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(RE)INSTALLING THE PATRIARCHAL SOCIETAL STRUCTURE

A discourse analysis of the current attempts of
prohibiting abortion in the state of Ohio

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Abstract

Abortion is a highly debated topic, it has created a polarization between the ideologies of pro-choice, the right to freely make your own choices, and pro-life, that all life has the right to be preserved. In the United States this debate is especially prominent, even though abortion is a right due to the Supreme Court decision of *Roe v. Wade*. Currently, efforts to overturn this decision, and prohibit abortion, has increased significantly. The state of Ohio has been particularly vigorous, attempting to almost completely prohibit, and heavily criminalize, abortion without nearly any exceptions. This study emanates from the claim that today's society is patriarchal, whereas women are subordinated. This hierarchical division generates advantages for men, which recurringly are threatened by women's emancipatory efforts. To counter these efforts and maintain the current order, a *backlash* is unleashed, often targeted at women's reproductive rights. This study aims to both map the construction of the discourse of abortion in the state of Ohio. And also, to understand the underlying motivation of this current backlash, by analyzing three bills aiming to prohibit abortion, with *discourse theory*. The results show that the discourse throughout these three bills evolves from appealing to a person's feelings of right and wrong, to explicitly prohibit abortion and threaten with the death penalty. A discursive change has occurred, which is perceived as a *hegemonic intervention* – an attempt to (re)install the patriarchal societal order.

Keywords: Abortion, Backlash, Power, Hegemonic intervention, United States, *Roe v. Wade*, Reproductive rights, Pro-choice, Pro-life.

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1. Introduction

Abortion is when a pregnancy ends, either spontaneously (through miscarriage) or is induced. Early induced abortions are often performed through a medical procedure, later in the pregnancy they are more often surgical. A combination of the two can also be used (NE, w.y.c.). Women have always had abortions. Either by traditional methods, relying on folk knowledge and of varying efficiency, for example performed through traditional pharmacopeia. Modern methods are medical and/or surgical, consisting of dilation and curettage, and vacuum aspiration. Today's choice of method for an abortion depends on its legal status, the available technology, the duration of the pregnancy, access to abortion providers and the woman's financial resources (Guillaume, & Rossier, 2018:219-220). Abortion is a very safe procedure when performed correctly, and approximately one third of all pregnancies end in an induced abortion (WHO, w.y.a.).

Having equal access to human and reproductive rights has long been a part of women's struggle to gain emancipation and societal equality. Women have historically fought for the right to vote, for citizenship, and more recently, for equal pay and the right to contraceptives (Faludi, 1991:70; Walby, 1993:79-82, 86-88). Defining this as struggles is a way of illustrating that these progressive stances have not come without resistance and *backlash*. Backlash is a recurring reaction to every progress made by women striving for societal equality. It has always been deployed historically in relation to progress, and is a way to ensure and further subordinate women as such. It usually targets areas of reproductive health, such as abortion and contraceptives (Faludi, 1991:11) and are more prone to happen when conservative forces are in power (Ruibal, 2014:42-43). Many scholars argue that these backlashes to women's emancipation are closely related to an urge to maintain the patriarchal hierarchy in society, both socially and economically (Walby, 1993:79-88; Faludi, 1991:61-70).

Abortion is a highly debated topic, the tensions surrounding it are tangible. The main discourse regarding if abortions should be legal or not, is about whom is to be ascribed rights – the woman or the fetus. This is a debate stemming from a wider disagreement between two contesting ideologies:

pro-choice on one hand, and pro-life on the other¹. The positions center around the concepts of reproductive rights and of personhood. The focus of pro-choice is on the legality of making one's own choices. The pro-life approach stems from the belief that all life deserves preservation, and that the government should be its granter (Head, 2019). The polarization between being pro-choice or pro-life attained its modern form in the latter half of the 20th century and is a controversy that spans the world (Rampell, 2018:226). This debate is especially prominent in the United States (US), where many states now attempt to restrict or completely prohibit abortion. The right to abortion was decided in the Supreme Court decision of the legal case of *Roe v. Wade*, in which the US Supreme Court decided that improper restrictive state regulation of abortion is unconstitutional (Beck, 2011:505-506; Borgmann, 2013:254-255; Gozdecka, 2020:6). This court decision has become a symbol for the ongoing debate of abortion, and the clear distinction between the ideologies of pro-choice and pro-life. However, this polarization was initiated before the Supreme Court decision. It is generally believed to have re-sparked the debate on abortion and given new energy to the pro-life advocates (Greenhouse & Siegel, 2011:2028-2033; Greenhouse, 2012:75-76). The two major political parties have grown more polarized on the issue, Democrats identifying more as pro-choice and Republicans as pro-life (Saad, 2019, June 15). This can be traced back to the 1970's, when President Nixon in order to attract voters for his reelection took a strong stand against abortion and joined forces with the Catholic church to be appealing to both social conservatives and catholic voters (which historically had been aligned with the Democratic Party). This also affected Catholic's present identification as being pro-life (Greenhouse & Siegel, 2011:2033; Greenhouse, 2012:75-77).

Recently, the division between the two ideologies of pro-choice and pro-life has manifested itself in renewed opposition against *Roe v. Wade*. Attempts to overthrow it has intensified in some of the states in the US. Bills are being introduced in order to undermine, or overthrow, the Supreme Court decision, limiting the access to and/or prohibiting abortion. The state of Ohio has been particularly vigorous, trying to implement bills that both challenge the

¹ These labels adhere from a dichotomy between two different ideologies, which includes more than just one's opinions of abortion they have a political and ideological origin. Using *pro-reproductive rights* and *anti-abortion* is a more neutral alternative to describe the debate (Planned Parenthood, w.y.b). Since the debate is not going to be examined per se, the more generally used labels of pro-choice and pro-life will be used in this study. Recent opinion polls show a continuing trend of Americans' self-identification as either pro-choice or pro-life, the division is approximately 50/50 (Saad, 2019, June 25).

woman's right to abortion, but also which almost completely prohibits abortion and criminalizes the woman (Williams, 2019, December 4).

2. Problem Formulation

In this thesis the central objective is to analyze the current efforts by the state of Ohio to restrict the access to abortion, by introducing bills attempting to prohibit this procedure. These attempts to limit women's access to abortion are perceived as a *backlash* to women's emancipatory achievements, emanating from the need to protect and (re)install the patriarchal societal structure which in extension affects women's human and reproductive rights. This study takes its point of departure in the understanding of these bills as a part of the current backlash.

Therefore, the study's *aim* is to provide an analytical description of this specific expression of the current backlash, providing an overview of the political discourse of abortion in the state of Ohio. Guided by a discourse analysis and mapping central articulations, both the construction of, and motivation behind, the proposed bills will be examined. The construction gives an insight in which social reality this discourse creates and what consequences this might have. Patterns of how rights are being articulated will therefore also be explored since *power* is inherent in the language, to create a deepened understanding of the discourse's impact on women's ability to exercise power and make decisions about their own life and body. This method of analysis also allows for detecting elements of *change* in the discourse and further investigate its underlying structure, thereby creating knowledge about the particulars of the current backlash in the state of Ohio during a limited time-period.

This leads me to the research question(s):

- *How is the political discourse of abortion in the state of Ohio constructed and has this construction changed?*
 - *What consequences could this backlash have for society in general and women in particular?*

2.1. Relevance to International Administration and Global Governance

This study examines the current efforts to restrict women's access to abortion in the state of Ohio. Focusing on this particular case, and further examining its underlying motivations, structure and potential discursive changes, is relevant for the field of International Administration and Global Governance (IAGG) since it can offer an insight in the policy-field

of abortion. How policies of abortion are constructed and how they and other policies of human rights are implemented, are interesting for IAGG's field of research and for conducting feminist critical research. Investigating a particular case can add to the understanding of the long-term effects on the political, economic and social development and consequences in this specific case (Göteborgs Universitet, w.y.), but also in similar cases. Therefore, this study can add to the scholarship (Marshall & Rossman, 2016:5) and field of IAGG.

2.2. Delimitation

This study is limited due to resources such as time constraints, funding and distance to the US. The focus is on one case in the global debate on abortion rights: the state of Ohio, their introduced bills, and the effects of the debate there, locally. Therefore, it cannot be anticipated to be representative for all cases of restricted abortion rights or be generalizable to a larger population or similar case. Nevertheless, it could give insight on the researched topic, function as a contribution to this field of research and serve as an example of how to investigate similar cases (Esaiasson, Gilljam, Oscarsson & Wängnerud, 2012:57–58, 89–90), even though one must bear in mind that qualitative research does not aim to be replicable (Marshall & Rossman, 2016:263). By analyzing bills, the discourse analysis is limited to, and focuses on, the political discourse of abortion.

In order to focus the study, I have also made a time-limitation to the years of 2015-2019 based mainly on the #MeToo movement, the inauguration and presidency of the Republican President Donald Trump (since his presidency is perceived as having had a direct effect on the backlash towards women)², and the empirical material. The included empirical material consists of bills introduced before and after the inauguration³. This entails an American context, which one must bear in mind regarding women's emancipatory struggles, backlash, history of sexual and reproductive health and attempts to attain human and reproductive rights. The historical period described includes some societal circumstances in the late 18th century until present day, but is mainly focused on the 1970's and forward. This was when *Roe v. Wade* was decided upon, and when one of the most prominent feminist struggles were initiated (Faludi, 1991; Borgmann, 2013:254-255). *Roe v. Wade* is a denominator both for the

² Read more about this in 3.2.3 *The Societal Circumstances* and chapter 4.2.2.2. *The Current Backlash*.

³ The selection of the empirical material will be discussed further in chapter 5.2.1. *Empirical Material*.

abortion debate as such, and for the understanding of backlash. However, this case will not be an object of analysis in itself, even though it is closely related to the increasing efforts of prohibiting abortion through legislation, and backlash as a reaction to emancipation. This and other feminist movements, as well as the #MeToo movement, will not be presented or analyzed to any extent other than providing a background of women's struggles and being reasons for backlash. Discussions of the technological and moral aspects of the abortions discourse, as well as who is wrong or right⁴, is not included. The study aims to describe and analyze the motivation behind, and the overall impact of, these bills on society and women. This excludes an intersectional analysis of its consequences for women of different race, class or economic status, and individual or particular experiences of being a woman (Butler, 1999).

⁴ A more thorough discussion about my role as the researcher, and how to create a scientific and sound qualitative study, is presented in chapter 5.2.2. *A Scientific and Sound Study*.

3. Background

This section creates an overview of the *global policies on abortion rights*, and how these policies are *implemented* in nation-states. This overview spans from a global setting, to how the US as a nation handle these global polices and implement them, and ends in a local setting of the states' approaches to policies and legislation regarding abortion – especially concentrating on the current attempts of prohibiting abortion in the state of Ohio.

3.1. Global Policies on Reproductive Health

In the global discourse of abortion rights, the issue has mainly been presented as a public health problem since the 1990s in relation to unsafe abortions and maternal mortality (de Zordo & Unnithana, 2018:658). Women's rights norms have both been widely adopted, and contested, in United Nations (UN) bodies, treaties and documents (Sanders, 2018:272-274). The committee of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)⁵ from 1979, has an article declaring that women have the human right to freely, and without coercion, decide upon when and how many children they want, and also to attain the highest standard of sexual and reproductive health. Other UN conferences and bodies, such as The International Conference on Population and Development in Cairo 1994, and the Beijing Declaration and Platform for Action formulated on the fourth World Conference on Women 1995, repeat these rights. Still, abortion as such is not an explicitly constituted human right. Law-making on abortion is considered more of a national matter, which should be guided by UN conventions and regulations (NE, w.y.c.).

Within the UN, there has been an institutionalization of women's rights in a variety of policy and legal instruments creating certain norms. These have however not been able to affect patriarchal structures, and misogynistic practices, in some nation-states. The implementation of these norms is also stalled by attempts of undermining them by nationalistic and religious forces, both non-state and state actors tries to diffuse and hinder further development of women's rights by challenging these norms (Sanders, 2018:271-275). These attempts and achievements are considered a backlash to women's rights. Since the 1990's an anti-feminist

⁵ The CEDAW Committee is the key human rights body that specifically monitors and promotes women's human rights, and reviews states' implementation of CEDAW (Halperin-Kaddari & Freeman, 2016:188).

group⁶ opposing women's rights has deliberately attempted achieve this by undermining these rights and aiming to restoring "the natural family" (Ibid; Cupać & Ebetürk, 2020:702-703). The most success in reversing women's rights has been in UN Human Rights Council, the Commission on the Status of Women (CSW), and the Security Council (Cupać & Ebetürk, 2020:702-703). This has been achieved by interpretations of certain human rights, particularly traditional values, and, the protection of the life and "the natural family", in accordance with their own agenda. These conservative forces have established norms which affects women's status in many domestic contexts, but this development is not yet institutionalized in international policy or legal instruments (Sanders, 2018:271-275).

3.2. Implementation of Reproductive Health Policies

The CEDAW has been ratified by 189 nation-states and signed by 99. The US, together with Iran, Palau, Somalia, Sudan and Tonga are the UN member states that have not ratified the treaty. The Vatican City is the one UN non-member state that has not acceded the treaty, and the Republic of China (Taiwan) is the one UN non-member state that has ratified the treaty (UNTC, w.y.a.). The vast majority of the UN member states: *"have voluntarily agreed to respect, protect, promote and fulfil the human rights of women under all circumstances."* (OHCHR, w.y.). Nevertheless, the right to abortion is restricted in many countries. It is either illegal or only permitted in case of danger for the woman's life for 25% of the world's population. An additional 14% are only permitted to have an abortion for health reasons. One fifth of the global population can have abortions because of socioeconomic factors, such as age or economy. Free abortions until a certain week of the pregnancy are available for approximately 40% of the world's population (NE, w.y.c). Each year, there are 121 million unintended pregnancies, and 6 out of 10 of them ends in an induced abortion. In addition, 45% of all abortions are unsafe, and causes and 4.7% - 13.2% of maternal deaths, mainly performed in developing countries. Women lacking access to safe abortions often resort to unsafe alternatives, which imposes great health risks such as life-long complications, affecting the mental and physical health, or death. Main barriers to accessing safe abortion include restrictive laws, poor availability of services, stigma, high costs, the conscientious objection of health-care providers, and other requirements that delay care, such as mandatory

⁶ This group has become more organized, and consists of post-Soviet, Catholic, and Islamic states; the United States; the Vatican; conservative non-governmental organization (NGOs), occasionally joined by regional organizations and groupings such as the Organization for Islamic Cooperation, the League of Arab States, the UN Africa Group, and the G77 (Cupać & Ebetürk, 2020:703).

waiting periods, mandatory counselling, provision of misleading information, third-party authorization, and medically unnecessary tests (WHO, w.y.a.). Any woman without access to safe abortion is at risk of having an unsafe abortion in case of an unwanted pregnancy. When access to effective contraception and safe abortion is limited or unavailable, the rate of unsafe abortions is higher (WHO, w.y.b.).

The global policies on reproductive rights have been implemented to some extent in the US, but the country has a history of not signing important policies and treaties regarding women's human rights and rights to equality. After the world wars, they did not sign the Equal Rights Amendment (ERA), a convention for ensuring equal rights for women and men (Faludi, 1999:66). They have signed, but not ratified, several human rights treaties such as the CEDAW and the Convention on the Rights of the Child (CRC) (HRW, 2009). In addition, they have neither signed nor ratified the optional protocol of the CEDAW (UNTC, w.y.b.).

3.2.1. Legal Access to Abortion in the US

Roe v. Wade was a legal case decided upon in 1973 in the US Supreme Court, which regulated the constitutional right to abortion and decided that improper restrictive state regulation of abortion is unconstitutional (Borgmann, 2013:254-255; Planned Parenthood, w.y.a.). Unduly restrictive abortion regulations were claimed to impede on a woman's constitutional right to privacy, this ended the century-long criminalization of abortion and invalidated almost all state laws of abortion. This decision was however not just a simple right to abortion. The interest of protecting the fetus was weighed against a woman's right to privacy, and it was decided that abortion falls under this right (Gozdecka, 2020:6; Greenhouse, 2012:75-76). The decision was a balancing act between when, and how, compelling state interest could interfere with fundamental rights of the individual, and the health of women and fetuses. Up until approximately the end of the first trimester the states cannot interfere with a woman's right to abortion, it is up to the physician's medical judgement to effectuate the procedure. During the second trimester abortion regulations could be adopted by the state's, as long as maternal health was taken into consideration. The third trimester is associated with fetal viability⁷, and this was decided as a denominator for when a state's interest in protecting a potential life could allow the regulation of abortion, with exceptions for the life and health of the woman (Beck, 2011:505-506). Since 1973 *Roe v.*

⁷ See footnote 19 about fetal viability.

Wade has been challenged many times by the introduction of bills, attempting to undermine or overturn the decision (Borgmann, 2013:254-255). The Roe v. Wade case did in addition to re-spark the abortion debate and somewhat contribute to a more prominent polarization (Greenhouse & Siegel, 2011:2028-2033; Greenhouse, 2012:75-76), also influence and change it by creating a political shift. The debate of abortion went from being based on policy-related issues such as population control, to be about rights for whom – the woman or the fetus (Ziegler, 2009:284, Gozdecka, 2020:5)? The Supreme Court decision is perceived as having generated a backlash of which effects we still see today in the current debate on abortion (Greenhouse & Siegel, 2011:2028; Greenhouse, 2012:70).

In 1992 the right to abortion was reaffirmed in the case of *Planned Parenthood of Southeastern Pennsylvania v. Casey*. The pro-life movement had hopes of overturning Roe v. Wade and passing a federal "Human Life Amendment" that treated embryos and fetuses as constitutional persons. Even though the case reaffirmed the right to abortion, it opened up for implementing regulations to having an abortion, such as; ultrasound requirement's, mandatory waiting periods, and abortion facility regulations. The pro-life advocates have taken initiatives to undermine the right to abortion and Roe v. Wade: giving it disfavored treatment in the law in as many channels as possible; a steady stream of abortion restrictions has been produced and sent through states legislatures and Congress; measures to enhance the legal status of fetuses and embryos has been taken (Borgmann, 2013:245-247). In 1976 the *Hyde Amendment* was enacted. It regulated the use of Medicaid funds, and limited the funding of abortions to only be allowed in cases where the woman's life is in danger. This dissociation of federal funds from abortion-related services has been replicated in many public and private health insurance plans, particularly affecting women with low income and women of color's access to abortion services (Adashi & Occhiogrosso, 2017:1523).

Recently, initiatives to restrict abortion have multiplied in the states' (Ziegler, 2009:284), 424 restrictions of abortion have been decreed since 2011 (Planned Parenthood, w.y.a.). In 2019 these efforts ramped up and 58 restrictions were enacted during the year (Cappello, Mohammed, Naide & Nash, 2019), some of which have been found to be unconstitutional. Consequently, there are now 20 states ready to ban abortion if Roe v. Wade was to be overturned. Recent inquires show that approximately 60% of Americans do not want the decision to be overturned (Saad, 2019, June 25; Planned Parenthood, w.y.a.), 65% think that the trend of restricting abortion access is going in the wrong direction and 67% think that

abortion should be legal in all or most cases (Planned Parenthood, w.y.a.). Creating legislation which refers to the fetal heartbeat as a denominator for having an abortion is a direct violation of *Roe v. Wade* (Borgmann, 2013:247). There are local initiatives of ensuring women's rights and access to abortion in the US. Just over 40 local governments and cities within the US have locally implemented CEDAW ordinances or regulations. The city of Cincinnati in the state of Ohio is one of these initiatives, having implemented the principles of CEDAW on a local level, to defend and preserve women's rights (Women's Intercultural Network, w.y.a.). There are also examples of states that are ensuring access to safe abortions. New York has taken measures to ensure the legal access to abortions even if *Roe v. Wade* is overturned, guaranteeing that the actions of a woman or physician will not be criminalized and ensuring the right to abortion later on in the pregnancy (Planned Parenthood, w.y.a.).

3.2.2. Legislative Reactions to Roe v. Wade in Ohio

Ohio is one of the states which are openly challenging the right to safe and legal abortions. The state has recently taken extensive measures to restrict abortion, and currently has one of the most rigorous legislative approaches to abortion in the US. Ohio has tried to enact bills prohibiting abortion since 2011. The ones' prior to 2019 have either been vetoed or have not come into effect⁸ (Kasler, 2019, February 13; Tavernise, 2019, April 18). Three of these bills constitute the empirical material in this study, HB69, SB23 and HB413.

In 2015 the House Bill 69 (HB69) was introduced. The bill banned abortion after the first fetal heartbeat is detected, which is about six weeks into a pregnancy and often before many women know they are pregnant. Other main propositions were that a doctor that performs an abortion after a detected heartbeat could be charged for a fifth-degree felony. Exceptions to this prohibition were when the woman's life was at risk, or when serious complications could emerge. Sponsors of this bill were two Republicans, Christina Hagan and Ron Hood. It was added on to another bill (HB493) which was unrelated to the topic, and therefore passed both the House of Representatives and the Senate. Governor John Kasich vetoed HB69, thereby removing it from HB493 before this bill was signed into law (Prohibits Abortion if Detectable Heartbeat Act, 2015; ACLU, w.y.). In February 2019 the Senate Bill (SB23) was introduced, sponsored by Republican Senator Kristina D. Roegner. This bill forbade abortion after a fetal

⁸ Read a more thorough description about the bills, and choice of empirical material, in chapter 5.2.1. *Empirical Material*.

heartbeat is detected, just as HB69. SB23 was signed by Governor Mike DeWine and expected to be legislated in July, but was stopped by a federal judge (Prohibit Abortion Act, 2019a; CNBC, 2019, April 11). Another House Bill (HB413), was introduced in November 2019, also sponsored by Senator Kristina D. Roegner, which suggested the banning of abortion in nearly all cases from the time of conception. No exceptions would be made in cases of rape or incest (Define Offenses Act, 2019). Another controversy in this proposal was the directive for doctors to “*reimplant an ectopic pregnancy into the woman’s uterus*” (Williams, 2019, December 4). An ectopic pregnancy is potentially a life-threatening condition for the woman, and there is no scientific evidence that such a transplantation would entail a continued normal development in the womb (Ibid). This bill also created two felonies, abortion murder and aggravated abortion murder. Both the woman having an abortion, and the physician performing it, could be charged with these crimes and convicted to life imprisonment and/or the death penalty (Define Offenses Act, 2019). HB413 is perceived as one of the most restrictive bills in decades (Williams, 2019, December 4).

3.2.3. *The Societal Circumstances*

To understand why these attempts to prohibit abortion is currently gaining more ground in the US, one has to take other societal events into consideration that could be potential explanatory factors to this currently intensified backlash. In 2017, the #MeToo movement had a surge which highlighted a global public outcry of male offenses. It was an open platform for the public revelation of male privilege and abuses, which delegitimated male norms by mass scale of serial exposure of the abusers. As a consequence, some male offenders were removed from office and power (Cherniavsky, 2019:11, 18; HRW, 2020).

Another potential factor is that the Republican Party candidate Donald Trump was elected President in 2016 and took office in 2017. He has publicly supported anti-abortion measures. In January 2019 he attended the March for Life’s annual gathering, making a speech where he declared that he participated to defend the rights of every unborn child to fulfil their God-given potential (Prasad, 2019, January 24). In addition, Trump has appointed three new judges to the Supreme Court and has explicitly expressed this as a part of his intention to overturn *Roe v. Wade* (BBC News, 2020, October 27; Berman, 2017, March 21; North, 2019, May 10). Some claim that when Judges Gorsuch and Kavanaugh were sworn into the Supreme Court, creating a conservative majority, it was a clear signal to legislators throughout the country that there was now an opportunity to enact laws restricting abortion

(CNN, 2019, 15th of August; Oppenheim, 2019, April 17; North, 2019, May 10). Right before the Presidential election 2020, judge Barrett, appointed by President Trump, was confirmed to the Supreme Court, further adding to its conservative majority (BBC News, 2020, October 27). Because of the more conservatively constituted Supreme Court, most opponents of abortion are now clearly stating that their newly enacted restrictive laws are passed to give the US Supreme Court opportunities to undermine, or overturn, *Roe v. Wade* (Cappello et al, 2019).

The Trump administration has also taken deliberate actions to impede women's access to reproductive health services, such as abortion and contraceptives (Chuang & Weisman, 2019:993; Gozdecka, 2020:9; Guttmacher Institute, w.y). Resolution 2467 adopted by the UN Security Council, had to remove the term "sexual and reproductive health" due to a threat of vetoing it from the Trump administration (Cupać & Ebetürk, 2020:702-703). The enactment of the "global gag rule" was reinstated and widened by President Trump, renamed to "Protecting Life in Global Health Assistance", one of the main aims is reducing the number of abortions. Trump's expansion involved that the rule applied to nearly all US global health assistance, thereby additionally affecting areas such as water, HIV and AIDS, maternal and child health, and gender-based violence. Never before has this rule affected this many partners, agencies and public health programs (Bingenheimer & Skuster, 2017:279-280; Guttmacher Institute, w.y; Mavodza, Goldman & Cooper, 2019:2, 17; Walton-Roberts, 2019:21-22). Another measure was the implementation of two rules that on the basis of interference of one's moral or religious beliefs, would allow employers to deny contraceptive coverage for their employees. These were targeted at the Affordable Care Act (ACA), and its requirement of the coverage of contraception and contraceptive counseling without patient cost sharing in private health plans. These rules were temporarily blocked from implementation by a federal court in Pennsylvania (Chuang & Weisman, 2019:993; Gozdecka, 2020:9).

4. Theory

This chapter will firstly define the current societal order. The allocation of the research problem, as well as the analysis, emanates from this understanding of how our society is structured. It underpins chapter 4.3. *Previous research*, and permeates all arguments and interpretations in this study. This chapter will also give an overview of the research field of *the creation of physical difference's* which asserts control over the woman's body, and expressions *backlash* to women's emancipation.

4.1. The Current Societal Order

The most fundamental assumption and presumption for this study is that we live in a patriarchal society. Male dominance is “invisible” since it is both legally instituted and perceived as natural by society, thereby perceived as not needing change by those who benefit from it (Björk, 2018; Chodorow, 1978; Hill Collins, 1998). This is structured by norms such as the nuclear family, heterosexuality and social hierarchies, which includes female subordination. There is a power imbalance between the sexes, and the social hierarchy simultaneously reconstructs and consolidates the hierarchy on multiple levels which adds to the “naturalness” and “invisibility” of the patriarchy (Hill Collins, 1998).

The gender system is a concept that further explains this societal order. It builds on two principles, a separation of the sexes and male supremacy. This creates a dichotomy between women and men, and between masculinity and femininity, that creates a division of which societal arenas each sex has access to. This is a hierarchical division, and it works both vertically and horizontally. It is most easily demonstrated by using the labor market as an example. A majority of women and men work in different gendered sectors, one of care, dominated by women, and one of technology, mostly occupied by men. They are also further divided within the same sector where, for example, men in contrast to women, more frequently obtain leading positions. Men's work, and their societal supremacy, are ascribed more worth – which also entails more power. Men are seen as the norm, and women as an exception and something deviant. This gender system is palpable on both an individual and structural level (Hirdman, 1997). This also means that the societal order is not perceived as unjust but natural, even though femininity does not have the same status as masculinity, since the latter is the norm of which femininity does not live up to (Björk, 2018:217).

However, the inequalities this structuring of society generates creates resistance which is shown in women striving for emancipation. These attempts are often met with backlash, attempts to maintain and (re)install the patriarchal structure. This interplay between women's emancipation, and backlash, which emanates from the current patriarchal societal order, lies at the very core of this study's research problem and will be further explained and explored in the following chapters.

4.2. Previous Research

The purpose of this chapter is to create an understanding for the current backlash in the state of Ohio, attempting to prohibit abortion, by looking at historical events and the theorizations of the subject made by scholars. This chapter will include a section of the creation of physical differences, since the inequality between the sexes, and the need to maintain it for those groups that benefit from it, is the prerequisite for the phenomenon backlash. This concept will be defined and explored, and also related to the current expressions of it in the state of Ohio in order to substantiate my claim that this is indeed a backlash.

4.2.1. Creating Physical Differences

The woman's body has long been a subject of mystery in need of investigation, deviant in comparison with the male body. Ancient Greek philosophers and healers such as Aristoteles and Galen perceived the penis as perfect and the female reproductive organs as imperfect, being devoid of the penis. During the renaissance the vagina was described as an inverted version of the male organ. More recently, Freud defined femininity as a lack of penis. This understanding of genital hierarchy still prevails today amongst some scholars (Braun & Wilkinson, 2001). The woman and her body have been, and still is, perceived as opposite and lesser in comparison to the man, a deviant from the masculine norm and therefore subordinated physically, as well as in society (Johannisson, 1994).

Discursively, a clear dichotomy has been made between the man, his intellect and rationality, and the woman, her body and reproductive organs. There is a constructed analogy between him and culture, and her and nature. Historically, the woman was presumed unfit for higher studies or other intellectual activities due to her primary undertaking of producing children. To abandon one's primary function was deemed as highly immoral, selfish and unwomanly (Butler, 1999:165; Arrhenius, 1999:79-81; Johannisson, 1994:7). Emphasis was put on how

the woman was controlled by her genitalia, for instance bleeding regularly, and she was therefore unfit for public spaces because of her closeness to nature and lack of rationality. Some scientists also explicitly wrote that the societal division between the sexes was genetic and biological, thereby not changeable. Emancipatory efforts were an attempt to reverse nature itself, which would only punish those who tried (Johannisson, 1994:40-57).

Women as a subject in today's society is created through the current discursive practices and power structures, which emanates from the patriarchal societal structure and male dominance. Therefore, achieving emancipation is always mediated through how "woman" is constructed, and also limited by it. This created hierarchy between the sexes establishes the woman as subordinated, and it emanates from the man as the norm and the woman created in relation as a negation to him – "the Other" (Butler, 2007:51-53, 68-70; De Beauvoir, 2002:23-38). This hierarchy is internalized by women, it is a part of their genus-identity. To be a woman is to be subordinated. How masculinity manifests and expresses itself is the "correct way" of acting in the public sphere, and this sphere has a higher status than the private, whereas expressions of femininity are valued more. Therefore, the hierarchy between the sexes remains intact on a societal lever (Björk, 2018:63, 226, 234–235). This creation of physical difference's also entails that the opposing aspects of the sexes are being attributed unequal value. They are valued differently, which leads to political and social differences between men and women. It creates inequality on both an individual and societal level, which affect women's allocation of power and decision-making.

4.2.2. Backlash

Backlash is a term which explains how patriarchal forces deliberately resist and with renewed determination try to suffocate different emancipatory successes for women. It is a way to ensure women's subordination, and a recurring reaction to every progress made (Cudd, 2002; Faludi, 1991:11; Mansbridge & Shames, 2008; Walby, 1993). Backlash is a global phenomenon and essentially the same in all national settings (Halperin-Kaddari & Freeman, 2016:184-185, 191-210). Societal changes create friction, which in its turn creates conflict – unavoidable if one wants to achieve change. Backlashes can be explained to consist of three components: they are a reaction to something someone has done; this reaction contains coercive power; and, the reaction seeks to reinstate part, or all, of one's former power. It is a process of dynamic resistance, and the usage of coercive power, to regain lost capacity to produce preferred outcomes of one's preferences or interests. Women pursuing equality could

be perceived as lost power by dominant groups, and the reaction to the power-shift can generate a backlash (Mansbridge & Shames, 2008:626-629). Backlash is also a reaction to lost advantages, which has been beneficial for the dominant groups, at the expense of the subordinated one's. To create actual justice, they have to be withdrawn, since they have contributed to inequality and been on the expense of another societal group (Cudd, 2002:8; Hawkesworth, 1999:141). The female body is closely connected to backlash, since backlash often targets reproductive rights and women's bodily autonomy. It is a way of punishing women for a behavior that challenges the gender status quo (Infanger, Rudman & Sczesny, 2016:110, 122).

4.2.2.1. *The Concept of Family*

In the CSW⁹, and other transnational and national forums¹⁰, gender-neutral language is being practiced as a way to achieve equality. CSW are also currently having debates about narrowing the definition of family to one man being married to one (or more) woman, having children together. The value of family is described as protecting different morals and traditions, this implies norms such as traditional gender roles, heterosexuality and patriarchy and taken together with the gender-neutral language, it "hides" the problem and the fact that some societal issues derive from the unequal relationship between the sexes, such as men's violence against women. She becomes hidden in the neutral discourse, and these resolutions therefore lack attention of women's specific needs and actions to improve women's human rights. Therefore, the need for women's emancipatory struggles, and a more prominent political position, is also being secluded (Halperin-Kaddari & Freeman, 2016:184-185, 191-194, 202, 210; Hill Collins, 1998:62, 66).

The importance of family and its associated values are also prominent in an American context, as is the nuclear family's place in the public discourse, understandings of social institutions and policies are often constructed through family rhetoric's. Challenging it outright might be counterproductive if one tries to change societal norms and hierarchies (Hill Collins, 1998:63, 77). The family narrative, and its current, as well as historic, importance for

⁹ CSW is a political forum established in 1946 which has hosted the four World Conferences on Women, and whereas the states represent themselves. CEDAW is in contrast a non-political forum, specifically dedicated to women's human rights and which speaks authoritatively on all issues related to equality in the family. CEDAW was drafted by the CSW on the World Conference on Women in 1975 (Halperin-Kaddari & Freeman, 2016:184-185).

¹⁰ See chapter 3.2.3. *The Societal Circumstances*.

limiting women's rights, is an alliance between diverse actors as a part of the current organization of right-wing movements acting transnationally (Cupać & Ebetürk, 2020:703). Nationalism can be described as an approved language where masculine skills are expressed and exercised, whereas sexual control and repression of women is justified. Men are supposed to protect the nation, and the women, a logic that has been especially present during wartimes (Alexander, 2011:373-374; Berglund, 2007:77, 306; Chodorow, 1978:10; Hill Collins, 1998:74). Womanly virtues are closely related to family values in this discourse, and the traditional role of the mother and wife in the private sphere giving birth to the nation's citizens. These virtues are also closely connected to democratic values, making the woman's behavior and role having a direct effect on the success of the American liberal democracy and market capitalism – the nation's future. The need of protecting the nation's future, by maintaining these norms and values, further conditions her political position (Boryczka, 2012:1-17; Berglund, 2007:304; Hill Collins, 1998:63, 66). Nationalism is tightly connected with the understanding of family, and this narrative is increasingly used by current right-wing movements, reinvigorating the discourse of reproducing the nation and thereby having a direct impact on women's reproductive freedom (Gozdecka, 2020:3). When women try to change their political position, or promote societal shifts towards equality, their morality and virtues are believed to be in danger and backlash is unleashed in order to re-establish the order and protect the nation and democracy (Boryczka, 2012:1-17).

The ability to control the size of the family improved women's situation historically, creating demographic shifts both historically and today (Faludi, 1991:61-63, 69-70; Guillaume, & Rossier, 2018:218), but also bolstered backlash in the form of social campaigns that stigmatized childless women and abortion. The stigmatization was a way of undoing one part of life that women could control to attain emancipation. Family planning challenged men's social status and authority, thereby also challenging the patriarchal social order (Faludi, 1991:61-63, 69-70). Controlling the woman's sexual and reproductive health is a way to maintain the patriarchal hierarchical society and is partly justified by the discourse of the importance of family (and in extension the preservation of the nation). Due to the hierarchy between the public and private sphere, women are perceived as second-class citizens. By practicing "proper" womanhood, controlling one's sexuality and reproducing children, women are being relegated to the societal periphery, having less political power, and is unable to attain full citizenship (Alexander, 2011:373-374; Berglund, 2007:77, 306; Chodorow, 1978:10; Hill Collins, 1998:74). The worst form of backlash is often triggered by demanding

too much change, in too short of a timeframe. The Supreme Court decision of *Roe v. Wade* can be interpreted as being such a demand by abortion opponents, since it was enforced nationwide without being preceded by changed senses of justice. This made it appear illegitimate for pro-life advocates, and generated widespread controversy surrounding abortion rights and a massive backlash, which still prevails today (Mansbridge & Shames, 2008:626-629).

Backlashes pinpoint that women lacks the power of making decisions over their own bodies (Ibid:70). It is an exercise of power that aims to maintain the gender system (Hirdman, 1997) and thereby also the privileges and advantages that this system allows certain groups (Cudd, 2002:8; Hawkesworth, 1999:141). Being underbuilt by a discourse surrounding the importance of family, and its correlation with the success of the American nation, this structuring of society, and backlashes, are justified. This indicates that the current backlash in the state of Ohio is not an isolated event, but rather part of a greater structure of repressing women's emancipatory achievements, since they challenge the patriarchal societal construct. It is a reaction to losing the privileges that men enjoy in this societal structure, threatened by women trying to attain power and the right to make decisions of their own.

4.2.2.2. *The Current Backlash*

We are currently living in an era of growing far right populism and nationalism, such as the Trump administration. For conservative forces on the rise in Western democracies in general, there has been a revival of religious norms which are increasingly combined with nationalism. These populist movements are explicitly articulating a fascist, sexist and racist agenda. Once again, the importance of family values and norms are visible and embedded in the discourse. On a global level, there has been an anti-feminist backlash induced by conservative forces aiming to reinstate the understanding of "the natural family" and revoke women's rights – underbuilt by backlash politics (Cupać and Ebetürk, 2020:710-711). Brexit entailed a narrative which included notions of traditional family values, conventional gender roles and the defense of white national sovereignty (Franklin, 2019:51-52). In Germany, an anti-immigration rhetoric is employed which includes pressuring "native" white women to reproduce the nation. The US rhetoric's links guns, abortion, gender roles and family values to the importance of maintaining the threatened national belonging (Franklin & Ginsburg, 2019:4-6). The notions of fascism, sexism and racism are intertwined and lies at the very core of the conservative forces. As described above, the emphasis on the creation and longevity of

the nation is embodied in the notion of family – reproducing the sought-after societal values and producing the nation's citizens. Reproductive rights are therefore a threat to traditional family norms and values, and this perceived threat is affecting women's reproductive freedom (Gozdecka, 2020:3).

That the current attempts to restrict abortion more generally in the US (Planned Parenthood, w.y.a; Ziegler, 2009:284), and particularly in the state of Ohio, are indeed a backlash, can be motivated with that they are fulfilling many of the characteristics of a backlash mentioned above: affecting women's reproductive freedom by targeting contraceptives and abortion by the usage of coercive power (Infanger et al, 2016:110, 122; Mansbridge & Shames, 2008:626-629). This society-wide backlash consists of both a return of traditional conservative narratives and a more general attack on women's rights, it is occurring in many UN contexts, many western democracies and particularly in the US (Gozdecka 2020:6; Sanders, 2018:273). Current attempts to undermine or overthrow Roe v. Wade, and thereby challenge long-fought-for legal guarantees of access to abortion encapsulated therein, are perceived as a backlash to women's emancipation (Gozdecka, 2020:1-2) which also is a part of this larger society-wide backlash.

The interplay between emancipation and backlashes also entails the probability of the election of Trump as a manifestation of the society-wide ongoing backlash against feminism and women in general (Tien, 2017:656-657). However, Trump's presidency has brought a number of occurrences¹¹ which constitute a backlash towards women both globally and in the US. These are perceived as deliberate attempts of limiting women's reproductive freedom and rights, implemented by President Trump and his administration, specific for his time and presidency (Chuang & Weisman, 2019:993; Gozdecka, 2020:9; Guttmacher Institute, w.y.). These actions especially target critical populations globally, such as services and rights for the LGBTQ+ community, immigrants and women, to support the Trump administration's domestic political goals (Guttmacher Institute, w.y.). Another description of it is: "*In the age of Donald Trump, women's reproductive bodies have become even more public and regulated canvases for moral narratives of women's worth as humans and for the state's claim to their bodies.*" (Sufrin, 2019:34).

¹¹ See chapter 3.2.3. *The Societal Circumstances.*

5. Methodological considerations

The first part of this chapter consists of the method of analysis and its operationalization. The second part presents the empirical material that will be analyzed, how it was obtained and a source assessment. A subsection is also included on how to create a scientific and sound study when one cannot rely on concepts such as reliability and validity, which are typical for quantitative studies but not applicable on qualitative ones.

5.1. Method of Analysis

In the field of social sciences, such as IAGG, the primary research object are the members of society and their internal relations. One of the most central areas of research within this field is power structures, but research on e.g., equality and conflict, is also important. This entails an interest in, and focus on, studying texts, since the language is perceived as the ultimate borderline for which actions, norms and values that are prevailing and approved within society (Bergström & Boréus, 2015:17, 45). By analyzing texts, what is not apparent at first sight can be revealed. One can either systematize the content of a text by classifying and logically structuring it, or critically review it by using methods such as critical discourse analysis, discourse psychology or discourse analysis (Esaiasson et al, 2012:210–212). The central objective and primary purpose of this study is to analyze the current restrictions of abortion rights in the state of Ohio and how this political discourse is constructed. Since the aim is to map what is not explicitly written, an adequate method to analyze the text with is required.

Discourse analysis is an umbrella term for various ways of approaching and analyzing a text, what these methods have in common that they seek to reveal and confront dominant discourses and ideologies. Discourse analysis entails having a critical stance, believing that nature is socially constructed, and that this construction is a part of all social action (Marshall & Rossman, 2016:25). An example of methods that exist under this umbrella term are; *critique of ideas*, aiming to derive if arguments in texts are coherent with decided norms; and *ideology critique*, trying to illustrate how certain societal conflicts are reflected in texts. Although both methods would be adequate for the chosen topic of this thesis, they lack the inclusion of power structures and its effects on reality which is of interest in this study. *Discourse theory* on the other hand, is a method that includes this analytical lens and perceives power as inherent in the language, since it presumes that reality is discursively

constructed and conditions human actions (Esaiasson et al, 2012:210–212). To use a method including an understanding of power is important for answering the second research question in this study, to interpret the political discourse of abortion and the consequences it will have on society and individuals.

5.1.1. *Discourse Theory*

The chosen method of discourse analysis in this study is Laclau and Mouffe's *discourse theory*, with focus on the discursive practice *articulation* (Jørgensen & Phillips, 2002). This method is suitable for analyzing political processes and how the content of the politics changes (Bergström & Boréus, 2015:370). Discourse theory originates from a structuralist and poststructuralist linguistic philosophy, and as other methods of discourse analysis it argues that our access to reality is always mediated through the language we use. This means that no objective reality or truth is believed to exist, instead, truth is produced intersubjectively. This production is mainly made through articulations, both of which reproduce and transform the discourse. This does not imply that reality does not exist as such, rather, it means that the discourse applies meaning to and constructs reality. The aim is to "close" the discourse, by fixating the meanings of words and excluding other understandings of them, with articulations. Some understandings of words seem "natural" because of a successful and widely accepted fixating of its meaning, other times there is struggle over the certain meaning of a word. Although, the closing of a discourse is always temporary, since the understanding of certain words can change, and because of the continuously ongoing struggle about which discourse that should be hegemonic. All social practices can be perceived as articulations, no distinction is being made between discourse and non-discourse, and therefore neither between discursive practices nor non-discursive practices (Jørgensen & Phillips, 2002:8-9, 139, 144-146).

Every discourse has its own particulars, and by fixating one meaning alternative narratives are excluded. Exclusionary measures create a certain understanding of words and reality, thereby also determining what is true and what is false; different objects and subjects; and, what actions that are acceptable and which are not, within this particular discourse and thereby in society. One can also predict what social *consequences* this particular description of reality might result in. Articulations reproduce the discourse but are never an exact replica of former articulations, they always involve elements of change. The structure exists only in, and when, discursive practices such as articulations are performed. This creates a constant flow of

reproduction, and transformation, of the structure. When changes occur in discourses, the social world is consequently altered. *Change* as such can therefore be analyzed within this method since practice and structure are simultaneously examined in discourses (Ibid).

When discourses collide, conflict arises. Antagonism is an inherent part in discourses since there is an ongoing struggle of establishing one's discourse as hegemonic, defining the same terrain in conflicting ways, and for the time being unchallenged. Hegemony is achieved by exercising power and fixating meanings, antagonism undermines these efforts since it challenges meanings. Sometimes, it becomes evident that there is struggle over different actors' views on organizing society. For example, when women's emancipation provokes a backlash, in order to (re)install the patriarchal structuring of society. To be hegemonic also means that someone else is subordinated. Other times there are vague or no signs of struggle, since the social practices seem natural. In order to achieve this "natural reality", a *hegemonic intervention* can be unleashed, which forcefully erases ambiguities and establishes an "objective discourse". The exercise of power produces the desired social reality, constructing its particulars to appear objective and natural (Ibid:13, 25-30, 35-38, 47-51). Certain groups continued subordination can be achieved by reproducing this structure in institutions, for example in the school system or legal system. An individual's position in the structure is described as their *subject position*, and consists of many identities, for example be: working for a wage, a parent, a Christian, etcetera. These positions are related and affects each other, influencing the individual's identity, perception of reality, which actions they can and cannot do, and ability to exercise power (Bergström & Boréus, 2015:371-372).

5.1.1.1. *Operationalization of the Discourse Theory*

The purpose of examining the bills with *discourse theory* is to discover how the political discourse of abortion is constructed, and what consequences this construction might have on society in general and women in particular. Text analysis can reveal underlying meanings and ideologies, and since reality is constructed through what words we use and what meaning they are attributed. The bills included in this study aim to prohibit abortion, but how this is to be achieved and the underpinning motivation, is yet to be revealed, which could be achieved with text analysis.

In order to map the construction of this discourse and investigate the motivation and ideology underpinning these bills, certain components of Laclau and Mouffe's *discourse theory* and the

discursive practice *articulation* will be operationalized. *Firstly*, the text analysis in this study will revolve around the identification of *nodal points*. These are privileged signifiers, words, of higher value in the discourse. By attaching other words to them, thereby fixating their meaning as well, they determine what the discourse consists of. When the meaning of a word is fixated it is called a *moment*, which is dependent and created in relation to the nodal point. By mapping nodal points and their associated moments, I can ascertain how abortion is organized discursively in the Ohio bills. The creation of moments strengthens and further structures the discourse, and is important for its success. This internal structure of the discourse, with moments ordered around nodal points are called *the chains of equivalence*, which will be analyzed *secondly*. They identify connected conceptions to the discourse, such as; if it is connected to a specific social arena; categories of individuals; and, what is excluded from it. They also answer questions such as: How has power produced the characteristics of the discourse (Ibid:13, 25-30, 35-38, 47-51)? *Lastly*, elements of *change* in the discourse will be examined. The internal structure of nodal points, moments and chains of equivalence in the bills, allows for a comparison of similarities and differences between them.

I will follow an *abductive* form of analysis in approaching the material in this study. It allows for the discovery of patterns, themes and categories in the data chosen, whilst still having an analytical framework to start from – such as the discourse theory method specified above. The abductive approach helps reveal certain aspects of the discourse, allowing both the more structured and the open-minded way of approaching the material work in interplay. This creates a greater flexibility for the researcher, being able to lean on an analytical framework, while at the same time allowing the material to “speak to you” (Marshall & Rossman, 2016:222). One quantitative element will be implemented in my method of analysis, and that is a word count. This is a way of measuring frequency of concepts and words, and adding to the transparency of the method of analysis. It will distinguish the centrality of concepts and words, and map which space they occupy in the text (Esaiasson et al, 2012:197-198). This word count has supported the identification of nodal points and elements in the text, as well as the examination of the chains of equivalence. A more informal and organic form of coding has also been incorporated in this analysis (Marshall & Rossman, 2016:222). The material was read several times and I used a simple color-coding to structure and organize it further. After the frequency of the words had been determined, this informal coding helped structure the text’s inherent structure and hierarchy, to help distinguish the nodal points, moments and chains of equivalence. Nodal points were highlighted with purple, moments with green and

words that were recurring but hard to categorize, with yellow¹². By following this procedure throughout all three bills I could structure the material and extract the results.

The three bills were firstly treated as three separate discourses, and thereafter analyzed as one. This allowed for finding similarities and differences between them, and particulars in the joint political discourse of abortion. This approach also permitted examining changes within the discourse. The abductive approach allowed me to have the discourse theory framework of nodal points and moments to focus and structure the analysis, but still allowing the material to affect the results based on what I found in it. By being both structured and flexible, the material could be revisited several times to identify articulations, count words and examine the chains of equivalence, and thereafter make comparisons and detect potential discursive changes.

This chart summarizes the findings made through the analytical framework, word count and informal coding, and displays the particulars of the discourse(s). It gives an overview of the results and the frequency of words. Further explanations and arguments for this mapping of the discourse(s), for example why some of the most frequently used words are not perceived as nodal points, is described in chapter 6. *Results*.

HB69		
Signs	Words	Word count
<i>Nodal Point</i>	Unborn human individual	18
<i>Moments</i>	Fetal heartbeat	27
	Fetus	18
<i>Chains of equivalence</i>	Emphasizes the connection between detecting a fetal heartbeat and the probability of a live birth of the child. Uses science as its main argument. Appeals to the woman’s morale, establishing both incentives for continuing the pregnancy and obstacles for having an abortion.	
SB23		
Signs	Words	Word count

¹² See example of the color coding in *Appendix 1*.

<i>Nodal Point</i>	Pregnant woman	62
<i>Excluded</i>	Woman	10
<i>Chains of equivalence</i>	Actively ascribing “woman” features such as motherhood and clearly states that the preservation of her life is worth less than the preservation of the fetus life. Focus is on “the unborn human individual” and the importance of guarding its life.	
HB413		
Signs	Words	Word count
<i>Nodal Point</i>	Abortion	9, 18 ¹³
<i>Moment</i>	Aggravated abortion murder	2, 163
	Abortion murder	2, 129
<i>Chains of equivalence</i>	Abortion is countered with the ultimate punishment, life imprisonment or death penalty. This is an exercise of power that could establish the discourse as hegemonic, effectively prohibiting abortion.	

Fig. 1. Chart of findings from the text analysis.

5.1.2. Critical Reflections of the Method of Analysis

The methodological framework chosen in this study is quite static, which means that the analysis will be highly structured by it. As mentioned above, in order to open up for themes and findings in the material, an abductive methodological approach has also been implemented (Marshall & Rossman, 2016:222). Having an abductive approach raises the question of *theoretical saturation*. Allowing the material to affect the analysis could obstruct the process of being satisfied with, and finalize, the data collection. Although, some patterns and findings will eventually repeat themselves, indicating that further data collection probably will not add anything new. Important then is to challenge these patterns, search for negative instances, and present them in the study as potential explanations to the studied phenomenon and also argue why these are not the most plausible (Ibid:228-229). In results, arguments for,

¹³ For HB413, the first number in the column “Word count” refers to the sections primarily analyzed in this bill, the second to the whole text.

and possible contradicting circumstances to, my conclusions, are included in order to create transparency and an openness about the interpretation of the material.

5.2. Method of Data Collection

By studying official documents about prohibiting abortion, such as the introduced bills in Ohio, one can examine the political discourse and possibly detect what its intentions are.

5.2.1. Empirical Material

The empirical material of this study consists of House Bill HB69 from 2015 (Prohibits Abortion Act, 2015), Senate Bill SB23 from February 2019 (Prohibit Abortion Act, 2019a), and House Bill HB413 from November 2019 (Define Offenses Act, 2019). They all aim to prohibit abortion, the first two relies on the relationship between detecting a fetal heartbeat and the probability of a live birth, whilst the last criminalizes and prohibits abortion nearly without any exceptions. Since 2011 the state of Ohio has tried to enact so called “Heartbeat Bills”, aiming to prohibit abortion if a fetal heartbeat is detected: Generally Prohibit Abortion Act (2011); To Generally Prohibit Abortion (2014); Prohibits Abortion Act (HB69) (2015); Prohibit Abortion if Unborn has Detectable Heartbeat Act (2017); Prohibit Abortion Act (2019b), has either been vetoed or died in the process, whilst Prohibit Abortion Act (SB23) (2019a) was enrolled and supposed to turn into law but was stopped by a federal judge (Williams, 2019, December 4). Defines Offenses Act (HB413) (2019), also prohibits abortion but died in committee¹⁴. All these bills has been sponsored by Republican party members.

The selection of the empirical material itself could be somewhat problematic. To study a certain political party’s discourse, or an expression of a political ideology, over time, can be made through text analyses of propositions, internal communication, the party’s political program, etcetera. To distinguish the empirical material is important and has to be done in accordance with the purpose of the study and with a thought about what this selection will include/exclude, and how that will affect the outcome of the study (Bergström & Boréus, 2017:44). I have chosen to make a *narrow selection*, instead of including a multitude of materials. To focus on only bills during a limited time-period gives good insight in the political discourse expressed through these bills. But, if I had chosen to also include speeches

¹⁴ Read more about the three bills constituting the empirical material in this study, in chapter 3.2.2. *Legislative Reactions to Roe v. Wade in Ohio*.

of politicians, tweets and/or debate articles, my results would perhaps have been different, given another insight in the studied case and a greater understanding for the circumstances and effects of the bills. However, a narrow selection is safer, and easier to handle due to the need of a thorough reading of the material due to the chosen method of this study. A larger selection would have demanded more resources. My choice can also be defined as *critical and illustrative*; that the chosen material is what it comes down to in this particular case (Esaiasson et al, 2012:162-163, 220-221). With my theoretical analysis I can say something about this particular case, which is interesting both for the research field of backlashes, and IAGG. This specific expression of the current society-wide backlash can be studied in great detail, and give an insight in how power and discourse produces the desired outcomes. In my case, many bills have been introduced attempting to prohibit abortion relying on the interconnection of a fetal heartbeat and the probability of a live birth. Due to the time-limitation I have made in this study, 2015-2019, based on the #MeToo movement and Donald Trump's presidency, and its direct and deliberate effects on women's reproductive rights (I have limited the empirical material to these three bills. HB69 is included since it was the last bill introduced before the presidency of Trump. The reason for why SB23 was included and HB68 excluded, is that they were introduced simultaneously, but HB68 died immediately whilst SB23 turned into law. I therefore perceive SB23 as a valid expression of the intentions of the current political discourse of abortion, and excluded HB68 in order to focus the study. HB413 is included, even though it died in the process, both because it was introduced so shortly after SB23, thereby adding to the current political discourse, but also since it is perceived as one of the most restrictive bills in decades (Williams, 2019, December 4). I believe this is highly interesting when examining change within a discourse and would probably provide interesting insight on the current expression of backlash in Ohio.

They were all originally downloaded from the state of Ohio's official website. However, this website does no longer function properly. The links now only leads to an error message stating that the server could not be found (The Ohio Legislature, w.y.). The bills were therefore instead downloaded from the website Legiscan, since they now are unattainable at the state of Ohio's official website. Legiscan is an impartial website which aims to democratize the access to, and understanding of, legislative documents (Legiscan, w.y.). These bills were chosen on the basis of relevance of this study's research questions, and the purpose of examining the political discourse of abortion in the state of Ohio. They are available in multiple versions, such as how they were first introduced and how they were

reported by the House Committee. All bills will be analyzed in the latest version available; this depends on how far it has come in the law-making process¹⁵. They were all downloaded in their original language, English. HB69 will be analyzed in its engrossed version; how it was passed by the House (Prohibits Abortion if Detectable Heartbeat Act, 2015). SB23 was enrolled, which is the retrieved version of that bill (Prohibit Abortion Act, 2019a). The final bill, HB413, died in the committee of Criminal Justice (Define Offenses Act, 2019) and will be analyzed in that version.

5.2.1.1. Methodological Considerations of the Bills

This chapter explains how the bills have been handled methodologically, in order to create an understanding for the reader of the methodological and analytical process. In the bills, some sections are ~~overlined~~, meaning that they are to be replaced with other formulations, which in most cases are presented right after as underlined. Overlined sections have not been included in the analysis or word count, thereby not constituting a part of the results. By excluding overlined sections I consequently map the operationalized political language, the discourse that is intended to be produced.

HB413 is a very long bill, over 700 pages, and describes various terms and conditions for different types of crimes, how these terms and conditions vary depending on the nature of the crime and correlating factors (for example if firearms were used, etcetera). It also includes various tasks, duties and codes of conduct within certain professions in relation to these of crimes. In most part, this bill states consequences if one violates any part of the Revised Code, and what circumstances or conditions that create different outcomes (Define Offenses Act, 2019). There are also many word indexes included, describing and defining terms, crimes and punishments¹⁶. In order to manage this large amount of text, the sections explicitly dealing with the issue of abortion has primarily been analyzed, which are section 2904.01,

¹⁵ The states have the same bicameral legislature as the US Congress, consisting of the House of Representatives and the Senate. They also have an independent court system and are in their right to decide upon their own organization as long as this does not go against the constitution (NE, w.y.b.). The main elements of the law-making process for bills in the states¹⁵ are as follows: the idea of the bill is proposed. Either by a public official, the governor, an interest group, or similar. The bill gets sponsored by a legislator, either a Representative (from the House of Representatives, which is the larger chamber but the lower house) or a Senator¹⁵ (from the Senate, the smaller chamber referred to as the upper house). If the bill advances through various readings and votes, and through both chambers, it is sent back to the Governor who might either sign it, do nothing or veto it. In the first two instances, the bill becomes law with or without the Governor's signature. If it is vetoed, the veto can be outmanoeuvred by the House of Representatives or the Senate if both chambers vote in a simple majority. The bill then becomes law, either the day it was passed or at an agreed-upon future date (IN.gov, 2001).

¹⁶ See for example Define Offenses Act, 2019:433-438, 490-495.

2904.02, 2904.03, 2904.04, 2904.20, 2904.30, 2904.35 (Ibid:181-184). The analysis will be focused, but not limited, to these parts of the bill.

5.2.2. A Scientific and Sound Study

In addition to constructing a framework and a methodological approach, the study aims to be scientific and sound. Absolute objectivity as a phenomenon is rejected in social constructionist studies, since everything is believed to be discursively constructed. There is some critique directed towards discourse analysis and the chosen method of this study, discourse theory. Laclau & Mouffe (Martin, 2013) points out that the researcher is always a part of the theories applied to the study, and is highly influenced by discursive practices and one's own knowledge, norms, morale and values. To distance oneself from the discourse is impossible, since everything is discursively constructed. This entails a lack of transparency that has to be acknowledged. Similar to how discourses momentarily close themselves and fixate their meaning, establishing a temporary truth, the critical point of departure for social constructionist research also means that this produced representation excludes other possible representations. My representation of the political discourse of abortion will be somewhat subjective and partial. The result is therefore always an articulation, either reproducing or questioning, the examined discourse (Jørgensen & Phillips, 2002:175-178). Still, the lack of transparency and objectivity does not mean that one is only producing data in accordance with one's own beliefs and values. Rather, one must be aware of the issues with a lack of transparency and one's own positioning. The researcher must have solid knowledge of the field (Ibid) and apply measures of self-reflexivity (Tracy, 2010:837-840, 848).

Also, concepts of *trustworthiness* can be applied to create a scientifically sound study, promoting the data's trustworthiness, the researcher's credibility and the general applicability to the world, as well as help communicate the value of the qualitative work. These are *credibility*: which ensures that the research is carried out in good practice, adding to the soundness and rich rigor of the study. To create credibility in this study chapter 5.1.1.1. *Operationalization of the Discourse Theory* is included to explain how the multiple methods have been operationalized and interacts with each other. To further strengthen the credibility of this study, *triangulation*, the routine of having multiple sources of theoretical perspectives, methodologies and data, has been utilized to create independency of statements and facts. *Dependability*: includes keeping records of the research process and creating resonance by explaining this to the reader in such a way that arguments and findings can easily be followed

and understood. *Confirmability*: is an attempt to create “objective” results by showing why made inferences are logical, and if interpretations make sense by peers. It is about acting in good faith, being transparent of how the methods have been operationalized, and utilizing the other principles mentioned above. In this study a majority of the statements, the historical background and the perception of the societal structure leans on peers and multiple sources. The chosen method entails being critical of both sources and data, and I have tried to implement these principles, the inherent critical approach and self-reflexivity, to fulfil the confirmability of this study. *Transferability*: by being transparent and thorough with explaining the logic behind arguments and the operationalization of the method, the study could be useful to other studies which has similar research questions and methods of analysis, even though this study examines a specific case and since qualitative studies generally are non-replicable. This is achieved by relying on many details and sources concerning the topic, and the inclusion of a rigorous chapter of previous research (Marshall & Rossman, 2016:46-48, 260-263).

5.2.2.1. *Ethical Considerations*

As mentioned above, a researcher conducting a study with the method of discourse theory is always to some extent making an articulation, either reproducing a discourse or questioning it (Jørgensen & Phillips, 2002:175-178). My ontological and ideological point of departure in this study is (post)structuralist, which inherently implies a critical perspective. What is also important to bear in mind is that one must create a complete theoretical package, theory and method are inseparably intertwined in discourse analysis. There must be coherence between one’s epistemological, ontological, theoretical and methodological assumptions (Marshall & Rossman, 2016:25).

My feminist stance and view on society as being a patriarchal structure could affect the results, and to some extent reproduce the patriarchal societal structure, the political discourse of abortion and/or my critical view of it. I must therefore be particularly cautious about letting my own opinions and views influence the interpretation of the material, as well as the produced results. The main principles of feminist research ethics include examining elements of power, relationships, inclusion and exclusion, and the situatedness of the researcher (Ackerly & True, 2010:48). This study aims to adhere to these principles, and by also applying aforementioned elements of creating a scientific and sound study, a contribution is made to the ethics of the study. These elements create trustworthiness when taken into

consideration. When making statements about the societal order, or power relations between the sexes, I lean on peers and multiple sources to add to the credibility and confirmability of the study (Marshall & Rossman, 2016:15, 51). To avoid merely reproducing the political discourse of abortion studied in this thesis, I have included facts and statistics on the subject from primary and credible sources such as the WHO, UNTC and NE. I have also given an overview of the policies and implementation of policies of abortion both internationally, nationally and locally¹⁷.

By incorporating principles and elements, together with practicing self-reflexivity, I improve my empirical research by revisiting it, and critically analyzing it, in relation to my own knowledge and prejudices (Alvesson & Sköldbberg, 2018:382; Tracy, 2010:837-840, 848). Applying them to how the study is conducted paves way for transparency and trustworthiness, if they are operationalized and not merely mentioned (Marshall & Rossman, 2016:15, 51; Tracy, 2010:837-840, 848).

5.2.3. Source Assessment

In order to properly assess the sources used as empirical material, the three bills, I have applied four principles of assessing the chosen sources. These are *authenticity*, *time*, *independency*, and *tendency*. The bills are official documents. The principle of time is in this case important in relation to the research problem in this study, which is to analyze the current discourse of abortion. I have therefore examined contemporary bills, and made a clear delimitation through a timeline and other societal circumstances. Being official documents, the bills can also be claimed to fulfill the principle of independency (Thurén, 2013:7-75) in addition to being primary sources (Leth & Thurén, 2000:23). I have not analyzed replicas or summaries of the bills. Lastly, the bills cannot be claimed to not have tendency, or not to be biased. Official sources, such as governmental websites or bills, are tendentious since they in many cases represent one political party's values and interests, and also since all sources can be claimed to have tendency to some extent (Ibid:28-30). They represent a certain ideology and wants to construct a certain societal structure, facts and statistics in them might therefore also have tendency. The inclusion might be one-sided, and contradictory results be excluded (Thurén, 2013:7-75).

¹⁷ See chapter 1. *Introduction* and 3. *Background*.

6. Results

In this chapter, the results of the discourse analysis will be presented. The bills HB69, SB23 and HB413 will first be analyzed separately, in accordance with the analytical framework outlined above in chapter 5.2.2.1. *Operationalization of the discourse theory*. Focus will be on mapping *articulations*, starting with the identification of *nodal points*, followed by associated *moments* and lastly examining the *chains of equivalence* which gives an idea of which actions that are permitted, what societal realms it affects and how power is distributed – pinpointing the consequences of the discourse.

The general content of the bills will be presented briefly for context, but the focus will be on mapping and structuring their content. The bills will be analyzed in accordance with the year of their introduction, oldest to newest: HB69 first, followed by SB23 and lastly HB413. After their separate analysis's a compilation of the findings in the bills will be made, and an analysis of the three as components of one discourse, in order to grasp the full image of the political discourse regarding abortion articulated in these bills and to answer the first research question:

- *How is the political discourse of abortion in the state of Ohio constructed and has this construction changed?*

6.1. Results of HB69

In HB69 it is proposed that abortion should be prohibited after a fetal heartbeat is detected. Exceptions to this rule are applied, for example when the woman's life is in danger. The physician's course of action and demands on documentation are clearly stated too. If an abortion is induced without controlling if there is a fetal heartbeat, the physician could be charged with a fifth-degree felony (Prohibits Abortion Act, 2015:18).

HB69			
Signifiers	Words	Word count	Explanation
<i>Nodal Point</i>	Unborn human individual	18	Paraphrasing of fetus. An articulation with the purpose of appealing to one's feelings and morale.
<i>Moments</i>	Fetal heartbeat	27	The denominator of when the fetus is probable to a live birth. Used as an argument to prohibit abortion.
	Fetus	18	Mainly used in medical explanations or when one has decided to have an abortion.
<i>Chains of equivalence</i>			Emphasizes the connection between detecting a fetal heartbeat and the probability of a live birth of the child. Uses science as its main argument. Appeals to the woman's morale, establishing both incentives for continuing the pregnancy and obstacles for having an abortion.

Fig. 2. Chart of findings from the text analysis.

Nodal point

I would claim that the nodal point in this text is “*unborn human individual*”. This paraphrasing of the word fetus is a way to underline what exactly is being aborted when one chooses this medical procedure. This phrase is also presented in the very first sentence in this bill:

“[...] to generally prohibit an abortion of an unborn human individual¹⁸ with a detectable heartbeat [...]” (Prohibits Abortion Act, 2015:1).

This term is being articulated recurrently throughout the bill. “*Unborn human individual*” effectively shifts focus from the fetus as a bundle of cells, which is non-viable outside the womb, to the human being it could become if the pregnancy was carried through full-term – accentuating its potential personhood. The paraphrasing demonstrates the desired perception and interpretation of the bundle of cells. By using another set of words, a struggle over what

¹⁸ All underlining's in excerpts of the bills are made by the author of this study, to emphasize signifiers and to create clarity about what articulation is being made and in what context.

the inherent meaning of fetus should be could be avoided, which could be an explanation for this paraphrasing. By articulating the phrase recurrently, the use of it and its meaning is consolidated. “*Fetus*” could be inter-changeable with “*unborn human individual*”, both could be used in order to describe the bundle of cells in the womb. In a word index the two terms are defined:

“[...] “*Unborn human individual*” means an individual organism of the species *homo sapiens* from fertilization until live birth.” (Prohibits Abortion Act, 2015:12).

And:

““*Fetus*” means the human offspring developing during pregnancy from the moment of conception and includes the embryonic stage of development” (Prohibits Abortion Act, 2015:11).

The definitions of the two are similar, and this could be another explanation for the importance of keeping them apart. The paraphrasing is needed to accentuate the “true meaning” of the bundle of cells. This discursive practice of replacing “*fetus*”, with “*unborn human individual*”, is a way of emphasizing the potential life of a child, and its personhood, and thereby attempting to discourage abortion. This discursive shift lies, as I would claim, at the very core of this discourse. It excludes more “technical” or “medical” terms, and is instead trying to appeal to a person’s feelings and morale by accentuating that it is a potential human life being aborted. Therefore, these terms are not inter-changeable in this particular discourse, the paraphrasing of fetus fulfils an important purpose.

Moments

The term “*unborn human individual*” is written 18 times throughout the text, often in consort with the term “*fetal heartbeat*”. This term is used 27 times, of which 15 cases consorts “*unborn human individual*”. Being in consort is here defined as being present in the same sentence, sometimes multiple times, without a punctuation separating it from the nodal point. The connection between the two is made in the very first sentence in this bill, but with the somewhat synonymous: “*detectable heartbeat*” (Ibid:1). Since this bill is a proposal of prohibiting abortion after a detectable heartbeat, “*unborn human individual*” and “*fetal heartbeat*” are intertwined and interdependent, mutually constituting each other’s meaning and the structure of the discourse.

Based on frequency, *“fetal heartbeat”*, which occurs 27 times, could also be the nodal point in this text. But, as mentioned above, this term is mostly used in consort of *“unborn human individual”*, indicating that *“fetal heartbeat”* is dependent on the meaning of *“unborn human individual”* and is ordered in relation to the understanding of this phrase (Ibid). If the term *“fetal heartbeat”* was the nodal point, the underlying understanding of the potentially lost life, would be lost. Therefore, I would still claim that the nodal point is *“unborn human individual”*, since this term effectively shifts the focus from the non-viable fetus to the potential human that could be born. *“Fetal heartbeat”* fortifies the discursive shift of focusing on the potential life, and excluding its current non-viability, in order to motivate the prohibition of abortion. It is an articulation that sets the tone of the text. This discursive shift also points to what the intentions of the bill are and what ideology they might emanate from.

By creating an interdependence between *“unborn human individual”* and *“fetal heartbeat”* there is an additional incentive to discourage abortion, besides appealing to a person’s feelings and morale, created in the discourse; arguments backed by science. The bill presents statistical facts of the probability of miscarriage after a fetal heartbeat is detected, which is less than 5%. Also, 90% survives the first trimester when a fetal heartbeat has been detected. That is another probable explanation to why *“fetal heartbeat”* often is in consort with *“unborn human individual”*, and why these two terms are so closely connected. It leads to this conclusion:

“Fetal heartbeat, therefore, has become a key medical predictor that an unborn human individual will reach live birth.” (Prohibits Abortion Act, 2015:14).

Chains of equivalence

One circumstance that undermines my claim that *“unborn human individual”* is the nodal point of this text, is that the word *“fetus”* also occurs 18 times throughout the text. In some cases, the word fetus is used in the text in order to describe the human offspring instead of the identified nodal point. In order to further support my claim that *“unborn human individual”* is the nodal point in this text, despite occurring at the same frequency as *“fetus”*, I have mapped the contexts in which the two phrases are most commonly used. By this mapping of the chains of equivalence, an understanding is created for which settings they adhere to, what values they represent and for what purposes they are being used. I will exemplify this by presenting two quotes. *“Unborn human individual”* is connected to the potential individual that could be born, whilst *“fetus”* is used mostly in technical and descriptive parts of the text.

”[...] that the unborn human individual the pregnant woman is carrying has a fetal heartbeat and that the pregnant woman is aware of the statistical probability of bringing the unborn human individual the pregnant woman is carrying to term.” (Prohibits Abortion Act, 2015:19-20).

This quote embodies how the relationship between “*unborn human individual*” and “*fetal heartbeat*” is made. Emphasis is being put on the pregnant woman, carrying another human, and the probability of this human being born alive. The argument being made is that the scientific connection between a detected heartbeat and the probability of a pregnancy going full term, is a clear incentive of continuing the pregnancy. The chains of equivalence can be said to connect these two terms to other concepts such as life, viability, a certain morale and an attempt to discourage abortion since the detected “*fetal heartbeat*” indicates that the “*unborn human individual*” most probably will be born alive.

”Materials that inform the pregnant woman of the probable anatomical and physiological characteristics of the zygote, blastocyte, embryo, or fetus at two-week gestational increments for the first sixteen weeks of pregnancy and at four- week gestational increments from the seventeenth week of pregnancy to full term, including any relevant information regarding the time at which the fetus possibly would be viable.” (Prohibits Abortion Act, 2015:5).

The word “*fetus*” is on the other hand often accompanied by the term “*gestational*”, and other medical and technical terms. “*Fetus*” is being used in more descriptive, technical and explanatory parts of the text and when one has decided to actually have an abortion. For example, this is shown in a word index and when describing what materials the pregnant woman who wants an abortion shall be given, as stated in the quote above (Ibid:3, 5, 11-12). In contrast to the term “*unborn human individual*”, which appeals to one’s feelings of right and wrong, “*fetus*” is a technical term which is used when this appeal to one’s morale has “failed”, and an abortion is an actuality. What is right, and what is wrong, in this discourse is being established (Jørgensen & Phillips, 2002). The two terms are clearly separated from one another, and are divided into two different parts of this discourse.

6.2. Results of SB23

This bill also aims to prohibit abortion after a fetal heartbeat is detected. It was enacted and supposed to turn into law in July 2019, but was stopped by a federal judge (Williams, 2019, December 4). Many formulations in this bill are exact replicas of the excerpts above from

HB69, such as: the definition of the word fetus (Prohibit Abortion Act, 2019a:5); the definition of the term “*unborn human individual*” (Ibid:6), the statement about the correlation between a fetal heartbeat and the probability of a live birth (Ibid:24); as well as the information about what material that should be provided if one decides to have an abortion (Ibid:3). These repetitions will not be examined further in this analysis of SB23, other than adding to the mapping of the discourse that a reproduction of certain articulations occurs.

SB23			
Signifiers	Words	Word count	Explanation
<i>Nodal Point</i>	Pregnant woman	62	Being a woman is tightly connected with being pregnant. This is the main way in which a woman is described in this text, as pregnant.
<i>Excluded</i>	Woman	10	Appears almost exclusively in relation to descriptions of pregnancy, or in consort of “pregnant woman”. Also used when it is described that the state of Ohio rather protects the life of the unborn than the woman.
<i>Chains of equivalence</i>			Actively ascribing “woman” features such as motherhood and clearly states that the preservation of her life is worth less than the preservation of the fetus life. Focus is on “the unborn human individual” and the importance of guarding its life.

Fig. 3. Chart of findings from the text analysis.

Nodal point

Despite the reproduction of certain articulations, I claim that the nodal point in SB23 is “*pregnant woman*” instead of “*unborn human individual*”. My argument is that the pregnant woman is at the center of interest in this bill, with emphasis on her being pregnant, rather than being a woman. She is the one who shall be informed about family planning and adoption options, as well as how the fetus looks in various stages of development (Ibid:2-3). The pregnancy is the main denominator of her identity throughout this text.

“*Pregnant woman*” is written 62 times, whilst simply “*woman*” is written 10 times. The latter is exclusively used in the same sentence as “*pregnant woman*” or in descriptions of pregnancy: describing when a woman needs to have an abortion due to a medical necessity (Ibid:1); in a section describing the duties of the physician after an abortion is performed (Ibid:5); twice in a sentence defining what a pregnancy is (Ibid:6); in one section describing what “standard medical practice” is and how to determine the condition of the “[...] *woman and her pregnancy*” (Prohibit Abortion Act, 2019a:6); four times in a section determining when a woman can file for civil action and what forms of retribution she can receive (Ibid:10-11); and lastly in a section which will be presented as a quote:

”The State of Ohio has a valid interest in protecting the health of the woman. The State of Ohio has a compelling interest in protecting the life of an unborn human individual who may be born.” (Prohibit Abortion Act, 2019a:24).

In addition to this mere difference in frequency, this section explicitly states what the state of Ohio values more. They claim to have a valid interest in protecting the woman’s health, but a compelling interest in protecting the life of the “*unborn human individual*”. Compelling is a term which is explicitly stating that the state of Ohio is more inclined to protect the one who is yet to be born and currently lacks viability¹⁹, rather than the one who is already alive. The awareness of whom is more “alive” is also clearly stated, since the sentence about the “*unborn human individual*” is finished with the words “*who may be born*” (Ibid:24). This positioning of who’s life that should be preserved is what permeates this text, and is my main argument for why “*pregnant woman*” is the nodal point. The articulations revolve around the pregnancy as such, and emphasizes that the “*unborn human individual*” should be carried full term.

Moments

The detection of moments in this text is not as easily determined as was in the case of HB69. However, the construction of a discourse is also determined by what is excluded. In this case it is clear that “*woman*” is not given any meaning in itself, or rather that “*pregnant woman*”

¹⁹ A pregnancy lasts 38 weeks, children born before week 37 are defined as born early, and if they are born before week 36, they often need some sort of medical attention. Week 22 is the earliest a child can be born and survive; they are usually cared for at a neonatal ward where they stay until the week they should have been born. Most organs are underdeveloped, and they need help for example to get nutrition, breath and keep their warmth (1177, w.y.).

embodies a more sought-after identity for a woman. One can claim that women without children, or women who are either considering or are performing an abortion, are not included and/or accepted in this discourse. By excluding this alternative understanding of woman, a particular view on how society should be structured is manifested and whereas the action of abortion is unacceptable (Jørgensen & Phillips, 2002). Articulations which are connecting “*woman*” to being pregnant, adds to the creation of banning abortion. The discursive practices condemning abortion are complemented with practical hinders of having one, such routinely providing materials showing the features of the fetus, and information about its estimated viability (Prohibit Abortion Act, 2019a:3). Complicating the process of having an abortion adds to the aim of prohibiting it, it is an act of power that attempts to force women to comply.

Chains of equivalence

There is a clear distinction of when the term “*pregnant woman*” is used, and when “*woman*” is used. As presented above, “*woman*” is used in the same sentence as “*pregnant woman*” or when a pregnancy is defined or described (Ibid:1, 6). But, the other examples are more telling as to how this distinction is made and the word “*woman*” is used, which is either in cases where an abortion is an actuality or when the woman is being contrasted to the fetus. As exemplified in the quote above, the state of Ohio clearly states that the woman’s life is valued less than the fetus’. And in cases of comparison between the woman and the fetus, she is reduced to being a “*woman*” instead of a “*pregnant woman*” (Ibid). This could be interpreted as a dehumanization is taking place of the “*woman*”, when former attempts of emphasizing the humanity of the “*unborn human individual*” have failed. The majority of the articulations made in this text redirects the focus from the woman and her current life, to the importance of preserving the life who may be born. Being pregnant is ascribed more worth than just being a woman. These articulations, tightly connecting the woman to being pregnant and excluding the understanding of an individual woman without children, or who wants an abortion, adds to the practice of determining what actions are allowed or not, and further structures the desired reality (Jørgensen & Phillips, 2002).

6.3. Results of HB413

As the former bills, HB413 also wants to prohibit abortion. The most noteworthy differences in this bill are that it does not rely on the connection between a fetal heartbeat and probable

live birth, and it creates two new felonies: *aggravated abortion murder* and *abortion murder*, which could lead to life imprisonment and/or the death penalty (Gillett, 2019, November 29). These two terms are frequently used throughout the bill, but mostly occurring in word indexes defining crimes and their consequences. Many components in this text add to the condemnation of abortion, applying severer articulations and heavily criminalizes it.

HB413			
Signifiers	Words	Word count	Explanation
<i>Nodal Point</i>	Abortion	9, 18 ²⁰	No paraphrasing used, written explicitly or in combination with other words.
<i>Moment</i>	Aggravated abortion murder	2, 163	- -
	Abortion murder	2, 129	- -
<i>Excluded</i>	Fetal heartbeat		
<i>Chains of equivalence</i>			Countering abortion with the ultimate punishment, life imprisonment or death penalty. This is an exercise of power that could establish the discourse as hegemonic, effectively prohibiting abortion.

Fig. 4. Chart of findings from the text analysis.

Nodal point

Section 2904.01 in this bill begins with the phrase:

“This chapter supersedes all conflicting provisions of the Revised Code regarding abortion. No state funds [or contract] shall be disbursed [or enforced] that would support a violation of this chapter [...].” (Define Offenses Act, 2019:181-182).

This excerpt explicitly states the aim of this bill, to erase ambiguities and ultimately prohibit abortion. Articulations throughout this text are continuously this explicit, and I therefore claim that the nodal point in this text is “*abortion*”. My argument is built upon the recurring articulation of the word throughout the text, both in the terms “*aggravated abortion murder*”

²⁰ In this chart, the first number in the column “Word count” refers to the sections primarily analyzed in this bill, the second to the whole text.

and “*abortion murder*”, and the explicit mentioning of abortion. There is no paraphrasing, no inclusion of scientific arguments, no appeal to a person’s morale and the threat of losing one’s own life if having an abortion is constantly imminent (Ibid).

As shown in the quote above, this bill would supersede all previous laws regarding abortion. In addition, abortion is to be forbidden almost completely, as will be presented below. The nodal point “*abortion*” in this text entails a negative stance towards it, and this is expressed very explicitly. This, as well as the emphasis on the unlawfulness of having or performing an abortion, is manifested in these quotes:

”2904.03. No person shall purposely, and with prior calculation and design, perform or have an abortion.” (Define Offenses Act, 2019:182).

Followed by:

”Whoever violates this section is guilty of aggravated abortion murder and shall be punished as provided in section 2929.02 of the Revised Code.” (Define Offenses Act, 2019:183).

This part of the Revised Code states that:

”Whoever is convicted of or pleads guilty [to] aggravated abortion murder in violation of section 2904.03 of the Revised Code shall suffer death or be imprisoned for life [...].”
(Define Offenses Act, 2019:238).

Some exceptions to this are then listed, as well as how the punishment should be distributed (Ibid:238-239). In the excerpt above, there is a referral back to section 2904.03 which states that no person should perform or have an abortion. If they do, both the woman and the physician could be charged with life imprisonment or the death penalty. My purpose of displaying these quotes is to underline how explicitly this bill condemns and forbids abortion, and to motivate why “*abortion*” is this text’s nodal point. By creating the possibility of charging the woman and the physician with the death penalty for having or performing an abortion, it is implicitly stated whose life is more important to protect – the fetus’. This discourse revolves around prohibiting abortion, operationalizing the ultimate punishment of the death penalty as a final threat.

Moments

“*Aggravated abortion murder*” is used 163 times throughout this entire bill, and “*abortion murder*” 129 times (Ibid). Despite the frequent utilization of these terms, I would not claim that they are the nodal points of this bill. Rather, they are important moments which structure the chains of equivalence. Even though they are frequently used throughout the text, they are mostly used as add-ons to enumerations of crimes instead of being in the center of an articulation. Their primary function in this discourse is that they fortify the severity of having an abortion. Together with the quotes above (Ibid), they constitute a very clear and distinct criminalization of abortion but are not self-explanatory. In company of abortion perceived as something negative, and the information about whom could be charged for these crimes, they help to fixate the meaning of abortion and further structure the discourse.

Chains of equivalence

As mentioned above, the two felonies introduced in this bill structure the chains of equivalence by clearly condemning abortion and defining it as an unaccepted action. There are no harder punishments than to threaten to take the life of one’s citizens, a clear exercise of power. I argue that this can be interpreted as an attempt to achieve a *hegemonic intervention* (Jørgensen & Phillips, 2002), erasing all ambiguities regarding interpretations of the term “*abortion*” and ensuring the success of the discourse by introducing a consequence which should definitely discourage one from having/performing an abortion. This exercise of power could make the discourse hegemonic. If successful, the discourse could in time be perceived as objective and the desired social reality experienced as natural, forcing the state of Ohio’s citizens to comply (Ibid).

6.4. Construction of the Political Discourse

In this section, a compilation of the results from the bills will be made to create an understanding and overall picture of the joint political discourse of abortion in the state of Ohio. This contributes to understanding the discourse’s construction, the underlying motivation and answering the first research question. Whom is being applied rights and in what manner, will also be examined.

6.4.1. The Joint Discourse

These three bills are part of the same discourse, which evolves around the phenomenon “abortion”. They have their internal differences, which stems from various articulations creating their individual nodal points, moments and chains of equivalence. The construction of the discourse aims to create a certain reality, whereas the main tool of achieving it is by successfully prohibiting abortion. The whole discourse revolves around the prohibition of abortion, but what exact social reality this is supposed to create, or why, is not entirely apparent.

The joint discourse	
Signifiers	Words
<i>Nodal Point(s)</i>	Abortion
<i>Moments</i>	Unborn human individual, Pregnant woman, Fetal heartbeat, Aggravated abortion murder, Abortion murder
<i>Excluded</i>	Woman
<i>Chains of equivalence</i>	Stating that abortion is unwanted and unaccepted, the fetus life is worth more than the woman’s which is both expressed in for whom one is more willing to protect and in the introduction of life imprisonment or the death penalty for having/performing an abortion. Power is exercised to guarantee conformity.

Fig. 4. Chart of the joint discourse.

Nodal point & moments

I would claim that the nodal point for the joint discourse is “*abortion*”, based on the findings of the bills. Abortion, and more specifically its prohibition, is what everything revolves around. The nodal points identified in respective bill can instead be comprehended as moments in this extended discourse of abortion. They further fixate and consolidate the sought-after meaning of the term abortion – as something unwanted and unaccepted.

Chains of equivalence

The social reality attempted to be created through the chains of equivalence is one where there are nearly no abortions, this is to be achieved in different ways in the bills: HB69 uses paraphrasing’s and appeals to one’s moral; SB23 defines the woman as pregnant ad excludes other meanings; and, HB413 heavily criminalizes both having and performing an abortion. In

addition, taken together this mapping of the construction of the discourse shows that the bills implicitly, and explicitly, perceives the fetus as being more entitled to its life than the woman. This understanding is permeated in the various articulations, but also explicitly written in some parts of the text (Prohibit Abortion Act, 2019a:24) and demonstrated by the creation of two new felonies in HB413, stating that having an abortion could be punished with the loss of your own life (Define Offenses Act, 2019:238). I perceive these two articulations as main findings; they are clearly demonstrating the importance of preserving the life of the fetus and to ensure this the threat of convicting someone to death is operationalized. However, why the life of the fetus is more protected is not yet clear, which will be elaborated further in the two following chapters.

This overview of the combined discourse also provides an illustration of changes within the discourse. The discursive tone has clearly changed, and the attempt to prohibit abortion no longer relies on persuading the individual with scientific arguments, paraphrasing's, or appeals to one's morale. The prohibition of abortion is now to be ensured with severe criminalization of having or performing the procedure, threatening with life imprisonment or the death penalty. This discursive change will be discussed more thoroughly in the next chapter.

7. Discursive Change

This section will contain a more thorough examination of the detected changes in the political discourse of abortion in Ohio, which was illustrated in the previous chapter. Potential explanations for these changes are also presented, in order to further explore why they might have occurred. This is interesting since a discursive change that coincides with a societal trend, circumstance or happening, could indicate some sort of relation between the two. As a continuation of chapter 6. *Results*, this chapter aims to complete answering the first research question:

- *How is the political discourse of abortion in the state of Ohio constructed and has this construction changed?*

7.1. Discussion of Change

The political discourse of abortion in the state of Ohio has changed during the time-period when the empirical material this study examines, the Ohio bills, were introduced. Based on the results of the discourse analysis of the three bills, it is apparent that the tone in the discourse has changed. Having evolved from providing scientific argument's, paraphrasing's, appealing to a person's feelings and morale, or creating certain identities for women (Prohibits Abortion Act, 2015; Prohibit Abortion Act, 2019a), to threatening with life imprisonment or the death penalty. In HB413 is these arguments not included at all, neither is a reasoning behind the prohibition (Define Offenses Act, 2019). In previous bills explanations, facts and reasonings, has been an important part of building the argument and motivating why abortion should be prohibited. My perception is that the discourse has grown harsher and more explicit.

Differences Between the Bills

However, articulations in a discourse are always reproducing earlier articulations, but are never an exact replica – therefore changes occur (Jørgensen & Phillips, 2002). In the case of the Ohio bills, the differences between how the texts are structured differs a lot between the two first bills (HB69 and SB23), and the last (HB413). The articulations do not seem very similar at all, since HB413 have not included nearly any of the arguments and/or discursive practices present in the two first bills. But perhaps this change is not as significant as it first seems.

Firstly, one must keep in mind that all three bills are part of the larger political discourse of abortion in Ohio. They are not supposed to be understood isolated from another, rather, they are all expressions and articulations in the larger political discourse of abortion. I claim that all three bills emanate from a certain ideology and attempts to create a specific social reality. All three have been sponsored by Republican politicians (Prohibits Abortion Act, 2015; Prohibit Abortion, 2019; Define Offenses, 2019), indicating that the ideas of the pro-life ideology²¹ permeates them all. HB413 does not explain why abortion should be prohibited, perhaps because these arguments already are present and well-known in this discourse, alongside the well-established central concept of abortion as something unwanted and wrong. The exclusion of these arguments could indicate that the discourse has been successful in fixating meanings and excluding alternative narratives, i.e., that the perception of abortion as something wrong does not have to be argued for anymore, its meaning is fixed.

Secondly, the bills full names give an indication of the purposes of their introduction. The first two almost have the same name: HB69 is called *Prohibits Abortion if Detectable Heartbeat Act* (2015), and SB23 *Prohibit Abortion if Detectable Heartbeat Act* (2019). HB413's full name is *Define Offenses: Aggravated Abortion Murder and Abortion Murder Act* (2019). The two former relies on the scientific evidence of the correlation between a detected fetal heartbeat and a live birth, whilst the latter's purpose is to define offenses. These differences are also visible in the results of the text analyses of the three bills. Their internal differences apart, if the two former bills had not been introduced and these particulars of the political discourse of abortion established²², the purpose and logic of HB413 would not have been as apparent, neither would the understanding of why abortion is wrong and why it should be prohibited.

Potential Explanations to the Discursive Change

I have argued for that there is an apparent discursive change, and that the discourse now includes harsh methods to persuade individuals to comply with its goal. I believe that this development can be explained in two ways. *The first* is, as was briefly mentioned above²³, that this criminalization is an attempt of unleashing a *hegemonic intervention*. It is a forceful

²¹ See description of historical alignment of the pro-life ideology and the Republican political party in chapter 1. *Introduction*.

²² Also by the former introduction of Heart Beat bills in Ohio. See chapter 5.2.1. *Empirical Material*.

²³ See *Chains of equivalence* in chapter 6.3. *Results of HB413*.

exercise of power attempting to erase ambiguities, in order to establish the discourse as hegemonic, natural and uncontested and thereby creating the desired social reality. By introducing the possibility of being charged with murder, women could be forced into complying with the ideology underpinning the discourse. If successful, competing discourses and resistance would evaporate and this discourse would for the time being be uncontested (Jørgensen & Phillips, 2002). *The other* explanation could be that the possibility of expressing oneself like this is enabled through coincided occurrences. It could be societal changes, political changes or other shifting circumstances, which allows for this more explicit expression of a certain ideology or opinion. The aim is however still to create compliance.

As mentioned previously, some shifts of this nature have been occurring both on the global arena through the promotion of family values and the revoking of women's rights (Cupać & Ebetürk, 2020; Sanders, 2018), and in the US, mainly by attempts to undermine or overturn *Roe v. Wade*. The Trump administration have taken measures to restrict women's reproductive freedom, both transnationally and domestically²⁴. In addition, the #MeToo movement in 2017 with its uncovering of unequal power structures and the consequence's this had for men (Cherniavsky, 2019:11, 18; HRW, 2020) could have been interpreted as such a threat to male privileges that it provoked, or fueled, a backlash. This is a part of a general ongoing society-wide backlash directed against women's reproductive rights (Sanders, 2018:273; Tien, 2017:656-657), manifested both in global arenas (Cupać & Ebetürk, 2020; Sanders, 2018) and in the increasing efforts of overturning *Roe v. Wade* in the US (Planned Parenthood, w.y.a. Ziegler, 2009:284; BBC News, 2020, October 27; Berman, 2017, March 21; North, 2019, May 10), whereas the election of Trump could have been a symbol for this – his run for president coincided with the societal trends at the time (Tien, 2017:656-657).

Nevertheless, Trump and his administration has had an explicit agenda of prohibiting abortion and attempting to limit women's reproductive freedom by taking measures specific for his time and presidency (Chuang & Weisman, 2019:993; Gozdecka, 2020:9; Guttmacher Institute, w.y) indicating that his presidency has had a direct effect on women's reproductive rights. This could be a potential influencing factor on the hardened tone manifested in the political discourse of abortion in Ohio, since there is support from a high political instance for prohibiting abortion, overturning the right to abortion and persevere with one's pro-life

²⁴ See chapter 3.1. *Global Policies on Reproductive Health* and 3.2.3. *The Societal Circumstances*.

ideology. The two explanations for the discursive change are seemingly somewhat intertwined, a hegemonic intervention is unleashed whilst the societal circumstances are favorable for the success of this intervention. There has also been an emancipatory movement that could have been further accelerating the ongoing backlash. The two explanations could be mutually constituting each other, creating the opportunities for new ways of achieving the prohibition of abortion – giving the discourse momentum. This must be kept in mind as possible influencing factors on the developments of the discourse. This discussion also highlights that the prohibition of abortion has a greater purpose, it is supposed to create a certain social reality which I claim is a (re)installation of the patriarchal societal structure.

8. Consequences of a Certain Social Reality

As was mentioned in the beginning of chapter 6.4.1. *The Joint Discourse*, it is evident that the political discourse of abortion in Ohio seeks to prohibit abortion by establishing it as something unwanted and wrong. But the underlying motivation; what social reality this is supposed to create, is not as clear. The prohibition of abortion can be assumed to be underpinned and influenced by the pro-life ideology and current global and national conservative forces. This will entail certain consequences, both on a societal and individual level. This discussion will be infused with arguments and claims from chapter 4.2. *Previous research*, to underpin my arguments, create a deeper understanding of the mechanisms of backlash, and put the findings in this study in both this field of research and a historical context. This chapter will contribute to answer this study's second research question:

- *What consequences could this backlash have for society in general and women in particular?*

8.1. The Social Reality

I claim that the attempt of prohibiting abortion in the state of Ohio does not simply revolve around abortion, or the preservation of life, rather, its greater purpose is to (re)install a patriarchal societal order. However, prohibiting abortion is the tool to succeed, and especially the practice of operationalizing a hegemonic intervention which temporarily leaves no room for opposition from women since discourses constitute reality and discursive changes consequently changes this reality (Jørgensen & Phillips, 2002). If this discourse of abortion would become hegemonic in the state of Ohio, these articulations would translate into conditioning actions in reality. This is a beginning to an answer to what social reality this discourse creates, and what consequences this reality might entail.

One important part for the structuring of the current society-wide backlash is the language of family. The nuclear family embodies the societal structure which the nationalistic and conservative societal forces aims to achieve (Cupać & Ebetürk, 2020; Gozdecka, 2020; Sanders, 2018). Attempts to narrow the definition of family, and promote this narrative further, is apparent both on a global level and in the US (Ibid; Franklin & Ginsburg, 2019:5-6). Within this discourse, traditional womanly virtues and democracy are intertwined. The woman's main purpose is to produce and raise good citizens, which is dependent on her performance as a woman. Embodying her womanly virtues is important for the success of the

nation-state and is perceived as having a direct effect on the upholding of democracy. Which, at the same time, is conditioning her political position and permits her less power (Berglund, 2007:304; Boryczka, 2012:1-17; Hill Collins, 1998:63, 66, 77). Historically, family planning has been an empowering feature for women's emancipation and attaining more power. Being in control of when they wanted to be pregnant enabled the realization of other parts of their lives, such as building a career and entering the public sphere of society. Family planning has therefore concurrently also been a practice that challenged both the authority and social status of men, and in extent the patriarchal societal order (Faludi, 1991:61-63, 69-70) which entailed privileges and advantages for men (Cudd, 2002:8; Hawkesworth, 1999:141). To dissociate with one's womanly virtues, and strive for fulfilling other parts of one's life thereby attaining more power, is perceived as a threat against this nation-state because of the interrelation between family and the success of the democracy. and therefore this particularly important part of women's emancipation, is often what is targeted by backlash: restricting reproductive rights and abortion (Infanger et al, 2016:110, 122).

Consequences

The conservative forces (transnationally and in the US), the attempts to restrict women's reproductive freedom and the narrative of family are all intertwined and affects each other, and is somewhat used as tools to motivate the current society-wide backlash. This influences the delimited case studied in this thesis, the political discourse of abortion in Ohio emanates from a pro-life ideology and its success is enabled through the current societal circumstances, as I have argued for above. When successful, this backlash could be claimed to aim to reinstate the woman in the private sphere since her main options for leaving it are targeted. Indicating its greater purpose, to (re)install the patriarchal societal structure.

The claim I make, is that the current backlash in the state of Ohio aims to institutionalize women's subordination by a hegemonic intervention, which almost completely prohibits, and heavily criminalizes, abortion. The institutionalization is due to the production of this subordination through the exercise of power (Jørgensen & Phillips, 2002), articulated in the Ohio bills. If this current backlash is successful, if the hegemonic intervention establishes this discourse as neutral and uncontested, this also creates a new social reality, especially affecting women. Since much of the public/official discourse in the US revolves around the family, backlash targeting these specific areas of women's decision-making can be believed to go hand in hand with reinstating her in the private sphere.

To understand the construction of a discourse one can also examine what is excluded from it (Jørgensen & Phillips, 2002), in this case I would argue that the ideology underpinning the urge of prohibiting abortion is one such thing, this is not expressed explicitly. The chains of equivalence in the combined political discourse of abortion, structured by moments such as “*unborn human individual*” and “*pregnant woman*”, creates a reality whereas abortion is condemned, and in addition attempts to fixate the meaning of woman in accordance with traditional values of womanhood. Focusing solely on the woman’s ability to reproduce excludes other potential descriptions of being a woman, of identities for her. This discursive structuring of an individual’s identity is within discourse theory referred to as their *subject position*. This includes a multitude of components of a person’s identity, such as being a woman, one’s occupation, one’s political alignment, etcetera. Some identities are more marginalized in society, for example being a person of color and/or a part of the LGBTQ+ community (Gutmacher Institute, w.y). Her subject positioning can therefore further affect her movement space, since these identities are interrelated and affect each other.

Family rhetoric’s, and the current conservative societal forces, creates an environment whereas the backlash in Ohio could become reality. This structural positioning of women in this discourse, creates certain consequences. Her subject positioning both permits her a certain identity as a woman, and this also heavily restricts her *exercise of power*. The reinstating effectively deprives her of her bodily autonomy, to *make her own decisions*, since her reproductive freedom is limited, and her main purpose is to be a woman in accordance with the family narrative: producing citizens and upholding democracy. The social reality and the consequences on a societal and/or individual level are somewhat the same, the social reality would imply a regression whereas women generally are reinstated in the private sphere to some extent. On a more structural level since this would affect the decision-making and exercise of power of all women in society. But if the political discourse of abortion, which as a tool of sorts for the success of conservative forces apparent in many Western democracies and global forums, would become hegemonic the main consequence would be what I have argued is the very goal of the hegemonic intervention in the state of Ohio: a (re)installment of the patriarchal societal structure. By completely banishing abortion, the lost authority, social status and consequently privileges that family planning historically deprived men of (Faludi, 1991) also has the potentiality of being reinstated. Mainly because the discourse of abortion deems the fetus as more entitled to its life than the woman, and because a (re)installment of

the patriarchal societal order is sought-after. This is an indication that this delimited expression of the ongoing society-wide backlash I have examined in this study, is a part of this larger backlash directed towards women's rights.

However, the attempted hegemonic intervention, the two created felonies in HB413, will probably not be met with total submission. It is known that the number of abortions does not decrease due to prohibition or lack of access, they tend to be performed illegally instead with great health risks for the woman (WHO, w.y.a.; WHO, w.y.b.), which in its own way is an act of resistance to subordination and the patriarchal structure. This hegemonic intervention can however also be interpreted as a sign of desperation. The explicitness of the discourse, and the severity of the punishments, could be an expression of a "last attempt" to maintain the unjust societal structure. The multitude of current attempts in the US of prohibiting abortion and overturning *Roe v. Wade* (Cappello et al, 2019; Ziegler, 2009:284), as well as similar movements globally (Cupać & Ebetürk, 2020; Gozdecka, 2020; Sanders, 2018), indicates that this could be part of a larger struggle to preserve the threatened patriarchal societal structure.

9. Conclusions

The results of the text analysis of the Ohio bills showed that this particular expression of the society-wide backlash has developed from articulations such as scientific argument's, paraphrasing's, appealing to a person's morale, and creating certain identities for women, to threatening with life imprisonment or the death penalty. The main findings consisted of the transferring of rights from the woman to the fetus, explicitly written in one of the bills and enforced through the severe criminalization of abortion. This criminalization constituted a discursive change, whereas former articulations of scientific connections between a fetal heartbeat and a live birth, as well as paraphrasing's or creating identities, were no longer included. This change is perceived as a hegemonic intervention, an attempt to erase ambiguities and establish the discourse as hegemonic without resistance. The detected change could give an indication of the developments of the current society-wide backlash, apart from being a delimited expression of this backlash, the larger ongoing backlash on a transnational level emanates from the same advancing conservative societal forces.

The discussion of the results argued that this discursive change, the hegemonic intervention, has a greater purpose than to prohibit abortion – which is to (re)install the patriarchal societal structure. Currently the societal circumstances are favorable for the success of this attempt, with conservative forces advancing both on the global arena and in the US, undermining women's rights and attempting to diminish the right to abortion. The conservative forces rely on the narrative of family, which is closely connected with nationalism and traditional gender roles. The normative implications of this patriarchal social reality are that it requires the subordination of women. On a societal level the consequences would be a more general backlash, whereas certain groups thrive on an unequal hierarchical societal structure. The consequences for women are mainly that she is the principal prerequisite for creating this unequal structure, so that men once again can enjoy the advantages and privileges that this order entails. She is bereft of her decision-making, and her allocated subject position further complicates emancipation since it severely restricts her exercise of power. However, I also claim that the attempt to (re)install the patriarchal societal structure could be a last, desperate attempt to hinder gender equality, which indicates that the patriarchal structure feels severely threatened by feminist movements and what they achieve.

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Appendix 1: Example of the informal coding operationalized in the analysis

H. B. No. 69 As Passed by the House	Page 11
to section 111.15 of the Revised Code to assist in compliance	281
with this section.	282
Sec. 2919.19. (A) As used in this section and sections	283
2919.191 to 2919.193-2919.1910 of the Revised Code:	284
(A) <u>(1) "Conception" means fertilization.</u>	285
<u>(2) "Contraceptive" means a drug, device, or chemical that</u>	286
<u>prevents conception.</u>	287
<u>(3) "DNA" means deoxyribonucleic acid.</u>	288
<u>(4) "Fetal heartbeat" means cardiac activity or the steady</u>	289
and repetitive rhythmic contraction of the fetal heart within	290
the gestational sac.	291
(B) <u>(5) "Fetus" means the human offspring developing</u>	292
during pregnancy from the moment of conception and includes the	293
embryonic stage of development.	294
(C) <u>(6) "Gestational age" means the age of an unborn human</u>	295
<u>individual</u> as calculated from the first day of the last	296
menstrual period of a pregnant woman.	297
(D) <u>(7) "Gestational sac" means the structure that</u>	298
comprises the extraembryonic membranes that envelop the fetus	299
and that is typically visible by ultrasound after the fourth	300
week of pregnancy.	301
(E) <u>(8) "Intrauterine pregnancy" means a pregnancy in</u>	302
<u>which the fetus is attached to the placenta within the uterus of</u>	303
<u>the pregnant woman.</u>	304

(Prohibits Abortion if Detectable Heartbeat Act, 2015:11).