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POLICING MISCARRIAGE: INFERTILITY BLOGGING, RHETORICAL ENCLAVES, AND THE CASE OF HOUSE BILL 1677

CLANCY RATLIFF

Blogging, or online journaling, has been an increasingly common practice since the late 1990s, hitting the mainstream in 2004, when Merriam-Webster declared “blog” to be the word of the year. Bloggers often write about a single topic or set of topics, forming niche communities. Infertility bloggers make up one of these communities, and on their weblogs, they write about their emotional reactions to their inability to conceive or carry a pregnancy to term, as well as political issues related to reproduction and parenting, such as adoption, and in the case I will describe in this essay, privacy and reproductive rights. In a January 2005 case, infertility bloggers briefly mobilized and engaged in coincidental feminist activism to defeat a bill in the Virginia state legislature, House Bill 1677, which would have required women to report a “fetal death” to police within twelve hours of the death. If this legislation had passed, it would have effectively required women to report miscarriages to police and charged, with a misdemeanor, women who failed to comply. I argue that this case is an instance in which infertility bloggers, who rhetorically constitute an enclave of expressive personal writing, joined an activist effort with political bloggers and news media and intervened in a matter of public interest.

In this essay, after a brief discussion of blogging as public discursive activity and reviews of infertility blogs as genre and of the proposed bill, I will explain the way weblog technology was used to spread the story about HB 1677 and the particular impact made by the infertility bloggers, who wrote their personal stories about miscarriages of wanted children and the intrusion of privacy that would have been the result of the bill. I then illustrate through a discussion of adoption on one infertility blog that, as argued by Patricia Roberts-Miller (2004a, 2004b), infertility blogging is indeed an enclave. However, while enclaves are rhetorically problematic and can promote

groupthink, the case of HB 1677 complicates this view by showing the complexity of this enclave's encounter with deliberative political discourse and the way weblog technology mediated the encounter.

THE BLOGOSPHERE AS PUBLIC SPACE

Before going into detail about infertility blogs as a genre of blogging, I would like to trace the contours of blogging as a larger phenomenon. Generally, blogs are either topic driven or focused on the individual who maintains the blog. Among the former, there are blogs on almost every topic: frugal living, knitting, gadgetry, food, car restoration, basketball, and many others. The latter consists of the variety of concerns and interests of an individual author and can encompass an array of topics. The historical context in which blogging emerged, especially that of the 2001 terrorist attacks against the United States and the subsequent military campaigns in Afghanistan and Iraq, influences the subject matter, providing a publishing platform for Internet users who want to write about their reactions to current events. The political content of many blogs has prompted comparisons between blogging and the pamphleteering of the eighteenth century (Osell 2007).

Feminist scholars have studied the politics of the blogosphere, exploring how gender dynamics are rearticulated in blogging practices. I review two such studies of gender and blogging below. Herring and others (2004) studied the ways that men's and women's blogs were being represented in mainstream news publications and accompanied this analysis with empirical data about the demography of bloggers. They found in their demographic analysis that the split between men and women in their random sample of 357 blogs was almost even (52 percent men, 48 percent women) and that a majority (71 percent) of blogs they studied were personal journals. However, in their analysis of news articles about blogging, they found that 88 percent of the bloggers mentioned were men, and only 12 percent women. The news articles tended to overrepresent "filter blogs," which do not feature many essayistic posts, such as what one would find in a personal journal, but rather, that collect links to other news stories and blog posts. Posts on filter-style blogs often consist of only a link or two with a few sentences of commentary. Filter-style blogs, according to Herring and colleagues (2004), tend to be maintained more often by men.

Pedersen and Macafee (2007) made a similar inquiry into blogging in Britain. They found that the *Independent* and *Guardian* newspapers cover male bloggers more, and that Bloggies awards and nominations in the "British"

category were more often given to male bloggers. Media attention to women's blogs has been mixed; there have been articles about feminist bloggers on the "Women's" page but also an article about "sexual confession" that featured only women's blogs. Pedersen and Macafee also did some empirical analysis, surveying twenty-four women and twenty-four men from *Globe of Blogs* and *Britblog.com*, two portal sites to British blogs. They found that most blogs were personal in nature, but that men's blogs scored higher on their "technical sophistication" measure and had more "success" in terms of links and traffic. The men had also been blogging longer, but both the women and the men in the study valued blogging as a writing exercise and appreciated comments on their posts. The women, however, did more personal and creative writing, while men did more political and opinion writing. Women were more focused on the social aspects of the weblog medium.

Already, then, blogging is fraught with traditional ideas about gender. Despite (and taking into consideration) the problematic ways that gender norms carry over into blogging, as well as the obvious economic considerations about access to the Internet and amount of leisure time required to maintain a weblog, scholars theorizing about blogging as public space have compared blogging to Jürgen Habermas's idea of a public sphere (Ratliff 2004; Ó Baoill 2004; Roberts-Miller 2004b; Osell 2007; Youngs 2007). Youngs characterizes the Internet as "an international public (as well as private) space or series of spaces" and reflects that as a result of the Internet as an enabling technology, "women are more public beings than they have ever been, and it could be argued that this is a radical development." Women's writing may be more public as a result of the Internet and blogging, but that does not necessarily mean that the Internet helps to create an ideal discursive space. Patricia Roberts-Miller (2004b) has claimed that weblog spaces do not facilitate argumentation but, rather, that they are enclaves—or, to borrow the term used by early critics of blogging, echo chambers.

Roberts-Miller criticizes the conventional approach to argument as "simply an individual explaining his or her reasons for drawing a conclusion" and "the making of assertions with support coupled with ignoring, dismissing, or misrepresenting opposition arguments," which can be problematic because it "does not necessarily prevent people from universalizing from their particular, ignoring different experiences, and remaining completely oblivious to what might be wrong with their generalizations" (2004b). Roberts-Miller's preferred model, argumentation, must "include the expressions of different people, speaking from different positions," and the participants

in the discourse have to understand and accommodate the perspectives of those with whom they disagree. Roberts-Miller cautions, “That is more than simply acknowledging that they exist in order to misrepresent, ridicule, dismiss, or even argue against them, but actually allowing the possibility of one’s stance being shaped by them. That is what is meant by good faith argumentation” (2004b). Argumentation also, according to Roberts-Miller, is a more effective way of preventing hegemony and groupthink. Of blogs, she writes: “Blogs, as much as (if not more than) newsgroups and mailing lists, tend to attract people with similar philosophies. Thus, what I saw was a proliferation of counterpublics in which various arguments regarding the invasion [of Iraq] were repeated or expanded to support whatever position the blogging community already shared, but not altered in light of the opposition. All commitments were precommitments.”

The blogs Roberts-Miller studied were about the United States’ war with Iraq, but her remarks about argument and argumentation are not necessarily restricted to that topic, as I intend to show. She also points out that the architecture of weblog technology itself works to subvert argumentation, as the individual blogger has control of the space and the administrative permissions to delete readers’ comments for any reason, though this practice is generally frowned upon in blogging communities’ ideas about ethics and etiquette. I will return to the concepts of argument and argumentation later in this essay, but next I will explain the genre of infertility blogging.

INFERTILITY BLOGS AS GENRE

The infertility weblog has become a genre in the vast collection of weblogs on the Internet. Just as blogging communities in general are contiguous with communities that formed within earlier technologies such as discussion boards, newsgroups, and e-mail Listservs, infertility blogging is connected with online discussion forums on infertility, in which participants write about their efforts to conceive and their experiences with fertility treatment. Those new to these forums must learn a new language of abbreviations, such as IVF (in vitro fertilization), TTC (trying to conceive), POAS (pee on a stick, a reference to taking a pregnancy test), DPO (days past ovulation), LP (luteal phase, which occurs immediately after ovulation), and DPT (days past transfer, a reference to the transfer of an embryo into the uterus in the course of in vitro fertilization treatment). These forums are part of the media ecosystem of infertility blogging.

An extensive list at a weblog titled Stirrup Queens and Sperm Palace

Jesters shows that there are, as of June 20, 2006, at least 1,563 blogs having to do with infertility. The writing on these blogs is generally essayistic and introspective in style, but also with a seemingly self-conscious attempt to entertain the reader. Bloggers generally seek to gather an audience, whether it is in the hope of making money from the blog by allowing advertisements on the site, by using the blog to secure a book contract, or simply to reach a community of readers. Bloggers want their readers to keep visiting the site, reading, and leaving comments. Two of the most popular infertility blogs, *Chez Miscarriage* and *A Little Pregnant*, have served as “hot spots” in the network of infertility bloggers and have been influential in shaping the infertility blog as genre.

The author of *A Little Pregnant*, who goes by only Julie, started blogging in March 2003. The author of *Chez Miscarriage*, who writes under the pseudonym Getupgrl, began blogging in October 2003. These women were fairly early adopters of weblog technology in general and were especially early among infertility bloggers. Their early adoption of the medium is part of the reason they are so popular. Clay Shirky (2003) argues that weblog readership follows a “power law distribution.” If Blogger B reads Blogger A’s weblog, likes it, sees the other blogs that she links to, then decides to start her own blog, the blogs that Blogger B decides to link to will likely include some of the blogs that Blogger A had linked to; in other words, her links serve as recommended reading. She, in turn, recommends some of that same reading to others. Shirky writes, “Think of this positive feedback as a preference premium. The system assumes that later users come into an environment shaped by earlier users; the thousand-and-first user will not be selecting blogs at random, but will rather be affected, even if unconsciously, by the preference premiums built up in the system previously.” Shirky continues: “Most of the new readers are adding to the traffic of the top few blogs, while most new blogs are getting below average traffic, a gap that will grow as the weblog world does.” Early adopters, then, have an advantage when it comes to gathering an audience and, I argue, a degree of influence on a given genre of blogging. Julie and Getupgrl started blogging early, and they are both talented writers. In January 2005, *Chez Miscarriage* was characterized as a writer who “mixes pathos with biting humor” in a story about blogging in the *San Francisco Chronicle* (Evangelista 2005). Currently, *A Little Pregnant* has 2,070 subscribers on Google Reader and 1,011 subscribers on Bloglines (both web aggregation tools), and 1,016 blogs link to her, according to Technorati (a blog tracker).

Over the course of the time that Getupgrrl kept Chez Miscarriage, she chronicled her visits to obstetricians, reproductive endocrinologists, and other specialists. Her eventual diagnosis revealed that her mother's use of the drug Diethylstilbestrol (DES) during pregnancy, which was prescribed by doctors to help prevent miscarriage, had caused her to develop a Y-shaped uterus with "horns," which made gestation especially difficult. Getupgrrl also wrote vivid accounts of her four miscarriages and articulate reflections about her desire to have a child. Typically, each of Getupgrrl's posts would garner one hundred to two hundred reader comments, and sometimes more, and audience response varied. Most of her readers empathized with her struggle, but many others criticized her desire to have a child, drawing on common objections to infertility treatments. She eventually had a son via donor eggs and a gestational surrogate, which differs from a traditional surrogacy in that a donor egg rather than the surrogate's own egg was used. The baby was born in July 2005, and after that, she decided to stop blogging (Gilbert 2005c).

Julie had a son in December 2004 after trying to get pregnant for six years. She then began treatment to have another child. She was diagnosed with endometriosis and a clotting disorder called Factor V Leiden, which increases the chance of miscarriage if not monitored and treated, and her husband was diagnosed with a translocation—a chromosomal abnormality that also increases the chance of miscarriage. She got pregnant with her second child using donor eggs and gave birth to her son in July 2008. Like Getupgrrl, Julie writes with imagination, with posts satirizing the Christmas newsletters she received one year from friends and family; making fun of the decor in her reproductive endocrinologist's office; and narrating a "fantasy sequence" birth as a counter to the birth of her first child, which occurred at twenty-four weeks along with severe HELLP syndrome (hemolytic anemia, elevated liver enzymes, and low platelet count) and pre-eclampsia, or pregnancy-induced hypertension.

Theirs were among the first infertility weblogs, and, as Sarah Gilbert of the weblog ParentDish put it, Getupgrrl "defined the category." The writing style of both Getupgrrl and Julie is to approach infertility with humor. The tagline of Chez Miscarriage once read, "Who says infertility can't be funny?" And the full title of Julie's blog is "Turns Out You Can Be . . . A Little Pregnant: Madcap Misadventures in Infertility, Pregnancy, and Parenthood." The site's masthead is a photograph of a pregnancy test with two pink lines: the control line is dark pink, and the line testing for pregnancy is a barely visible

light pink. They capture the absurdity of situations faced in doctors' offices and at home, including receiving injections with fertility drugs from their partners and squinting to try to find a second line on a pregnancy test. While not all infertility blogs are funny, Getupgrl and Julie set the tone for other infertility bloggers who have followed. The humor in the titles of newer infertility blogs shows their influence; examples from the list at Stirrup Queens and Sperm Palace Jesters (itself another blog that uses humor often) include Who Shot My Stork? Baby Wanted: Apply Within, Maybe If You Just Relax, Freezer Buns, You're Still Young!! Knocked Up . . . Knocked Down, Embryo Motel, Fertility Now! Of Course You'll Get Pregnant! Infertility . . . I Wish I Could Quit You, and On Flunking Applied Biology 101.

INFERTILITY BLOGGING AND CIVIC ACTION: THE CASE OF HB 1677

On December 17, 2004, Virginia state delegate John Cosgrove prefiled a bill titled HB 1677 Fetal Death; Report by Mother, Penalty. The language of the bill was as follows: "When a fetal death occurs without medical attendance, it shall be the woman's responsibility to report the death to the law-enforcement agency in the jurisdiction of which the delivery occurs within 12 hours after the delivery. A violation of this section shall be punishable as a Class 1 misdemeanor" (Virginia State Legislature 2005). News of the law was posted by Maura Keane, a former high school teacher and volunteer for Howard Dean's 2004 presidential campaign, on her weblog, Democracy for Virginia, and at the popular group weblog Daily Kos, on January 6, 2005. Keane pointed out that the law, in effect, would require women to report their miscarriages to the police. Her initial post about the law, a narrative about a hypothetical woman who had a miscarriage at eight weeks and wanted to take the night to mourn privately before telling family and friends, was emotionally charged and may have struck a chord with infertility bloggers in particular. In the four days that followed Keane's initial post, the story spread among different communities of bloggers, most notably among infertility bloggers, who brought honest and emotionally raw narratives about their experiences with miscarriage to the conversation about the bill. So many outraged blog posts and letters were written about the bill that on January 10, 2005, Cosgrove withdrew the bill from Virginia's general assembly (Dietrich 2005, C1).

John Cosgrove entered into office as a Virginia state delegate in 2002, having run unopposed as the Republican candidate representing the city of Chesapeake. Cosgrove's record indicates his decidedly nonfeminist agenda.

For example, in 2005, the same year he sponsored HB 1677, he was also the chief patron of legislation declaring marriage to be defined in Virginia as being between one man and one woman. In late 2004 and early 2005, he was the cosponsor of legislation proposing that fetuses more than twenty weeks old feel pain and that physicians who do not administer anesthesia before an abortion of such a fetus (with some exceptions) would be guilty of a Class 1 misdemeanor. He also sponsored the Laci Peterson Bill in his state, defining injury to a pregnant woman resulting in fetal death as murder (“Delegate John Cosgrove” n.d.). In January 2003, Cosgrove sponsored HB 1421 Duty to Report Childbirth. The summary reads that the bill, which never went past committee, “provides that any woman who gives birth without the assistance of a health care professional after more than 24 weeks have elapsed since the beginning of her last menstrual period and who, though she is reasonably able to do so, fails to report the birth, whether a live birth or stillbirth, within 12 hours of the event, to the local sheriff, police department or fire department is guilty of a Class 1 misdemeanor” (Virginia State Legislature 2003).

HB 1677 was a revision of the existing Vital Records chapter of the Code of Virginia, § 32.1-264, which required doctors to report fetal deaths. The key two sentences added to the existing law—“When a fetal death occurs without medical attendance, it shall be the woman’s responsibility to report the death to the law-enforcement agency in the jurisdiction of which the delivery occurs within 12 hours after the delivery. A violation of this section shall be punishable as a Class 1 misdemeanor”—constituted the most far-reaching and objectionable change to the law (Code of Virginia 2005). Cosgrove claimed to have sponsored it as a response to “baby in the Dumpster” scenarios (Keaney 2005b). In the wake of bloggers’ response to the bill, Cosgrove insisted that HB 1677 would not have applied to miscarriages. However, bloggers pointed out that, with its vague language, it would apply, because of the way Virginia state law defined fetal death: “the complete expulsion or extraction from its mother of a product of human conception, regardless of the duration of pregnancy” (Code of Virginia n.d.). According to a news article written later about the bill, the Division of Legislative Services, rather than Cosgrove, wrote HB 1677, and Cosgrove claimed that the vagueness of “fetal death” in the original draft of the bill “would have been fixed in a legislative committee to meet his original intent” (Benbow 2005).

An earlier law, prefiled in 2003, was similar in that it required a woman to report a childbirth that had occurred without medical assistance, whether

the baby was born alive or still, but it specified “after more than 24 weeks have elapsed since the beginning of her last menstrual period” (Virginia State Legislature 2003). The law was referred to the Virginia Courts of Justice. Bloggers found this bill and used it as evidence that the vagueness in HB 1677 was not merely an oversight on the part of the Division of Legislative Services or Cosgrove, but a deliberate attempt to confer personhood on fetuses prior to the gestational age of viability.

A NOTE ON METHOD

Before going into my analysis of the role of bloggers in the discourse surrounding HB 1677, I would like to comment briefly on which posts and articles I am including in my analysis, why I included them, and how I located them. Because blog posts are part of a network, it is more efficient to track a conversation on blogs by starting with one or more centers, or “hot spots,” in the network than it is to use a search engine to find posts, though I also used search engines in an attempt to get as much information about the case, Cosgrove, the law, and the bloggers involved as possible. When the story about HB 1677 broke, I was a regular reader of *Chez Miscarriage*, and I read Maura Keaney’s post on *Democracy for Virginia* when *Getupgrl* linked to it. About a year later, I began my study by reviewing Keaney’s original post, which had forty-nine trackbacks (links to other blog posts that help a reader track a conversation between blogs). I then clicked on each trackback link, and I read the comments on *Daily Kos*, where Keaney had cross-posted the story about HB 1677. From Keaney’s six follow-up posts at *Democracy for Virginia* about HB 1677, I found links to the six news stories about HB 1677. From the comments section at *Democracy for Virginia*, I went to *The Well-Timed Period*, a blog maintained by a medical professional (pseudonym Ema) that focuses on issues of reproductive health and freedom, where I continued to follow Ema’s posts about HB 1677. For a broader sense of infertility blogging, I reviewed several, though not all, of the blogs in each category of the list at *Stirrup Queens* and *Sperm Palace Jesters*.¹ I also read the archives of *A Little Pregnant* closely.

My analysis includes a variety of posts and comments: first, it includes the original post from *Democracy for Virginia*, as it set the blog campaign in motion. It includes comments about the HB 1677 story from *Daily Kos*, as they served as a sort of postmortem series of reflections about the case, especially after Cosgrove withdrew HB 1677. I also include two news articles and two television segments about the case, both because the stories sup-

port my claim that blogs were influential in defeating this bill and because the newspaper and television stories help to show this case across a variety of media: blogs, television, newspapers, e-mails, letters, and possibly more. Finally, I examine two posts from *A Little Pregnant* about adoption, which serve first as an example of posts about a politically charged issue within infertility discourse, and second, as an occasion to evaluate the comments under those posts in the light of Roberts-Miller's claim that blogging is a series of enclaves and an expressive public sphere (2004b).

Unfortunately, weblogs are made difficult to study by their ephemerality, one such example being the key weblog in the HB 1677 case, *Chez Miscarriage*. Authors of blogs often decide to stop blogging and take their blogs offline, rendering the archives of their posts inaccessible. While the content of many deleted sites is accessible at the Internet Archive (web.archive.org), also known as the Wayback Machine, this archive is not comprehensive. Bloggers may ask that their posts be removed from the Internet Archive or never put there originally. Search engines have caches, but authors may request that their content is not saved in this space, either. Often, when bloggers take down their archives, they do so because of concerns about their privacy. In July 2005, *Getupgrrl* decided to stop blogging and, in an especially controversial decision, to remove her weblog archives from public view, allegedly following "repeated copyright infringement," one instance of which involved a reader's copying of images made by *Getupgrrl*, putting them on T-shirts, and selling them (Gilbert 2005a, 2005b; Risdahl 2005). *Getupgrrl*'s posts and her readership's many comments and trackbacks are, therefore, lost. Despite the fact that *Chez Miscarriage* is no longer accessible, traces still exist online of infertility bloggers' role in stopping HB 1677, especially in the comments on the posts at Daily Kos. I rely primarily on these and on the news stories written about the HB 1677 case to support my claim that bloggers in general had an effect on the withdrawal of HB 1677. Indeed, it should be noted that the campaign to defeat this bill was taken up by a wide variety of bloggers, especially liberal political bloggers. To support my secondary claim, that infertility bloggers' intervention made a particular impact, I rely on the news stories about the case and on several comments on Daily Kos after the bill was withdrawn.

WEBLOG TECHNOLOGY'S ROLE IN DISCUSSION

Stories such as the one regarding HB 1677 can circulate very quickly among bloggers and achieve a high degree of visibility, provided they are promoted

properly and noticed by what are deemed “A-list” bloggers with large audiences of readers. Maura Keaney used the weblog medium in purposeful ways to bring attention to HB 1677. In early 2005, Keaney was caring for her elderly father and blogging at Democracy for Virginia, which had originally been an arm of Dean’s campaign in Virginia. After Dean withdrew from the race, Keaney and co-bloggers at the site decided to devote their attention to state politics. As part of this effort, they resolved to read every bill that was prefiled with the Virginia State Legislature (Donvan 2005). When Keaney read HB 1677, she was concerned about its implications for women’s privacy and reproductive freedom. She wanted to mobilize citizens of Virginia to speak out against the bill and decided to post the story at Democracy for Virginia, which, by Keaney’s estimation, had a few hundred readers per day (Donvan 2005). Keaney drew national attention to the story through her use of weblog technology to promote her post.

The case of HB 1677 follows two well-known examples of bloggers’ civic action: the resignation of Trent Lott as majority leader of the U.S. Senate and television journalist Dan Rather’s resignation from *CBS News*. In the former case, Lott’s resignation was precipitated by bloggers’ posts criticizing his encomiastic remarks about Strom Thurmond’s 1948 presidential run as the Segregationist Party candidate. Although, as Andrew Ó Baoill (2004) points out, bloggers called attention to the story only until the mainstream news media picked it up and did not single-handedly bring about Lott’s resignation, the public outrage about Lott’s remarks is typically attributed to bloggers. Popular opinion holds that Rather’s resignation is also an indirect result of conservative bloggers’ efforts to debunk an unflattering story that ran on *CBS News* about George W. Bush’s military service.

As with the situations involving Trent Lott and Dan Rather, weblog technology played a pivotal role in the discourse of the HB 1677 case. While the technological medium does not determine the discourse, it is, at the same time, far from an afterthought. One way a blogger uses the blog medium to promote a post and gather an audience is by leaving comments at high-traffic sites. Most weblog software tools have a URL field in the comment interface so that readers can leave the URL of their weblogs or personal home pages; when the comment is posted, its author’s name becomes a link to his or her site. Knowing that Chez Miscarriage was a popular infertility blog, Keaney left a comment under a post there so that the community of infertility bloggers would become aware of HB 1677 (Keaney, personal communication).

In addition to commenting, trackbacks were also used for a time as self-promotional devices. Depending on the software used, bloggers may link bidirectionally, which is referred to as “sending a trackback.” For example, a blogger named Dawn wrote a post about HB 1677 at her blog, *This Woman’s Work*. So that readers of *Democracy for Virginia* would be able to find her post, she sent a trackback to *Democracy for Virginia* by copying and pasting the address of her post into her “Send Trackbacks” field. A link to Dawn’s post and a short excerpt then appeared under Keaney’s post:

It Sounds Ludicrous from *This Woman’s Work*

And it is ludicrous. *Democracy for Virginia: Legislative Sentry: HB1677—Have Miscarriage, Go to Jail?* It sounds preposterous to talk about criminalizing women who suffer miscarriages, but one Virginia legislator is proposing just that. HB1677, “Report . . . [Read More]

Tracked on January 07, 2005 at 08:52 AM. (Keaney 2005b)

If a reader of *Democracy for Virginia* clicks on Dawn’s post’s title, “It Sounds Ludicrous,” or the “Read More” text, he or she will be taken to Dawn’s post. To put it another way, trackbacking was a way for a blogger to put a link to a post on his or her weblog on someone else’s site as well as a way to trace a conversation across multiple blogs. Around mid-2005, however, trackbacks generally came to be thought of as obsolete because of their abuse by spammers (Coates 2005).

Keaney also used her account at popular group weblog *Daily Kos*, a community site anyone can join, to cross-post the story. From the entry at *Daily Kos*, the story was picked up by several other widely read political weblogs, including *Eschaton*, maintained by an economist named Duncan Black, who uses the pen name *Atrios*; *Feministing*, a popular feminist blog maintained by several young feminists, including author *Jessica Valenti*; *TalkLeft*, a blog about politics and crime maintained by attorney *Jeralyn Merritt*; and *The Well-Timed Period*, which featured several follow-up posts about the bill.

THE IMPACT OF BLOGS IN HB 1677 CASE

As a result of the blog exposure, more than five hundred people e-mailed Cosgrove’s office, including many infertility bloggers who wrote to Cosgrove of their personal stories of miscarriage, some of them cross-posting the

stories in the comments section at Chez Miscarriage. The withdrawal of HB 1677 was covered in four newspaper articles and two television news broadcasts. All the news stories reported the withdrawal of HB 1677 as having been a direct result of bloggers' intervention. Titles of the stories in the *Daily Press* and the *Virginian Pilot* were "Score on Fetal-Deaths Bill: Bloggers 1, Legislators 0" and "A Blog Flog for Del. Cosgrove," respectively. One of the news broadcasts was a segment on ABC's *Nightline*, a nationally aired program, titled "If You Can't Beat 'Em, Blog 'Em," which again linked clearly the bloggers' actions with Cosgrove's withdrawal of HB 1677.

While popular opinion holds that bloggers brought down this bill, Cosgrove was quoted in one of the articles as saying that women's stories about miscarriage were more persuasive to him than the noise and attention to the story generated by political bloggers. According to the story in the *Daily Press*, Cosgrove said, "I don't care about bloggers and political nut cases, but I do care about women who had miscarriages, and they were truly upset. That's why I responded to every single one." That infertility bloggers not only e-mailed him but, in a joint effort with political bloggers, also wrote in public spaces about encounters they would have had with this would-be law, made an impact.

As Maura Keaney worked to prevent HB 1677 from becoming law in Virginia, she specifically sought personal stories of miscarriage from infertility bloggers. She knew that they would write eloquently against HB 1677, and she considered infertility bloggers' perspectives to be at least as important in this issue as the most widely read political blogs. In a comment under her original post on Daily Kos, Keaney wrote that she "just got the good news that this story will be featured on one of the most heavily trafficked blogs focusing on miscarriage and infertility, Chez Miscarriage." She added, "It's scheduled to go up at midnight tonight. I hope this will turn up the heat on Delegate Cosgrove" (Keaney 2005c). In a follow-up post on Daily Kos after the withdrawal of the bill, she wrote that the story "spread like wildfire to over 1,000 blogs, earning particularly impassioned responses on infertility and miscarriage blogs." Under this same post, Keaney left a comment further explaining infertility bloggers' influence:

Seriously, this was overwhelming. I had no idea what I'd unleash when this hit the infertility/miscarriage blogs. These women have fought so hard to have children, they are geared up for other fights, and boy did they mobilize.

I got copied on so many heartbreaking emails of stillbirth and miscarriage. I tried to respond to every one, but I know I didn't even get to reply to every miscarriage-story comment on the first diary, I got so swamped! (Keaney 2005a)

Infertility bloggers, up to that point, had not been thought of as having activist potential to speak out against reproductive rights legislation, but rather as a niche community writing about their experiences trying to have children. Another blogger at Daily Kos, Lolagrl, also commented about infertility bloggers' mobilization: "Infertility bloggers like myself mobilized quickly because we understood all too well how this bill could have impacted women, regardless of whether it was their first miscarriage or yet another of many. Many of us already feel marginalized and angry because of our circumstances, and I know that the thought of any government attempting to victimize women who have had a miscarriage made me sick with fury" (Keaney 2005a). Keaney reflected:

I really give the lion's share of the credit for mobilizing against this bill to the infertility bloggers. Yes, I got it started by finding the bill and exposing the horror shows within. But it was infertility bloggers that spread the word—far more than political bloggers, from what I can see—and, most importantly, it was infertility bloggers that demonstrated time and again that this was not a partisan objection. I've got plenty of partisan objections to Delegate Cosgrove himself and I'd love to see someone beat him, soundly. (At the ballot box, of course!) But the objections to this bill transcended partisanship and ideology. (Keaney 2005a)

HB 1677 failed, ultimately, because of its vague language regarding the definition of fetal death, which bloggers amplified. The muscle behind the protest against the bill primarily came from the fact that it was posted on a few prominent political blogs, especially Daily Kos and Eschaton. Without that kind of broad exposure, news of the bill probably would not have been published in news outlets, including a March 8, 2005, episode of *Nightline* in which Keaney was interviewed about HB 1677. As I have shown, though, infertility bloggers' personal stories contributed to this activist push against HB 1677. This particular intervention, however, does not justify any sort of grand claim about the emancipatory, democratic power of weblog technol-

ogy. Blogging communities, including the infertility blogging community, tend to be enclaves, as I explain further in the next section.

INFERTILITY BLOGGING AS ENCLAVE

The typical subject matter on infertility blogs is the personal experience of infertility and fertility treatment. This includes reactions to the pregnancies of friends and relatives, reflections on the compelling strength of the desire to have children, and responses to stories about infertility in the news: celebrities, such as Alexis Stewart, daughter of Martha Stewart, who get fertility treatments; stories about scientific advances in fertility treatment; and stories about surrogacy and adoption. While there is sometimes some criticism exchanged in the comments sections of these posts, the tenor of the comments is usually supportive and empathetic. Viewed as a locus of political discussion of infertility and fertility treatment—because these are political issues—these blogs fall under the category of an enclave. Jane Mansbridge defines enclaves as places where speakers “can explore their ideas in an environment of mutual encouragement” (1996, 57). Mansbridge argues that although there are problems with enclaves, especially the shielding of enclave discourse from opposing views, people need to have both enclaves and “more hostile but also broader surroundings in which they can test those ideas against the reigning reality,” because enclaves provide a space where “oppositional thought can grow” (58–59). Enclaves serve as spaces where communities can form and articulate positions. I would add that enclaves in general and weblogs in particular (given bloggers’ technological ownership of them) are suited to the kind of intensely personal writing that infertility bloggers engage in about political issues related to reproduction. One instance of this kind of personal reflection can be found in a two-post series on *A Little Pregnant*, in which Julie writes about her feelings about adoption.

Chloe Diepenbrock points to one common criticism of infertile couples: the varying amounts of value placed on different parenting options, with adoption valued last in an implicit hierarchy (2000): “The highest level of achievement is to bear a child genetically related to both aspiring parents. The next preference is to experience pregnancy and childbirth, even if this means the woman has to use an egg ‘donor.’ If this option is not possible, the aspiring parents hire a woman to carry a child created from their own genetic material; the next option is to hire a woman who ‘donates’ her own egg and undergoes fertilization with the contracting male’s sperm. Finally the last method on the list is adoption” (113–114).

Infertility bloggers talk about their desire to become pregnant with and give birth to children, acknowledging the argument that existing children need to be adopted, but coming back to their strong, abiding desire to have their own biological children. Julie has a category of posts titled “Why Don’t You Just Adopt?” and in an April 2007 post, she writes that she envies

those of you who’ve either decided against starting fertility treatment at all, or called a halt to the whole messy business, and then moved on to adoption with a joyful heart.

I love the blogs and personal stories I read where you’re not only resolved that adoption is the best choice for you, but truly excited about the idea. Really energized, positive, and full of faith in the process as well as the eventual squalling pink product. It’s that certainty I envy, the knowledge that this, at last, is what you truly want instead of what you’re merely settling for. In my messed-up heart of hearts, I know that to adopt right now would be, for me, settling. I still have enormous reservations about the process. But it has slowly been dawning on me that maybe that’s possibly . . . sort of . . . okay.

Many of you have said, with utmost kindness, compassion, and, I think, a real understanding of my feelings, that if I don’t feel good about adoption, then it’s not something we should pursue. But do you really have to feel good about it to do it anyway? Is it enough to trust in the product? To believe that the love, the love I don’t doubt, would override those misgivings? (2007a)

In another post a few days later, Julie discusses her feelings in more detail:

My reservations are so numerous and dense that I can hardly untangle them in my own mind, much less detail them here, but in general they have to do with loss: my own loss of any biological connection to a child, which still seems to matter a great deal to me; the loss inherent in abandoning my own body’s reproductive potential, no matter how feeble that is; the loss of yet another layer of privacy and autonomy; and, most troubling to me, the loss both a child and his birth parents may experience even in the happiest adoption scenarios. (2007b)

The reference to her readers reveals one way in which her weblog is an enclave. Julie’s readers have shown “kindness,” “compassion,” and “understanding,” not judgment of her personal choices or criticism of any general

preference for biological children over adopted children from, for example, an economic, social, or environmental standpoint. Still, it is clear that Julie understands the fraught nature of her desire to have children who are genetically related to her and her husband. She does not stop at a self-satisfied conclusion of “I won’t do it if I don’t feel good about it.” She questions that logic and wonders if she should do it anyway, even if not wholeheartedly.

Readers left 183 comments underneath the first post and 138 comments under the second post, and only three comments were openly critical of Julie, all under the first post. Three readers in the comment thread made references to criticism of Julie’s post on other blogs, but they did not provide links to the outside posts. The critical comments had to do with the personal, affective dimensions of adoption: the idea of comparing a biological child to an adopted child, loving the adopted child less, and adopting for the wrong reasons. Only one comment touched upon the political facets of adoption (such as wealthy people adopting children from poor countries, white couples adopting children of color, children with disabilities who are waiting to be adopted); after criticizing Julie’s use of the term “settling” and suggesting that Julie’s reasons for considering adoption—particularly the concern that her son would be an only child—were short-sighted and narcissistic. This commenter listed her reasons for adopting: “love children, want children, want to be a mommy, want to do all the nice mommy things with a child, can offer a good life and happy home to a child, and of course millions of orphans warehoused in the third world that need a family.” The overwhelming majority of the comments praised Julie for her honesty and affirmed that she should not feel guilty for her feelings about adoption. Some posters pointed out that most of the people who adopt do so after unsuccessful fertility treatment, implying that those who were opposed Julie’s position were hypocrites.

The content of these discussions embodies the reaction Roberts-Miller had to her initial survey of weblogs about the Iraq war, in which she concluded that blogging “at its worst, facilitated the hardening of ideology, and, at its best, allowed for an expressive public sphere” (2004b). An expressive public sphere is “a place where people express their points of view rather than deliberate with one another” (2004a, 49). In the comment threads under Julie’s two posts, most of the readers’ comments consisted of expressions of their feelings and narratives about their experiences with adoption. For Roberts-Miller, the expressive public sphere and enclaves do not permit the more politically productive work of argumentation, in which speakers come

to the discussion open to the possibility of changing their positions on an issue. The model of argumentation is an ideal, and for an issue such as infertility, which is lodged firmly in the private domain, individual expression may be the most feasible rhetorical act, especially in the context of countries that provide access to fertility treatment only to those who can pay for it. Still, in the case of HB 1677, the expressive narratives of personal experience with miscarriage contributed to deliberative rhetoric in the Aristotelian sense—the rhetoric of the legislative assembly, which is concerned with broad future consequences of specific actions for the populace, the advantageous and the harmful.

CONCLUSION

The stereotypical view of “mommy blogs” and infertility blogs has a sexist character: these kinds of blogs are seen as self-indulgent, narcissistic, and confessional and are presumed to serve no purpose, other than to service the bloggers’ egos. However, a closer look at these blogs shows that while they are rhetorical and political enclaves in which personal expression and argument are more often found than is argumentation, the writing these women do is significant in that it helps enable the formation of positions on the array of social and political issues involved in reproduction, including access to fertility treatment, the discursive construction of women’s bodies in medical discourse, selective reduction, prenatal care, adoption, surrogacy, midwifery and home birth, work-life balance, access to services for special needs children, and the choice (or necessity, in many cases) between working outside the home or staying at home with children. This suite of issues also, as the case of HB 1677 shows, includes privacy and reproductive rights. Admittedly, HB 1677 is only one case of an expressivist public sphere’s meaningful intervention into deliberative political discourse, but it calls for continued study of the rhetorical nuances of women’s personal writing online.

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NOTE

1. Categories included the following: Adoption (Domestic); Adoption (General or Undecided); Adoption (International); Advice and Venting Posts; “Azoospermia; CBAVD and CAVD”; “Clotting and Immunology”; Donor Egg/Insemination/Embryo; The Elusive Male Point-of-View; Endometriosis; Family Building When Single; Female Factor; Gay and Lesbian; General Infertility; Helpful Sites and Support; In the Beginning . . . ; In the News or Other Side of the Stirrups; IUI and IVF; Living Child Free After Infertility or Loss; Male Factor; More on the Plate—IF and Health Issues; No Longer Trying or On a Break; Non-English Infertility Blogs; Non-IF but Written by IFers; Orals, Suppositories, and Injectibles, Oh My!; Other End of the Telescope—Donors and Surrogates; Over 35 and TTC; Parenthood (After the Double Lines); Parenting After Adoption (Domestic or Foster); Parenting After Adoption (International); Parenting after DI, DE, or Surrogacy; Parenting After Infertility or Loss; Password Protected Blogs; PCOS; Pregnancy After Infertility or Loss; Pregnancy Loss; Pregnant or Parenting Multiples After Infertility; Religious/Spiritual; Secondary Infertility; Secondary Mourning (Friends and Family); Single Parent by Choice; Stillbirth, Neonatal Death, and Infant Death; Surrogacy; Unexplained Infertility; Uterine Anomalies; Variocoele.

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