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## In Defense of Tongue Splitting

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State legislators across the United States have recently set their sights on severely curtailing, or even proscribing, an increasingly popular body-modification procedure known as tongue splitting or tongue forking. Illinois Governor Rod Blagojevich signed a law in August 2003 that limited performance of the procedure to physicians and dentists.<sup>1</sup> Pennsylvania, New York, and Delaware have since enacted nearly identical legislation.<sup>2</sup> Similar laws are being considered in Kentucky, Tennessee, and West Virginia.<sup>3</sup> In September 2003, the State of Texas banned the procedure entirely.<sup>4</sup> Public health officials in Massachusetts and Wisconsin have indicated that they believe the practice is illegal in their state unless performed by a surgeon.<sup>5</sup> While Michigan's House of Representatives narrowly defeated a total prohibition in June 2002, with dissenting lawmakers expressing civil liberties concerns, since then the political momentum has shifted to opponents of tongue splitting.<sup>6</sup> Both the Massachusetts Medical Society and the American Dental Association have of late spoken out against the practice.<sup>7</sup> The U.S. Air Force has given airmen with forked tongues the choice of either "corrective" surgery or expulsion, and at least one serviceman had his tongue reopened and sewn back together to avoid being kicked out of the military.<sup>8</sup> Unfortunately, efforts to ban tongue splitting are, at best, premature and ill-considered — and, at worst, reflect an effort to misuse medicine in an attempt to curtail the liberties of an unpopular cultural subgroup.

According to Shannon Larratt, editor of the *Body Modification* e-zine (an electronic magazine), approximately 2,000 individuals in the western world have split tongues.<sup>9</sup> Although the practice was an integral part of ancient Khechari Mudra yoga, it did not begin to appear in the U.S. or Europe until 1997.<sup>10</sup> Most of those seeking the procedure belong to an extreme piercing and tattooing subculture; many are also interested in skin branding, tooth filing, and subdermal implant. In addition to a more reptilian appearance, individuals with split tongues report an ability to move each fork of the organ independently and claim enhanced pleasure in kissing and oral sex. Critics of the practice, including Illinois Representative David Miller, the dentist who sponsored his state's legislation, counter that tongue forking can cause speech impediments, massive tongue hemorrhages, edema, abscess formation, tetanus, and nerve damage.<sup>11</sup> The debate is complicated because the tongue can be split through four common methods, some of which are more hazardous than others. These include slicing with a scalpel, a heated cauterizing tool, a laser, or a tie-off method in which a string is looped through a tongue piercing and slowly tightened over time. The only published study on the consequences of

tongue splitting, in the *Journal of the Canadian Dental Association*, concluded that the procedure "did not significantly effect" either "speech intelligibility" or "tongue motility."<sup>12</sup>

State laws that limit the practice to doctors' offices may have the effect of eliminating it entirely, because few if any physicians will slice tongues. Representative Miller predicted this very outcome when he sponsored his bill.<sup>13</sup> Even willing physicians, if they can be found, will presumably bill much more than the \$250 to \$500 charged by most professional piercers. As a result, according to tattoo artist Rick Freuh, who heads the national advocacy group Church of Body Modification, reputable practitioners will "go underground," and potential customers will do the procedure under dangerous conditions "in their kitchen or in their bathroom."<sup>14</sup> These back-alley tongue splits (the analogy to pre-*Roe* abortions is striking) will increase, rather than alleviate, the dangers to body modification seekers. Moreover, it is entirely unclear why tongue splitting is any less dangerous, or more medical, than tongue piercing — which appears to carry its own significant risks.<sup>15</sup> Licensing and training professional piercing artists to perform tongue forking procedures safely seems to be the best method to improve public health, if the genuine goal of anti-splitting advocates is the welfare of those seeking to look like a lizard.

The real intent of at least some opponents of tongue splitting may be more pernicious. Representative John Van Sant of Delaware, that state's sponsor of legislation curtailing the practice, told the Associated Press, "it's bad enough with the nose and the ears" — suggesting that the health concerns might be a cover for aesthetic objection.<sup>16</sup> In fact, many of the politicians and physicians who crusade against tongue splitting appear to object to the entire body-modification subculture. (If the military encourages servicemen to undergo surgery to undo a split tongue, it suggests that its primary concern is appearance and not health.)

Much of the legislative debate surrounding the issue has been short on science and long on speculation and misinformation. For example, West Virginia House Majority Leader Rick Staton argued that his regulatory bill was necessary because, "That's a new fad, like tongue piercing, and once it's done it's permanent. You can't sew it back together."<sup>17</sup> The reality is that split tongues can be rejoined surgically and that many forks grow back together naturally over time.<sup>18</sup> While a study of medical complications from tongue forking by nonphysicians might clarify the procedure's actual risk, none has yet been undertaken; in the absence of such a study, or even individual case reports, declarations of this danger are mere conjecture. Far more dangerous is the potential for misusing medicine to condemn practices that are aesthetically outside the mainstream — curtailing autonomy simply because we find certain lifestyles personally objectionable. Massachusetts did exactly that in 1962 when it used the pretext of hepatitis risk to outlaw tattooing, while its actual goal was to drive off the sailors, bikers, bookies, drifters, and drunks who then, for the most part, seemed to comprise the body art community.<sup>19</sup>

Beyond these ethical considerations, the constitutionality of anti-splitting statutes is doubtful. Massachusetts's anti-tattooing law was overturned in 2000 as a violation of the First Amendment protection of free expression.<sup>20</sup> Courts and state medical boards in at least seven other states have ruled piercing outside the practice of medicine — and thus not subject to the sort of licensing requirements that might protect anti-piercing statutes from constitutional challenge.<sup>21</sup> While there are both ethical and legal grounds to prohibit "cosmetic" or elective procedures under certain circumstances, such as when a high potential exists for coercion (female genital cutting) or when the practice is routinely performed on those with little meaningful ability to object (tooth pulling among Dinka children), society has a duty to demonstrate the need for such limitations. It is not enough to lament, as does Thomas E. Sullivan, MD, president of the Massachusetts Medical Society, that people are "mutilating" themselves.<sup>22</sup> Sane, stable individuals who are free from coercion and unreasonable familial/cultural pressures should have a right to mutilate themselves. Opponents of tongue splitting, at least for now, have failed to advance any convincing medical or moral arguments for why they should not.

## NOTES

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