research suggests that the majority of the speakers over the years were professional women or activists.

Workers from the University of Chicago Settlement House, the Northwestern University Settlement, and Hull House regularly spoke at meetings, encouraging the club to run Christmas Stocking Drives or to offer their services transporting settlement children around the city since OPRFHS girls had access to their parents’ cars. Activists speakers included Mary McDowell, the Women’s Christian Temperance Union organizer; Sophonisba Preston Breckinridge, a pioneer in the field of social work; and Jane Addams. Harriet Vittum, who regularly ran for public office in Chicago, helped to run the Northwestern University Settlement, and was a recognized advocate for suffrage, women’s labor rights, and child welfare spoke on “Future Citizenship for Girls” just a few months after the

ratification of the 19th amendment in 1920.

Less well-known activists spoke to the club as well; for example, in 1925, the club heard a presentation from Geraldine Brown Gilkey, who worked with the League of Women Voters in Chicago and the University of Chicago's Settlement League. According to Girls' Club member, Jane Sayre, who reported on the talk for the school's newspaper, Gilkey spoke about the arranged marriages she witnessed in India with brides "of 13 whose [lives are] all planned out, cut and dried" and of the women of India who are "becoming very independent and are coming out and standing against all their families so that they may have the freedom of western women" (2).

Domestic topics shared the Girls' Club stage with professional ones, so that the club's very first presentation was on "the journey of life and its most important stations" by a Oak Park resident "Mrs. Dr. Winfield Scott Hall". This presentation was followed by one by nineteen-year-old composer Leo Sowerby; one by Judge Mary Bartelme, the first woman circuit court judge in Chicago; and one by Romona Dalzell, an Oak Park alumna who spent her summers working at the Essnay movie studio in Chicago and who later worked for the *Chicago Tribune*. Writing instruction at the school was progressive and vocational, preparing students for both advanced study at college and for careers as writers after high school and so it is not surprising that the Girls' Club hosted a number of professional writers over the years, including cartoonist Penny Ross; poet Carl Sandburg; *Chicago Tribune* writer and wit Richard Henry Little; journalist Dorthy Dix, who spoke on "Democracy among Working Women"; and novelist Janet A. Fairbank.

While these writers gave Girls' Club members a glimpse of the writer's life, other speakers helped these young women imagine the full range of careers open to them. The club, then, played an important role in the girls' lives, teaching them about various professions and instructing them on career and college preparation, for, according to one of Blackburn's students

in this day and age it is imperative for each girl to have some definite vocation or profession in mind, even when she is in high school, and one of the functions of a club such as Girls' Club should

be to help an individual to choose this vocation if she has not already done so. Therefore the Program Committee occasionally obtains speakers who talk to the girls on the occupations and positions open to women, what these positions demand in the way of experience, social contact, travel, and education, and what they offer in remuneration and in happy work. (81)

In 1917, Mrs. F. E. Dewhurst of the Bell Telephone Company spoke to the club about the work, training, and social lives of telephone operators. Helen Bennett of the Collegiate Bureau of Occupations for Women regularly spoke to the club about how to identify an occupation and how best to prepare for it. For example, in 1922, Bennett's presentation encouraged the girls to choose their occupations based on what they wanted to do. Bennett discussed a wide open field of opportunities for these young women, whether they wished to become "a grand opera singer or a dentist," "a detective or a teacher of philosophy" (Heile 1). In 1925, a woman from the vocational guidance department at the Englewood High School discussed careers previously closed to women, noting that "there is only one profession into which women have not entered, that is, mining engineering," and encouraging the girls to seek out the training they would need to enter their chosen occupations (Wild 1). Every year alumnae returned to speak to the club about the benefits of attending a small vs. large college, of being a student at a women's college vs. a coeducational school, and of going away to college vs. attending a nearby university.

In addition to listening to invited speakers, Girls' Club meetings included discussions, which were typically initiated by four junior or senior girls who were asked to deliver five-minute speeches on specific problems related to school or social life. The discussion topics were decidedly and even idiosyncratically chosen to encourage participation by an audience comprised of up to three hundred girls at a time: topics included "what true popularity is; the real value of boy friends; good sportsmanship; suitable clothes for high school girls; and the essential qualities of the ideal girl" (Blackburn 81). Discussion topics were designed to socialize the girls into the life of the school and present what some of the club's upper-class women felt were appropriate

behaviors regarding high school cliques, gossip, fashion, and study habits. But the discussions did more than provide models of gendered behaviors for the girls to emulate. Indeed, because the topics inspired discussions that were “lively and heated so that even freshmen claim their place on the floor, and it is not easy to close the meetings on time” (Blackburn 81), these talks may have helped to fulfill Muriel West’s wish of preparing the girls at the school for public speech and debate.

While the bulk of the work the Girls’ Club performed took place in these twice-monthly club meetings, this organization also engaged in a variety of charitable activities throughout the school year. This last part of the club’s activities was not originally anticipated by its founders, but World War I inspired the girls to engage in a number of charity drives for the Red Cross, and after the war, they sought other work of this nature. Blackburn’s book describes the club as being “like one of those wartime machines which laid its own track as it moved, Girls’ Club with each new duty has defined and enlarged the scope of its work” (74). Like the early feminists who Blair suggests were so desperate to “forge a public voice that [they] created a massive yet viable vehicle [clubs and societies] to impress [their] will” on society, the Girls’ Club sought out meaningful work in their own school, in their state, and abroad (*Torchbearers* 8). Many of the Girls’ Club’s charitable activities were directed anonymously to individuals at the own school who were in need of aid. For example, the club council often voted to fund a poor student’s school wardrobe, without revealing who the beneficiary of those funds was; they helped fund the wardrobe of an African-American classmate entering college; and they sponsored annual events to keep the school grounds and hallways clean.

Taking to heart the suggestions of their speakers, the girls’ charitable work extended beyond the school as well. The Girls’ Club supported a number of French war orphans through donations of money and clothes, raised money for a Southern Illinois community hit hard by a tornado, raised money to replace the chassis of the “Joy Bus” of the University of Chicago Settlement (Blackburn 76), provided Christmas entertainment for children of the local Associated Charities, donated decorated Christmas trees and gifts to various settlement houses, cared for

children at the local home for orphans, and sewed and filled an average of 2,000 Christmas stockings each year to distribute to eight of the city’s settlements and children’s homes. The aim of the club, according to one of Blackburn’s students, was always “to have as large number of the girls as possible working for the school and for others” (87). In the words of Essie Chamberlain, the club’s first advisor and founder, the Oak Park and River Forest Township High School Girls’ Club “develop[ed] leadership, initiative, reliability, and democracy; [and offered the girls] opportunities for translating good impulses into action” (796).

There are a number of important similarities between this high school Girls’ Club and the adult literary societies and social clubs of the time—both adult and high school women’s clubs offered educational and informational programs; both encouraged members to exercise their public voices through written papers or discussions; and both sought to improve their communities. But in this high school club of unmarried teens, professional and educational opportunities seemed to have consumed more of the time and energies of the membership than may have been the case in the adult women’s literary societies of the time. The club’s council and faculty advisors used the organization to help female students imagine lives for themselves beyond middle-class domesticity. Indeed, the culture of the club seemed to promote professional aspirations among the girls more so than domestic ones. Thus, in a newspaper report on one of Bennett’s presentations to the club, Girls’ Club member Helen Carr makes note of Bennett’s warning that “in the near future, the rich man’s daughter who stays at home in idleness will not be any better thought of than the rich man’s son who does likewise, is now” (1). Bennett used this meeting to introduce Oak Park girls to “various callings other than teaching in which they might become successful,” and she observed that jobs for women included jewelers, farmers, merchants, and business women, “women in Wall street, women as accountants, draftsmen, architects, private secretaries, domestic science teachers, are growing in importance, and the girls of today are finding vocations that fit their abilities much better than could the girl of yesterday” (1). This presentation by Bennett, given just a year after the club first formed,

feels a far cry from the “Mrs. Hanna Club” it was once feared the Girls’ Club might become (West 1). It is this transformative activity that may make these clubs worthy of our attention as archive historians and as feminist academics.

Notes

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² Women represented only 15% of the college population nationwide during the early twentieth century (Mastrangelo 58).

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Is now the time?: Divergent Discourses in the Pro-life movement Regarding Ohio HB 125

Sheryl Cunningham

Ohio House Bill 125 is poised to become one of the strictest anti-abortion laws in the United States. Its supporters call it the “Heartbeat Bill,” and the current text of the bill (still in the legislative process, but approved by the Ohio House in June 2011) states, very clearly, the goal: “To amend section 4731.22 and to enact section 2919.19 of the Revised Code to generally prohibit an abortion of an unborn human individual with a detectable fetal heartbeat.” The bill as approved by the House did not have provisions for rape or incest, though there are provisions for the life of the pregnant woman. HB 125 undercuts legal precedent by turning legislative language away from “fetal viability” as established in *Roe v. Wade* to “detectable heartbeat” as *the* key indicator of fetal viability. This discursive move suggests that pro-life supporters realize the difficulty in making abortion illegal if viability, as it is defined in *Roe v. Wade*, remains the legal standard in state regulation of abortion.

HB 125 is also noteworthy because it has divided a usually united pro-life movement. Although many pro-life activists have followed the lead of Faith 2 Action (F2A) president Janet Porter in support of the bill, Ohio Right to Life (ORTL) is against the bill. In a letter to ORTL chapter leaders, Marshal Pitchford, chairman of the board for ORTL, describes the disagreement as one that “focuses on the differences in strategy and timing” of pro-life legislation and not with the end goal of ending abortion in the state of Ohio. Some Ohio legislators have also expressed concern about moving forward due to this disagreement in the pro-life movement. John McClelland, aide to Ohio Senate President Tom Niehuas, described legislative hesitation resulting from concern that pro-life activists are not in agreement about the bill: “We’re a pro-life caucus, but there are concerns about the division in the pro-life community, so we’re taking our time” (Stuckey).

Both F2A and ORTL make their stance on the legislation known through various forms of public communication available on their respective websites. In this essay, I look closely at the language of

the bill and how it seeks to shift the discussion about fetal viability to discussion of fetal heartbeat. I also compare the divergent discourses of F2A and ORTL regarding HB 125. While ORTL consistently makes an effort to maintain social movement cohesion, it also indirectly critiques supporters of the bill by claiming its approach as responsible, thus implying that supporters are not responsible members of the pro-life community. F2A is much more concerned with passing HB 125 and seems to undermine movement cohesion through its *pathos*-laden moral discourse and critical stance toward the current ORTL executive director and board members.

Fetal heartbeat as fetal viability

The language of the HB 125 shifts how viability of a fetus is conceptualized within the medical community and, presumably, in a public context. The basic argument within the bill is that fetal heartbeat is *the* major indicator of whether or not a fetus will be able to be brought to term. In other words, if a heartbeat is detected at a certain time during a pregnancy, it indicates the likelihood that a baby will ultimately reach viability:

Sec. 2919.19. (A) The general assembly hereby declares that it finds, according to contemporary medical research, all of the following: (1) As many as thirty per cent of natural pregnancies end in spontaneous miscarriage; (2) Less than five per cent of all natural pregnancies end in spontaneous miscarriage after detection of fetal cardiac activity; (3) Over ninety per cent of *in vitro* pregnancies survive the first trimester if cardiac activity is detected in the gestational sac; (4) Nearly ninety per cent of *in vitro* pregnancies do not survive the first trimester where cardiac activity is not detected in the gestational sac; (5) Fetal heartbeat, therefore, has become a key, medical predictor that an unborn human individual will reach viability and live birth. (HB 125)

Roe v. Wade made clear that states cannot regulate abortion when the fetus is not viable because the state has a more compelling interest in upholding a woman’s right to privacy. The state only has a com-

elling interest in the fetus as a person when the fetus becomes a viable human being. HB 125 seeks to expand the definition of viability to the *potential for viability*; this bill does not directly refute the right to privacy determined in *Roe*, but rather uses “contemporary medical research” to argue that the older conception of viability, like that established in *Roe*, is outdated, and that fetal heartbeat is a reliable indicator of viability. According to this expanded definition of viability, abortion after fetal heartbeat detection should be banned, except when the pregnant woman faces what the bill defines as a “medical emergency.” HB 125, then, positions itself between current abortion legislation and more far-reaching legislation such as Initiative 26, a ballot initiative in Mississippi, which sought to establish rights for a fetus by defining the fetus as a person. (*Editor’s note: Initiative 26 ultimately failed at the ballot box in November 2011, with more than 55% of Mississippi voters voting against the bill.*)

Is now the time? Pathos, Kairos, and divergent discourses

In their public communications regarding HB 125 F2A utilizes a *pathos*-laden rhetoric, both verbal and visual, to garner support for the bill. Visually, the group members are encouraged to wear red when they attend any legislative meetings or hearings at the Ohio Statehouse. They also encourage bill supporters to hold red balloons in the shape of a heart at rallies and to send these same red heart-shaped balloons to state legislators. In the middle column of the main page of hearbeatbill.com there is a clickable set of options; one can send balloons to specific members of the Ohio Senate who are described as the four “critical” members, to all members, or to the members of the Health Committee. Supporters can also send a donation to F2A via this set of options. The visual campaign, though simple in its use of color and heart symbol, is quite powerful and reinforces the verbal frame “heartbeat bill,” which is often repeated in media discourse. In this case, the heart functions as a synecdoche, “substitut[ing] the image of a part of an item for the whole of another” (Condit 88). Here, the focus on the heart becomes not only a powerful visual marker of “Life,” but also reinforces the desired pro-life redefinition of the beating heart as inextricable from fetal viability.

The focus on the heart and the heartbeat as the

most important indicator of fetal viability not only enables supporters to nickname HB 125 the “Heartbeat Bill,” but also serves as the ground for the *pathos*-laden rhetoric of “babies” and “beating hearts” that is repeated in several different forms on the group’s website. A quote by F2A president Janet Porter is representative of the type of language used by supporters to describe the bill: “Ohio has the opportunity to make history again; when the Heartbeat Bill passes, our children’s beating hearts will no longer be forcefully and brutally broken.” Another quote featured on the home page of the website, from Paula Westwood, executive director of Cincinnati Right to Life, states:

At the very least, any innocent tiny human with a beating heart deserves life. This bill ensures that this commonsense protection is granted for the most vulnerable among us—the child in the womb.

There is no mention of a fetus, but rather of babies and children; this linguistic choice makes sense given the belief of many within the movement that life begins at conception, but more importantly, it makes sense given the legal goals of the group.

An ad created by F2A, with the title “EVERY DAY THEY DELAY COSTS A ‘SCHOOL BUS FULL’ OF CHILDREN’S LIVES!” in red bold writing is one of the most extreme example of *pathos*-laden rhetoric on the site. The ad, a little over one minute long, features medium shots of four children in succession. The first child is strapped into a car seat and holding a toy school bus as the words to the children’s song *The Wheels on the Bus* play in the background, the second shot has a different child singing along to the song, the third child holds a copy of the book *The Wheels on the Bus* and is only visible peeking over the top of the book. As the fourth child shown begins to sing the song in a soft voice, a voiceover begins with information about HB 125, saying that “the Heartbeat Bill will save the equivalent of a school bus full of children every single day.” These words also appear in white on the bottom of the screen; then the voice claims that “every day the senate delays a vote, a school bus full of children’s lives are lost.” The voiceover continues as the image shifts to parents carrying and walking their children toward a school bus. Shots of different buses appear as the voiceover continues with political information about which state senators to contact; their names and phone numbers appear on the screen in white. The viewer then sees an image of

a bus drive off, and finally, a film scene of a school bus driving over a cliff. As the bus free falls and crashes down the side of the cliff, the same woman's voice used throughout says "We can't wait another day. The cost is just too high." A sense of urgency is being invoked with the goal of applying pressure to legislators, but this same message of urgency also works to undermine F2A's opposition within the pro-life movement, those in leadership positions in ORTL.

In its public communications, ORTL attempts to address the issue of disagreement over HB 125 while F2A attempts to undermine the power of ORTL as a singular voice in the pro-life movement. On heartbeat-bill.com, F2A lists current supporters of the heartbeat bill. The document is entitled "Supporters of HB 125, The Heartbeat bill," in large red bubble font and then, in large blue font as a sub-head the phrase "Right to Life Leaders" appears. The first name on the list is Dr. Jack Willke, founder of National Right to Life and ORTL and current president of International Right to Life. The next three supporters listed are all former presidents of ORTL. Though F2A and other HB 125 supporters do not necessarily vilify their movement opponents, the message being sent is that current leadership of ORTL is not in line with past leadership or the current social movement majority and that those who oppose HB 125 are complicit in losing "a schoolbus full" of children each day.

In order to defend its position and attempt to maintain cohesion within the pro-life movement, ORTL attempts to shift the focus of discussion about HB 125 to constitutionality and timing. Where F2A employs *pathos*, ORTL responds with a *kairos*-focused rhetoric that appeals to responsibility. In a fact sheet describing why ORTL does not support HB 125, the bill is described as "the right idea at the wrong time" (ORTL, Enactment). At its core, the disagreement between pro-life HB 125 supporters and opponents is a disagreement about *kairos*—when is the "right time" for pro-life groups to pursue more far-reaching legislation? Supporters argue that the time is now, while ORTL argues that should the bill pass in Ohio, it will immediately enter the legal field and be struck down. If HB 125 makes it through the court system, it will be subjected to a Supreme Court on which "[t]here are not sufficient votes on the current U.S. Supreme Court to overturn *Roe*" (ORTL, Enactment). ORTL further argues that passing HB 125 will ultimately lead to more

legal precedent that favors a pro-choice interpretation of the legality abortion. In his letter to chapter leaders, Marshal Pitchford, Chairman of ORTL, expresses concern about the current makeup of the court, particularly Justices Sotomayor and Kagan, and indicates that these two judges would vote against any anti-abortion legislation.

ORTL also invokes a discourse of "responsibility" at the end of the fact sheet with a summary and conclusion stating: "We believe that such a proposal at this time will have negative and unintended consequences. Ohio is best served by preserving our current state laws and enacting a ban on late term abortions. This is the responsible next step in overturning *Roe v. Wade*" (ORTL, Enactment). Here, ORTL suggests a different course of action which has been successful in some other states, and couples this course of action with responsibility. Though the implication is that F2A and others are being irresponsible by supporting HB 125, there is no direct statement of irresponsibility in the fact sheet. The Pitchford letter to ORTL chapters also calls for responsible decision making and emphasizes the agreement between those in the movement: "First and foremost, thank you for your steadfast commitment to protecting and defending life from conception until natural death. We are blessed to have your community leadership as you have lead in the unifying effort to protect women and save countless lives." Such language suggests that those within the movement are driven by the same goals. Later in the letter, Pitchford again makes a similar claim:

Please know that Ohio's pro-life community and all pro-life individuals share the same mission. We understand that citizens want to do more and Ohio Right to Life has delivered! The disagreement on H.B. 125 focuses on the differences in strategy and timing of such efforts. Please know that there is not a difference in the pro-life principle as we believe we all share the same goal which is to end abortion.

ORTL clearly wants to maintain solidarity within the movement while simultaneously advancing the position that HB 125 is not responsible legislation because it will lead to undesirable legal and economic consequences. In his letter, Pitchford also utilizes a sports metaphor, how runners advance in baseball, to communicate the problems posed by the passage of HB 125, which I quote a length here:

The crux of most discussions surrounding abortion

laws is constitutionality. Right now, as a matter of legal precedent, which we at Ohio Right to Life reject, *Roe* and subsequent case law hold most limitations on abortion unconstitutional. In order to overturn this precedent, a specific legal protocol must be followed. Certain things must happen before a court will reverse itself. This process is much like playing a game of baseball. If overturning the prior ruling is home plate, you must first go to first base, then second and so on. If you go from first base to third base, you get thrown out and must start all over. The same is true if pro-life legislation is not well timed and is held unconstitutional. Here at Ohio Right to Life, our endorsed legislation represents a measured step in moving from first base to second.

Pitchford uses this baseball metaphor to argue that pro-life legislation must be incremental rather than sweeping in order to be successful. He indicates that those who expect a reversal of precedent do not do so out of ill will, but rather out of a misunderstanding of the judicial system. His efforts toward maintaining cohesion rely on a shared *kairotic* understanding with which F2A fervently disagrees.

Though F2A relies on *pathos* in much of its rhetoric, the group is not reliant on *pathos* alone as it documents its disagreement with ORTL's interpretation of constitutionality and presents counter-claims to refute ORTL's claim on *kairos*. On heartbeatbill.com, there are two sections, specifically, in which they articulate their position—one document, which is referred to as a Q & A in the links section is entitled “The Facts on HB 125: The Heartbeat Bill” and a different page which is referred to as “Featured quotes.” The fact sheet contains the subhead stating “The Heartbeat Bill is the best chance to save the most lives, and the time to pass it is *now*” (F2A, The Facts). The emphasis on “now” underscores that F2A understands this moment as *kairotic* as well. The fact sheet is divided into several sections with each of the following questions delineating a new section in the document. The document stands as a refutation of many claims being made by ORTL in its fact sheet and in the Pitchford letter. The questions in the fact sheet include:

1. What Does the Bill Do?
2. Should we wait to pass a Heartbeat Bill?
3. "Should we accept the status quo because we believe the judges won't allow a change?"

4. Is It Constitutional?
5. Could the Heartbeat Bill hurt any other pro-life law?
6. Could the Heartbeat Bill compromise the scientific fact (and pro-life position) that life begins at conception and our eventual goal to protect babies from that point?
7. Is the Heartbeat Bill a Good Idea?
8. What if the Court Strikes it down?
9. Could Passing the Heartbeat Bill hurt the Pro-life movement in any way?
10. What about Justice Kennedy, the swing vote on the court?
11. If you could protect nearly every baby in Ohio—Would You?

Here, I focus on F2A's response to question number four, as it directly refutes the *kairotic* argument provided by ORTL, regarding the issue of constitutionality. Citing Walter M. Weber, Senior Litigation Counsel for The American Center for Law and Justice in his testimony before the Health Committee, F2A responds to the charge of constitutionality with an unmitigated “Yes, the Heartbeat Bill is constitutional under federal constitutional law.” However, as one reads beyond this initial phrase the language becomes less clear. The argument shifts to a discussion of “informed consent” and away from the outlawing of abortion after detection of a fetal heartbeat:

The Supreme Court has affirmed that States can require that a woman contemplating abortion receive informed consent. *Planned Parenthood v. Casey*, 505 U.S. 833 (1992). That a child already has a heartbeat plainly will be a material consideration to many women considering abortion. This developmental detail brings home the humanity of the child and boldly illustrates the fact that the baby is already alive. The presence of a heartbeat also has a strong correlation with the ultimate prospects of a successful, live birth. Thus, informing the pregnant woman that her child has a heartbeat, in those cases where a heartbeat has been detected, is a constitutionally permissible facet of informed consent. (F2A, The Facts)

This focus on informed consent is of interest because it is a legislative agenda ORTL actually supports. In fact, some members of ORTL tried to amend HB 125 to make it an informed consent bill rather than a bill which bans abortions after fetal heartbeat detection; at the federal level Michele Bachmann has also expressed interest in introducing legislation for heartbeat informed consent

law. In other words, heartbeat informed consent may be constitutional and there is no disagreement about this issue within the pro-life movement. The much more problematic element of constitutionality seems to revolve around interpretations of *Doe v. Bolton*. F2A claims that *Doe* actually sets precedent in its favor: “the disallowance of unnecessary abortions—those not justified for “life or health”—is consistent with Supreme Court case law” (The Facts). This seems to be an incorrect interpretation of *Doe* though, as “health” was defined rather broadly in that case to include psychological, mental, and emotional health in addition to physical health of the pregnant woman. *Doe* essentially gave medical professionals the job of judging when abortions were a threat to many different aspects of a woman’s health. In HB 125, the language does not include a broad provision for “health” that would make it compliant with *Doe*, but rather constrains health to a medical emergency:

Medical emergency means a condition that in the physician's good faith medical judgment, based upon the facts known to the physician at that time, so endangers the life of the pregnant woman or a major bodily function of the pregnant woman as to necessitate the immediate performance or inducement of an abortion.

Rather than showing compliance with *Doe v. Bolton*, HB 125 language suggests that threats to physical health will be considered legitimate reasons for abortion, but that threats to other forms of health articulated in *Doe* will not be considered legitimate reasons for abortions to be performed.

Given the broadness of “health” as defined in *Doe* and the narrowness of health as defined in HB 125, F2A’s specific claim about the constitutionality of HB 125 is flawed. ORTL recognizes this flaw and it is likely this flaw that underlies ORTL’s arguments that “now is not the time” to attempt to pass HB 125. Even though F2A argues that constitutionality is not an issue it does provide a caveat to win over those who may still not be convinced. The group claims that if the bill is struck down it will still lead to positive outcomes for the pro-life movement. Here F2A shifts away from case law to a discussion of “common sense.” The idea is that because of Ohio’s “severability law” the portion of the law that is constitutional—informed consent—will remain in place and:

Everyone knows that when an entity has a heartbeat, it is unquestionably a living being. And when

a woman is informed of the very high chances that this living human being within her will be carried safely through pregnancy to birth, it must surely help her to make a more considered judgment of what she shall do. (F2A, The Facts)

In other words, even if certain parts are unconstitutional, the law will still be a victory for pro-life advocates because, according to them, having to hear the fetal heartbeat will compel women not to have abortions. F2A also refers to a “trigger clause” in the bill suggesting that the bill will simply be “parked” until there is enough legal precedent to put the law into action. According to F2A, the law will not have to be passed again and thus there is “nothing to lose” in passage of the bill now.

Whether or not the “time is right” for this kind of legislation in the state of Ohio remains to be seen. HB 125 has been assigned to committee and, according to Senate President Tom Niehaus (R), the bill will not be advanced without a favorable report on its constitutionality. In my reading of HB 125, it seems that provisions for the health of the pregnant woman are constitutionally suspect as they relate to *Doe v. Bolton*. Given the more recent failure of Initiative 26 in the 2011 election in Mississippi, the way forward for this bill seems unclear. However, it is likely that legislative attempts to undo *Roe* in the indirect way in which HB 125 does will continue, even as pro-life groups are divided. In this particular case, it seems that both ORTL and pro choice groups agree that HB 125 is unconstitutional in some respects. However, pro-choice groups would be wise to consider how the expansion of the definition of viability seeks to indirectly undermine *Roe*. The further pro-life groups can expand notions of fetal viability, the closer they may become to being able to argue for the rights of the fetus as being in direct conflict with the rights of the pregnant woman.

Editor’s Note: As of Dec 31, 2011, HB 125 has passed the Ohio House, but there is no action on it in the Ohio Senate.

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