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Playing Politics with Rape: Republican Apologia in the 2012 Violence Against Women Act Reauthorization

Kelsey DeForest
Hollins University

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Kelsey DeForest: Essay

When approaching my senior thesis, I knew I would need to pick a topic that would keep me engaged for the semester. For me, that meant picking a topic that made me angry. That decision immediately resulted in complications, as the topic I selected—the failed 2012 reauthorization of the Violence Against Women Act (VAWA)—was developing as I was writing. I frequently had to re-write drafts to update them with election results and changes in Congress. I also had to identify what part of the reauthorization process I wanted to analyze. I read through committee hearing transcripts and the relevant Congressional Records, ultimately deciding to analyze the final floor speeches.

Selecting the VAWA reauthorization debates was ultimately more ambitious than I realized early in the research process. I did not foresee how challenging it was to write on a topic that did not have existing scholarship. The failed reauthorization was so new that scholars had yet to analyze it. While I was able to construct a history of VAWA from the few existing sources, I had to research creatively to find contextual sources. I worked with Luke Vilelle to develop a variety of search terms to use in everything from our databases to Google Scholar and WorldCat. By searching so broadly, I was able to discover sources that proximally related to my analysis. I then made extensive use of Interlibrary Loan to acquire these texts for my project.

When searching so broadly, it became very important to evaluate the quality and usefulness of the sources. I frequently used Google Scholar to see who else had cited the scholars I was exploring. This helped me determine whether the scholars and their works had credibility. Also, by seeing what works cited these scholars, I could better determine the relevance of the content before asking Jonathan to track them down for me.

While I was not prepared for the added difficulties of writing on a topic as it developed, it became an incredibly gratifying project. I truly feel that I contributed to existing scholarship by exploring a topic that had yet to be explored. While the research process is more complicated, I would encourage other students not to shy away from these complex topics. If I were doing a similar project again, I would simply have met with the library earlier. Having a sounding board for research terms and a guide to the variety of ways to discover and analyze sources was invaluable to the writing of my thesis. I continued in a similar matter during semester, making use of conversations with other students about my thesis to develop ideas and think about my work in different ways. I think often we get stuck in the notion that research is a solitary process. In writing my thesis, I learned that it is simpler and more productive to reach out and take advantage of the insights and expertise of others in my community.

POLS 480: POLITICAL SCIENCE THESIS, BOHLAND

Playing Politics with Rape

Republican apologia in the 2012 Violence
Against Women Act Reauthorization

Entry 6

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Abstract

During the second half of 2012, heightened scrutiny was applied to Republican politicians' discussion of sexual assault. This wave of interrogation, though, began too late to affect the debates over the 2012 Violence Against Women Act Reauthorization. This paper will problematize these debates by analyzing the rhetoric of self-defense used by Republican legislators in the House of Representatives to defend their VAWA Reauthorization bill. By applying a feminist critical discourse analysis to the final VAWA Reauthorization debate held on May 16, 2012, this paper shows that the actions of the Republican legislators are rooted in a desire to protect the legitimacy of the Republican Party, not in a desire to protect survivors of violence. These debates over what rape is and which victims matter are emblematic of the problems faced in American politics when partisan lines become so rigidly defined.

During the run-up to the 2012 election, debate over the definition of rape frequently dominated the public sphere. In August, Senate candidate Todd Akin (R-MO) declared that women rarely become pregnant from rape (Blake 2012). He said, “If it’s a legitimate rape, the female body has ways to try to shut that whole thing down.” Beyond the clearly flawed biological implications of his statement, the notion that some rape is legitimate while other rapes are illegitimate was quickly seized upon by his political opponents and used as an attack, both in public statements and in ads, against his candidacy. In October, this dialogue about rape and pregnancy continued. Senate candidate Richard Mourdock (R-IL) said that when pregnancy results from rape it is “something God intended to happen” (Tumulty 2012). Similarly to the incident with Akin, these comments were quickly interrogated by the media and by political opponents. Both candidates lost in the November election (Jaffe 2012). These similar statements have led to a first-ever, full-on exploration of Republican opinions on rape. This interrogation by media and political opponents has helped bring the issue of rape, as well as the issue of abortion as it has been frequently connected to many of these statements, to the forefront of public discourse. It additionally brought attention to the tentative relationship between the Republican Party and women voters. As these issues came to light, it became clear to many Americans that Republicans and Democrats were increasingly polarized on even the most basic issues in American politics.

However, not all recent rhetoric about rape has been critiqued at the same level. Months before the American electorate had been overwhelmed with debates over the definition of rape, legitimacy of rapes, and the role of God in rape, similar debates occurred in Congress. In May of 2012, the House of Representatives passed a Violence Against Women Act (VAWA) Reauthorization that was radically different than the one

passed in the Senate. According to a May 16, 2012 article in *The Huffington Post*, the House version of the bill failed to include provisions protecting immigrant women, Native American women, and LGBT populations, which were included in the Senate bill passed earlier in the year (Bendery and Bassett 2012).

VAWA, passed in 1994, is a critical source of funding for service providers that treat the survivors of domestic and sexual violence. VAWA is a comprehensive set of federal laws and grant programs. The federal laws strengthened protections for victims and heightened the penalties for perpetrators. The grant program regularly faces reauthorization. Both the 2000 and 2005 reauthorizations were approved with unanimous support in the Senate (Laney 2005). This history of unanimity did not continue to the 2012 reauthorization. The VAWA Reauthorization in the Senate passed 68-31 (Bendery 2012). The divisions of the House vote were even more dramatic.

The 2012 vote in the House was conducted almost entirely on partisan lines, as has frequently been seen in votes by the past two Congresses as political polarization rises (Farrell 2012). Throughout the development, presentation, and debate of HR 4970, the reauthorization bill that passed in the House of Representatives, Republican legislators insisted that their bill decreases perceived systematic fraud in the allotment of grants (Bendery and Bassett 2012). The division between the houses of Congress marks a sharp departure from the past reauthorizations of VAWA, which have historically been bipartisan. These divisions were not addressed during the 112th Congress, leaving legislators to start afresh with reauthorization of VAWA in the 113th Congress, which began in January of 2013.

On both sides of the aisle and in both chambers, accusations of politicizing violence against women were common. However, more frequently and more

consistently throughout their remarks, Democrats relied on this attack to frame the Republicans as irresponsible and insensitive. For example, Congresswoman Diana DeGette (D-CO) argued that the bipartisan reauthorization of VAWA was “falling victim to election-year politics” (*Congressional Record*). Similarly, Congressman Bill Pascrell Jr. (D-NJ) said, “... [T]he majority has decided...to turn women’s safety and security into a political fight” (*Congressional Record*). These quotes are simply single examples of what was an ever present theme in the statements by Democratic legislators.

Republicans¹ had to respond to these accusations to ensure the success of the bill and the continued success of their party. They could not risk appearing irresponsible, much less insensitive to the importance of the issue, as it would likely alienate their supporters.

In this thesis, I argue that the floor debate for the reauthorization of VAWA represented a rhetorical crisis for the Republican Party and threatened its political legitimacy. Because the Democrats framed Republican legislators as politicizing rape, jeopardizing women’s lives, and rolling back victim’s rights, the Republicans had no choice but to engage in speech of self-defense. This defense was necessary to protect the Party’s ability to influence elite and popular opinion, shape public policy, and earn votes from the public. Republicans had to prove to both political elites and the American people that they were working to prevent fraud and waste and redirect the charge of politicizing rape to the Democratic Party.

By unpacking the rhetoric of self-defense used by Republican members of the House of Representatives, their intentions and reasoning can be better assessed. I argue

¹ For the purposes of this paper, the term “Republicans,” unless otherwise specified, refers to Republican members of the House of Representatives who publicly supported HR 4970.

that the actions of the Republican legislators are rooted in a desire to protect the legitimacy of the Republican Party. By interrogating Republican rhetoric, I will uncover how Republican legislators put many survivors of violence at risk due to their efforts to maintain their political capital.

Section 1 provides a comprehensive history of VAWA. In section 2, I present the arguments by Democrats and explore the various accusations the Republicans were facing. The third section explores Republican rhetoric of self-defense using Ware and Linkugel's (1973) four tactics—denial, bolstering, differentiation, and transcendence—to explore the rhetoric in the debates over VAWA's reauthorization. In my conclusion, I will explore how these floor debates are representative of larger problems in Congress and in the political elite as they become increasingly trapped by polarization. I will also assess what this debate says about the future of VAWA, which has still not been reauthorized due to the divergence between the House and Senate bills.

Theory, Method, and Material

My analysis consists of an examination of the Congressional Record from May 16, 2012. This record includes the morning-hour debate statements and two floor debates over HR 4970. Asen (2010) identifies floor debates as unique rhetorical acts that engage a collective mentality and contain systems of symbolism. Asen continues that debates are both “text and context,” (p. 135) making the material I analyze uniquely situated to explore the rhetoric of self-defense. I chose to analyze the May 16th debates because they were the final debates for HR 4970. In these debates, Democrats called for more time to amend HR 4970, encouraged their colleagues to vote no on HR 4970, and pressed the Republicans to pass the Senate version of the VAWA Reauthorization. Republicans consistently responded to these requests by insisting that HR 4970 was the best bill.

Coming as they did at the end of several successive rounds of debate, these final arguments provide a culmination of all the critical discourse that emerged during the process. In this study, the analysis looks at the repeated patterns of discourse seen among the Republican legislators and what this reveals about the intentions of the Republican Party leadership. Through this analysis, I will provide a comprehensive summary of how and why the Republicans defended HR 4970. While there are many possible interpretations and readings of these debates, I choose to focus on the self-defense by the Republicans. By analyzing this defense, the priorities of the Republican Party can be better understood.

Critical Discourse Analysis and Feminist Critical Discourse Analysis

I utilize a critical discourse analysis to assess the floor debates. According to Riggins (1997), critical discourse analysis assumes that truth does not exist—all texts are interpretation. Critical discourse analysis is rooted in Foucault's definition of discourse and his understanding of power. Foucault defined discourse as the “knowledge systems” that inform the social and governmental systems that create and control societal power (Fairclough, Mulderrig, and Wodak 2011). Specific language use reveals the underlying political values of the speaker. Critical discourse analysis focuses on how meanings change over time and how discourse constructs perceptions of the world (Jorgensen and Phillips 2002). It works to find the real truth through its analysis. Critical discourse analysis seems particularly well suited to interrogate the discourse from the House of Representatives' debate, as it is aimed at interrogating structures of power.

When applied to politics, critical discourse analysis interrogates the use and abuse of political power and explores the links between actors, institutions, political processes, and events (Fairclough and Fairclough 2012). Often, the focus of critical

discourse analysis will be on the implication of politicians' statements (Riggins 1997). This application will be particularly useful in this paper. By digging into the repeated words and phrases used by Republican legislators, the ideology of the party can be understood, as critical discourse analysis suggests. I will also occasionally use a crude content analysis to emphasize how often some of these words and phrases are repeated. When language is repeated, it highlights the values of the speaker; what is important is frequently repeated. Because critical discourse analysis argues that discourse creates meanings for society as a whole, the larger importance of the Republican rhetoric under this analytical lens is clear. This ability to focus in on Republican priorities makes critical discourse analysis an ideal method of analysis.

Within the field of critical discourse analysis, there lies feminist critical discourse analysis. Working within the existing framework of critical discourse analysis as a tool to interrogate institutions of power, it is applied in a feminist context to interrogate institutions of patriarchy and privilege (Lazar 2005). Lazar (2005) states, in the only comprehensive exploration of feminist critical discourse analysis, that it specifically examines "relations of power that systematically privilege men as a social group and disadvantage, exclude and disempower women as a social group" (p. 5). Due to the subject area of VAWA, feminist theory is an obvious lens to use. Feminist critical discourse analysis provides that perspective and assists in analyzing an institution of patriarchy and power like Congress.

Rhetoric of Self-Defense

My use of critical discourse analysis is informed by the work of Ware and Linkugel who developed an in depth description of defensive speech (1973). When an individual or group's character or reputation is threatened, he, she, or it will feel

compelled to respond, just as the Republican Party felt compelled to respond to the Democrats' attacks. This response can be categorized as a form of apologia, or "speech of self-defense" (p. 273). Ware and Linkugel note the frequency of self-defense in human discourse. This frequency allowed them to identify a pattern of apologetic behavior that consists of tactics and postures.

Ware and Linkugel classify apologia into four general categories or tactics: denial, bolstering, differentiation, and transcendence. As noted above, these tactics will be used to inform and organize the analysis of this paper. In this section, I will use examples from the final floor debate to illustrate each tactic. Denial is the statement that there is no link between the accused and that which society views as negative. For example, Congressman Rich Nugent (R-FL) rejected the claim that HR 4970 was exclusive and said, "The Violence Against Women Act is and always has been gender neutral" (*Congressional Record*). Bolstering is the act of linking the accused to something that society finds favorable. Republicans tried to link their defense to the values of efficiency and accountability. For example, Congresswoman Renee Ellmers (R-NC) said, "The House's reauthorization makes several key improvements to the Senate bill. . . while cracking down on fraud identified in the immigration program" (*Congressional Record*). Denial and bolstering are considered to be psychologically reformative. Both tactics do not attempt to change audience's meanings of the aspects involved in the conflict. Rather, they simply distance the accused from the perceived context. Differentiation separates the accused from the negative context the public perceives. In the debates, the negative context was the politicization of violence against women. To separate from this context, Congresswoman Martha Roby (R-AL) said, "Congress must put Washington politics aside and take action" (*Congressional Record*). Transcendence

connects the accused to a positive big picture. This can be seen when Congressman Jim Sensenbrenner (R-WI) described HR 4970 as a “victims’ rights bill” to tie the bill to its life-saving effects (*Congressional Record*). Differentiation and transcendence are classified as psychologically transformative. They establish a new meaning distinct from the original context perceived by the audience. These four tactics can be used independently and jointly. More than one will usually appear in an individual example of apologia.

Ware and Linkugel conclude by developing four postures of apologia—absolution, vindication, explanation, and justification. Each posture represents combinations of reformative and transformative apologetic tactics. Absolution combines denial and differentiation to seek “acquittal” (p. 282). Vindication combines denial and transcendence, as the accused seeks to refocus attention in his or her “greater worth” (p. 283). Explanation combines bolstering and differentiation to guide the audience to understand the speaker’s motives. Finally, justification combines bolstering and transcendence in an effort to achieve understanding and approval by the audience. Multiple postures may be used within a single example of apologia, and none of these postures is absolute. These postures offer helpful classification tools when studying texts that use apologia.

Apologia has been a common tool in textual analysis and rhetorical criticism. It has been used most commonly to assess addresses by political figures. For example, it was used to look at the postures adopted by President Richard Nixon in his post-Watergate apologia (Benoit 1995) and throughout the 1976 election (Gold 1978). Studies of apologia have extended into sports, religion, and corporations (Benoit 1995). More recently, the method has been used to look at how apologia can heal communities by

examining Japan's recognition of its past war crimes (Edwards 2005) and how corporations have addressed historic ties to slavery (Janssen 2012). Studies continue to evolve the definitions and functions of apologia.

This wide range of applications shows that Ware and Linkugel were correct when they concluded that apologia is a common occurrence in society and an occurrence that takes place in a variety of settings. Because of its range of uses, it is an easy scholarly jump to apply apologia in a macro-analysis to the patterns of rhetoric used by a political party as a whole, as I will do in this paper. The tactics and postures developed by Ware and Linkugel are useful tools for categorization and analysis of the Republican rhetoric and explain the rhetorical intentions of the party as a whole. By assessing the patterns of Republican rhetoric and linking these patterns to the intentions of the party, it becomes clear that the Republican Party is rhetorically constructing a multi-front defense of its legitimacy.

Review of Literature

The topics of rape, politics, and rhetoric are inherently interdisciplinary. As such, the scholarly literature that surrounds this topic draws from a variety of sources and subject areas. For the purposes of this paper, literature on political rhetoric, political culture, and political elites will be explored first. Next literature on discourse and its links to oppression and exclusion will be explored. By delving into both areas of scholarly work, a full scope of the existing literature, and how they intertwine, will be achieved.

Political Rhetoric, Culture, and Elites

Asen (2010) argues that rhetoric and public policy are intrinsically linked. Politicians use rhetoric to define problems, frame their policies, and engage the public.

Public policy analysis is a unique field because public policy is developed over a span of time by a variety of authors. Asen writes, "... [P]olicies create, sustain, negotiate, and redefine the meanings of the very money, goods, and services provided..." (126).

Essentially, policies define the reality, society, and culture of the nation they affect. This notion is similarly described by Smith (2007) in his definition of "framing." He argues that successful framing, or redefinition of meanings, results in the passage of public policy. There are few areas of rhetorical analysis that can have such tremendous repercussions for society as a whole as public policy analysis.

Under a dominantly two-party system, the process of policymaking can become all the more complicated. Hasley (2012) notes that often the two parties function in "exclusive realities" (p. 11). This exclusivity prevents them from working together. This notion of "exclusive realities" is clear in the VAWA Reauthorization debate and will be seen later in this paper. According to a 2012 Pew Research poll, partisanship is at an all time high due to a growing values gap between Democrats and Republicans. This values gap lies at the root of the exclusive realities problem. Similarly, Lakoff (2002) argues that Republicans and Democrats function with very different mindsets. In many ways, these mindsets lead Republicans and Democrats to speak different language, complicating any efforts at bipartisan cooperation. This notion of different mindsets will be applied to the divergent policies and rhetoric seen in the VAWA Reauthorization. The patterns of the legislators' rhetoric rarely directly address each other, but make separate arguments that fit the needs and mindsets of the individual's party.

Asen (2010) writes that debates develop and cement the definitions that policy will go on to enforce. Miller (1999) similarly argues that the discourse of the political elites affects and can transform the public's arguments and meanings. In her terms, elite

discourse is “generative” (p. 361). Although political discourse may serve as a mirror for public opinion, when the political culture is fragmented, as seen today, policy debates inform public opinion. Since the 1990s, partisanship has increasingly strengthened, making the partisan divide grow larger and larger (Brewer 2005). This divide means that political discourse is decreasingly informed by public opinion. During policy debates, Miller states, legislators are focused on protecting alliances, achieving goals, and acting quickly.

However, politicians will also expend time presenting arguments targeted at the public or other elite institutions (Schonhardt-Bailey 2008). These more emotional appeals frame the legislators and policies in the desired way, protect legitimacy, and may lay the groundwork for future policies, but they have little impact on the ultimate vote by the legislative body. Other scholars (Jacobs et al 1998) argue that only the congressional leadership focus on public opinion. These, at times conflicting, intentions are important to consider when conducting public policy debate analysis. Additionally, the importance of elite discourse is necessary to keep in mind, particularly as the larger implications of the Republican rhetoric are explored. Elite discourse, as Smith (2007) writes, shapes the ability of elites to form and maintain coalitions, which shapes the policy outputs of the system. In this study, focus will be placed on the more emotional appeals as described by Schonhardt-Bailey. Because the vote was made on partisan lines, and this outcome was foreseen well before the debate began, the entire floor debate was aimed at influencing the opinions of the public and other institutions, rather than persuading the interlocutors or changing an outcome which seemed predetermined.

Discourse and Oppression

In addition to its political role, discourse also plays a critical role in creating and continuing prejudices and systems of oppression, as explored in detail by Van Dijk (1997) and many other scholars. Often politicians are more subtle with their racism. For example, they may blame minorities or immigrants for problems that could also be due to larger society. Van Dijk continues, “As a group, white politicians sustain and legitimate the dominance of the white group with which they identify, and their extraordinary legislative powers allow them to play a primary role in the reproduction of this system of dominance” (p. 35). While not all of the Republicans in the House of Representatives are white, the vast majority are. This makes this particular area of scholarship of key importance to this paper. Asen (2010) writes, in a similar vein, “[P]olicies often enact and enforce symbolic hierarchies that unite and divide people, and synthesize and oppose values.” Within the rhetoric of public policy, exclusion of minority groups occurs. Rhetoric often serves existing systems of dominance and enforces oppression.

In politics, contributions to these systems will likely be implicit. Van Dijk (1997) notes that often politicians will be cautious when talking about minorities. He identifies a variety of strategies politicians may use, including positive self-presentation, negative other-presentation, denial of racism, apparent sympathy, focus on fairness, redirection of blame, and attempts at justification. These rhetorical strategies may be used to disguise the intentions of the politicians to support and maintain hierarchies and privilege. Many of these strategies will be seen again in the Republican rhetoric.

Chock (1995) specifically looks at how politicians addressed the issue of immigration reform in the 1970s and 1980s. In her study, the applications of the above concepts can be seen. While politicians explicitly avoided racist language, their use of

intentionally vague and scientific language helped them mask racist intentions. This pattern of vague language and talking around issues will be seen when the floor debates from the VAWA Reauthorization are analyzed.

By exploring the existing literature on political discourse, culture, and elites and on the interplay between discourse and oppression, it is clear that the issues addressed in this paper are very interdisciplinary. By conducting an intensive analysis of the VAWA Reauthorization debate of 2012, this paper fills a gaping void in existing scholarship. By complimenting the original research with this existing scholarship, it becomes clear how this study interconnects with work in feminist, political, and discursive scholarship.

Section One: A Brief History of VAWA

To be able to fully understand the gravity of the reauthorization debacle, it is important to have a historical foundation regarding VAWA. This section will present how VAWA was initiated, what VAWA entails, previous reauthorizations of VAWA, and the effects of VAWA. This background provides a necessary contrast to the current situation of gridlock regarding the VAWA Reauthorization.

Legislation addressing violence against women arose gradually, beginning at the state level and eventually arriving at the federal level with the 1994 passage of the Violence Against Women Act. Laws at the state level were initially solely focused on developing protective orders for victims of violence. Additionally, judges were prone to blaming victims, at least in part, for the violence inflicted on them. According to Valente et al (2001), the exigency for VAWA evolved out of the uneven protection of victims among the states and the frequent prejudice within the judicial system against female victims of violence. In particular, the need for judicial reform triggered the need for

change. Victim advocates across the country called upon Congress to address these inequalities and prejudices and also to provide funding for prevention, treatment, and legal services for victims.

VAWA evolved into a set of federal laws and grant programs. Notably, these laws include requiring states to honor protection orders issued by other states, establishing domestic violence, violation of protection orders, and stalking across state lines as federal crimes, enhancing prohibitions of firearm possession for perpetrators of domestic violence, and developing a path to legal residency for immigrant victims of violence (Valente et al 2001). These legal changes gave violence against women greater national legitimacy as a critical problem. While intimate partner violence had frequently been kept in secrecy due to the social norm that marriage and all the issues surrounding it were private, this federal recognition thrust it into the public sphere where it could finally begin to be addressed socially and legally. By recognizing the problem federally, local agencies were encouraged to address the problem as well, and VAWA provided tools for this work to begin.

The grant programs overseen by the U.S. Department of Justice's Violence Against Women Office filled a giant funding gap for victim-services providers. All of the programs funded through VAWA grants are subject to strict requirements and frequent oversight. This funding has helped services for victims evolve significantly. Additionally, coalition building and partnerships are encouraged by the VAWA grantmakers (Valente et al 2001). Through these grants, victims are better served and organizations increasingly rely on best practices techniques.

Following the 1994 passage, VAWA has faced regular reauthorizations through Congress. The 2000 reauthorization set new funding levels and created new grant

programs specifically targeted at college campuses and victims of domestic violence. The 2005 reauthorization increased regulation of grant-funded programs and modified minor provisions of the bill. Both reauthorizations were conducted with unanimous support in the Senate (Laney 2005). Joe Biden, during the debate over the 2012 VAWA Reauthorization, said “VAWA has been improved each time it's been reauthorized...” (Bendery and Bassett 2012). VAWA continues to be the only federal law that directly addresses intimate partner violence and is a critical source of funding for service providers. The bill had always been widely supported until the 2012 reauthorization debacle.

Since the passage of VAWA, there has been a significant decrease in instances of violence against women. These changes have been catalogued by the White House (2012). Between 1993 and 2010, intimate partner violence has declined by 67% and intimate partner homicides of women decreased by 35%. The number of reports to police has increased, and this increase in reports has been matched by an increase in arrests. These decreases in intimate partner violence are thanks to the passage and reauthorizations of VAWA.

By exploring how VAWA was initiated, what VAWA entails, previous reauthorizations of VAWA, and the effects of VAWA, the exigency for the 2012 reauthorization of VAWA is apparent. With this understanding of the pressing nature of the reauthorization, the importance of the House debates are clear. The roots of VAWA reflect its bipartisan past and act as a sharp contrast to the present day.

Section 2: Democratic Accusations Build a Republican Rhetorical Crisis

This chapter explores the accusations made by Democratic members of the House of Representatives during the final debate of HR 4970. These rhetorical patterns

had been cemented over the weeks of debate in committee and in the media, allowing for analysis of consistent patterns and messages. By exploring the Democratic claims that Republicans are rolling back victims' rights, jeopardizing victims' lives, and politicizing rape, the severity of the rhetorical crisis faced by the Republicans will become clear. These repeated rhetorical tools are important to analyze before digging into the rhetoric of Republicans' responses.

Throughout the debate, the Democrats repeatedly use the phrase "roll back" to characterize the actions by the Republicans. The phrase, or a variation of it, was used 38 times, as determined by crude content analysis. The use of the term varied very little. For example, Congresswoman Susan Davis (D-CA) said, "At a time when we need to modernize the VAWA to build upon our efforts, this bill would instead *roll back* existing protections" (emphasis added) (*Congressional Record*). Similarly, Congresswoman Rosa DeLauro (D-CT) said, "When one out of four women will experience domestic violence in their lifetimes, it is unconscionable that the majority would try to *roll back* the protections in the Violence Against Women Act" (emphasis added) (*Congressional Record*). In the same vein, Congressman Earl Blummenauer (D-OR) said, "Their bill would actually *roll back*, for the first time, these established rights rather than increase them" (emphasis added) (*Congressional Record*). The consistent repetition of this phrase suggests that it was a set phrase recommended by the Democratic Party leaders when discussing HR 4970. It is a very specific way to characterize the Republican actions. The repetition leads it to take on greater significance as so many legislators prioritized this imagery in their remarks.

The repetition of this phrase also suggests that the term is being used as an ideograph. Stewart, Smith, and Denton (2007) define ideographs as a word or short

phrase which represents a greater ideology or argument. The repetition of ideographs can act almost as a form of subliminal reinforcement of these greater concepts. In the Democrats' hands, "roll back" takes on greater significance. With that one term, they are suggesting that the changes are a move backwards. It also evokes a sense that a continued backslide may be inevitable if this change is allowed, just as a roll down a hill may not be avoided. For women this term is particularly evocative, because it is them who will feel the loss of these backward changes. Rollbacks are also commonly associated with cuts to benefits. While the term is not explicitly negative, its popular connotations are negative. The Democratic Party effectively plants this ideograph throughout its legislators' statements of opposition to HR 4970, aiming to associate the bill with all of the sentiments that "roll back" evokes.

Democratic opponents of HR 4970 also argued that the bill jeopardized victims' lives due to its exclusion of certain at-risk populations. This argument was made gently as seen when Congresswoman Debbie Wasserman Schultz (D-FL) said, "Women need us now more than ever, and this is not the time to allow for discrimination or helping only some victims of domestic violence" (*Congressional Record*). This argument was also made more explicitly and accusatorily, such as when Congresswoman Maxine Waters (D-CA) said, "This Republican alternative bill threatens to dismantle this progress by deliberately placing domestic violence victims from LGBT, immigrant, tribal, and other marginalized communities in harm's way" (*Congressional Record*). This range in accusation can be seen throughout the Democratic arguments in the floor debate. It is also worth noting that the accusations came from a wide range of legislators—from honed political operative like Wasserman Schultz to more grassroots politicians like Waters. Depending on the legislators, attacks varied in explicitness.

Nonetheless, the idea of victims' lives being on the line was a potent and frequent rhetorical device for the Democrats, as it presents the Republicans in a very negative light.

This argument hinges on the central complaint of the Democrats—the Republican bill excludes at-risk populations. This exclusion, as argued by the Democrats, puts victims at risk, just as Waters suggests above. Continuing with this focus on exclusion, Congresswoman Lois Capps (D-CA) said, “[T]he issues are not just for immigrants or the LGBT community—although the way the bill before us ignores their pain is shameful—but also for women on college campuses, those in need of safe housing, tribal women” (*Congressional Record*). By framing a broad range of women at risk, the impact of the bill is presented to the public and emphasized to political elites. It also expands the concerns about the bill beyond the minority populations of immigrant, native, and LGBT individuals.

Additionally the Republicans are framed as not caring about these lives at risk. Congresswoman Carolyn Maloney (D-NY) said, “There is an indifference to the suffering of some—just some—in this bill that is as chilling and callous as anything I have ever seen in this Chamber in modern times” (*Congressional Record*). Maloney’s remarks barely extend beyond this statement. In her brevity, she stands out and her statement takes on greater significance. The idea that the Republicans simply do not care about these at-risk populations is a grave attack on the party. This accusation is one of the most damning set against the Republicans.

Finally, by arguing that lives could be saved by preventing the passage of HR 4970, the Democrats elevate the importance of the debate, while also positioning themselves to use a vote for HR 4970 in future political battles. Few Republicans would

want to have to run against ads stating that they had voted to protect rapists and abusers. This is just the argument made by Congressman Ruben Hinojosa (D-TX). He states that the bill actually empowers abusers and “may lead to further abuse” (*Congressional Record*). Similarly, Congresswoman Janice Hahn (D-CA), while addressing the concerns of immigrant violence survivors, said that the bill’s immigrant provisions change “results in more damage to their communities as the violence [against immigrants] escalates” (*Congressional Record*). Additionally, Congresswoman Debbie Wasserman Schultz (D-FL) said that HR 4970 “endangers immigrant women and children, ignores the needs of our native communities, and perpetuates discrimination against LGBT victims” (*Congressional Record*). In the debate the legislators operated in an us/them mentality. In their rhetoric they place the “them” of the Republicans alongside the “them” of perpetrators of violence.

One of the most common accusations was that the opposing party was politicizing violence, as stated above. For example, Congresswoman Susan Davis (D-CA) said, “It is time that we stop playing politics, reject this partisan proposal, and move forward with a bipartisan bill...” (*Congressional Record*). Her phrase “playing politics” evokes the sense that the Republicans are acting selfishly or trivializing the problem. She also makes a clear call to action of her peers, implying that this behavior is wholly unacceptable. Within this simple attack that the Republicans are politicizing the issue, a range of accusations develops.

Often these accusations linked this bill to other complaints about Republicans. Congresswoman Lynn Woolsey (D-CA) frames the politicizing of the problem in a larger scope of Republican prejudices. She said that Republicans “rarely miss an opportunity to exclude LGBT Americans from important rights and benefits...” (*Congressional*

Record). Additionally, the politicization of this bill was tied to the larger context of all congressional inefficiency. Congresswoman Kathy Castor (D-FL) asked, “Why does everything have to be a partisan fight here on the floor of the House? Over the past year, my Republican colleagues here in the House have blocked an important jobs packages; they have stalled the adoption of the national transportation and infrastructure bill; they’ve dragged their feet on help for students...and now they have turned what has been a bipartisan effort to protect the victims of domestic violence into a senseless political fight” (*Congressional Record*). This accusation places the blame for all of Congress’ failings on the shoulders of Republican lawmakers. By tying the VAWA reauthorization to all of the problems Congress faces, the Democrats worked to shift mountains of blame on the Republicans. They turn what is already of major political issue into a symbol for all the nation’s political problems.

The partisanship of the bill is also tied into the larger Republican “war on women.” Congressman Hank Johnson (D-GA) said, “[HR 4970] should be renamed WAWA, or ‘War Against Women Act’” (*Congressional Record*). His use of humor highlights the apparent foolishness of the Republicans’ actions. Congresswoman Carolyn Maloney (D-NY) also makes this linkage to the War on Women. Additionally, Congressman Jerrold Nadler (D-NY) said that the Republican “majority has been waging a war on them since the beginning of this Congress” (*Congressional Record*). Again, the Democrats link the problem of Republican partisanship and politicization into a larger pattern of behavior that has dominated the session and received considerable media attention.

This range of accusations, including the repeated use of the “roll back” ideograph, the focus on victims’ lives on the line, and the labeling of Republican actions as partisan,

established a rhetorical crisis for the Republican Party. Because the debate focused on issues of violence against women, the public was all the more sensitive to unsupportive remarks. These repeated patterns of attack ensure that some of the Democratic framing would trickle into the public consciousness. The Democratic Party effectively threatened the legitimacy of the Republican Party. If the Republican Party were perceived as working against rape victims, it would limit its ability to reach the public and shape policy. This rhetorical crisis made it necessary for the Republican Party to respond to the accusations through rhetoric of self-defense.

Section 3: Republican Apologia during the House VAWA Debate

Due to the public, pointed accusations by the Democrats, the Republicans had no choice but to develop a multi-faceted defense. This defense included the four tactics of Ware and Linkugel (1973)—denial, bolstering, differentiation, and transcendence. Republicans denied the claims that HR 4970 was exclusionary. They also bolstered their defense by claiming that their bill reduced bureaucracy and waste. Republicans differentiated themselves from the debate by turning the accusations of politicizing the debate back on the Democrats. Finally, the Republicans transcend the accusations by emphasizing the life-saving importance of VAWA. By engaging the four tactics of apologia, Republicans were able to rebuff the Democrats' accusations and maintain their party legitimacy.

The Republicans directly denied accusations from Democrats that HR 4970 excluded at-risk populations. Republicans emphasized the risk of identifying specific types of victims. Congressman Richard Nugent (R-FL) asked, "If you start defining a particular relationship, what if you leave one out?" (*Congressional Record*). By emphasizing the dangers of listing at-risk populations and special classes, the

Republicans provided a counter argument to the Democratic accusations. The Republicans also argued that these exclusionary claims were simply a distraction. For example, Congressman Steve King (R-IA) said, “I come to the floor to raise a point that constantly in the debate in the Judiciary Committee there was an effort to divert the subject matter over to other things, sexual orientation, gender identity, immigration, a lot of focus on immigration” (*Congressional Record*). These were just some of the denials of exclusivity.

In the debate, a pattern of denial emerged in how the Republicans claimed the inclusivity of HR 4970. Congresswoman Ann Marie Buerkle (R-NY) took a different approach—arguing that the Democrats were prioritizing certain victims. She said, “We are not going to single out. We are not going to distinguish one victim from another. Any person who is a victim of domestic violence is a victim of domestic violence. Beyond that, it should be of no concern” (*Congressional Record*). By framing the denial in this way, Buerkle manages to redirect the exclusionary claims at the Democrats. Similarly, Congresswoman Candice Miller (R-MI) said, “...[T]his bill doesn’t make any special carve-outs for any particular victim group, because it protects everybody equally” (*Congressional Record*). This key point of Republican defense was also reiterated by Congresswoman Sandy Adams (R-FL), one of the sponsors of HR 4970. Adams said, “These victims were always victims. That’s what victims are, all inclusive” (*Congressional Record*). Adams also said, “We do not segment out. We do not pit victim against victim” (*Congressional Record*). She continues to emphasize that all victims are covered by VAWA, so there is no need to specially identify groups. This emphasis on the equality and existing inclusivity of VAWA was the only way to deny the Democratic accusations of exclusivity.

The Republicans worked to bolster themselves in the public eye by emphasizing the money saving, responsible measures of HR 4970. These factors align with key values of Republican Americans who favor smaller government and shrinking government spending. The bill is frequently referred to as “commonsense” and efficiency is frequently cited as a benefit of the bill. Congressman Lamar Smith (R-TX) said, “A vote against this bill, in my judgment is a vote against common sense...” (*Congressional Record*). The Republicans argue that this makes HR 4970 stronger than the Senate bill. For example, Congresswoman Lynn Jenkins (R-KS) said, “...[O]ur legislation also goes beyond the Senate bill by ensuring that taxpayer resources help victims. . . by limiting administrative expenses, requiring annual audits and combating fraud” (*Congressional Record*). The Republicans argue that this role is responsible use of taxpayers’ funds.

Most significant in the Republican bolstering was the repetition of the phrase “Washington bureaucrats.” For example, Congresswoman Renee Ellmers (R-NC) said, “This bill also brings great accountability to the grant administration by ensuring that funding is spent on the victims, not Washington bureaucrats” (*Congressional Record*). This is a common thread throughout Republican statements. Similarly, Congresswoman Cynthia Lummis (R-WY) said, “...[I]t’s so important we have a bill that is efficient and gets the money to those victims, not to bureaucrats in Washington” (*Congressional Record*). They repeatedly emphasized the idea that under the old VAWA money was being misdirected to big government. “Bureaucrat” is a very pointed word to use, as it implies a big, convoluted government. By playing on this core value of their political base, the Republicans connect their bill to a positive context.

The Republicans worked to differentiate themselves from the Democrats by turning the accusations of politicizing violence against women back against the

Democrats. This was done in a variety of ways. Republicans decried politicization of the bill, as seen when Congresswoman Lynn Jenkins (R-KS) said, “The Violence Against Women Act has bipartisan support in both the House and the Senate, and any attempt to exploit this important law as a partisan political issue is contemptible” (*Congressional Record*). Republicans argued that they were prioritizing victims over politics, such as when Congresswoman Renee Ellmers (R-NC) said, “Partisan posturing should not be placed above the urgent needs of these victims” (*Congressional Record*). Congresswoman Sandy Adams made a more heated argument saying, “Turning this reauthorization into a political issue is not only wrong but it is dangerous. It is dangerous. We cannot allow domestic violence in this country to become a campaign issue” (*Congressional Record*). Republicans also directly accused the Democrats of politicizing the issue. For example, Congressman Jim Sensenbrenner (R-WI) said, “It is the people on the other side of the aisle on both sides of the Capitol who have decided to use this as a political issue” (*Congressional Record*). He combined this blame on Democrats by saying, “Madam Speaker, if the people on the other side are successful, the blood of the defeat of this bill will be on your hands, not on ours” (*Congressional Record*). While these are just individual examples of this tactic, differentiation was a key component of the Republican self-defense and was a frequent theme during the debate.

Finally, the Republicans worked to transcend the controversy by focusing on the life-saving importance of VAWA. This argument was an emotional appeal to the American people that made the timely passage of any VAWA Reauthorization take on greater importance. Congresswoman Candice Miller (R-MI) said that Congress was both “taking a stand in defense of those who face the danger of domestic violence” and “standing up for women in need and all victims of violence” by passing VAWA

(*Congressional Record*). Congressman Lamar Smith (R-TX) described a vote against VAWA as “a vote against helping abused women” (*Congressional Record*), which is not a characterization Democrats wanted so close to an election. The bill was repeatedly described as “victim-centered,” “life-saving,” and “pro-woman” (*Congressional Record*). These phrases connected HR 4970 to a positive context that made the argument for its passage even stronger. In this transcendence, the Republicans framed themselves as heroes and the Democrats as implicit villains.

The four tactics of apologia described by Ware and Linkugel are present in the Republican arguments of the final debates over HR 4970. Republicans employed denial to separate the Party and the bill from the notion that HR 4970 was exclusionary. Their defense was bolstered by claims to increase efficiency and decrease fraud. Republicans turned the accusations of politicizing the debate back on the Democrats to differentiate themselves in the debate. Finally, the Republicans emphasized the life-saving importance of VAWA to help their party transcend the chaos of the debate. All of the tactics were used in the Republican defense. By weaving together the range of self-defense tools, the Republicans successfully defended their legitimacy in this instance. Their success is clear from the lack of attention given to the passage of HR 4970. While apologia was less success under the heightened scrutiny of the 2012 election cycle, in this earlier debate the Republicans won.

Conclusion: Divided VAWA, Divided Nation

The debate over HR 4970, the House bill to reauthorize VAWA, pre-dated the current era of heightened scrutiny of rape rhetoric from Republicans. This paper applied this level of scrutiny to the Republican defense of HR 4970, themselves, and the Party. By applying feminist critical discourse analysis and Ware and Linkugel’s study of

apologia to the final floor debates of HR 4970, the priorities of the Republican Party come to better understood. The Republicans emphasized the inclusivity of their bill, the efficiency boosting measures, the politicization by Democrats, and the life-saving aspect of VAWA to defend against the Democrats' accusations. These emphases protected the self-interest of the Republicans, ensuring that the Party would not be defamed by the Democrats.

As a whole, the Republicans were unwilling to concede ground about HR 4970. They did not even accept the premise of the Democrats' attacks. No middle ground was found. When collaboration cannot be found on violence against women, polarization in Washington has clearly become entrenched to a breaking point. The issues explored in this paper make clear that the parties lack basic shared values or even a common language to discuss vital issues. Hyper partisanship is endemic in Washington and clearly is not going anywhere. Perhaps when VAWA is finally reauthorized, we will see the start of a bridge being built across the aisles in both houses of Congress. Reauthorization does not seem likely under the 113th Congress, either.

Reference

- Asen, Robert. 2010. "Reflections on the Role of Rhetoric in Public Policy." *Rhetoric & Public Affairs*, 13(1), 121-143.
- Bendery, Jennifer and Laura Bassett. 2012. "House Passes Violence Against Women Act That Leaves Out LGBT, Immigrant Protections." *The Huffington Post*, May 16.
- Bendery, Jennifer. 2012. "Violence Against Women Act Reauthorization Overwhelmingly Passes Senate." *The Huffington Post*, April 26.
- Benoit, William A. 1995. *Accounts, Excuses, and Apologies: A Theory of Image Restoration Strategies*. Albany, NY: State University of New York Press.
- Blake, Aaron. 2012. "Todd Akin, GOP Senate candidate: 'Legitimate rape' rarely causes pregnancy." *The Washington Post*, August 19.
- Brewer, Mark D. 2005. "The Rise of Partisanship and the Expansion of Partisan Conflict within the American Electorate." *Political Research Quarterly*, 58(2), 219-229.
- Chock, Phyllis Pease. 1995. "Ambiguity in Policy Discourse: Congressional Talks about Immigration." *Policy Sciences*, 28(2), 165-184.
- Congressional Record* 158: 70 (May 16, 2012).
- Edwards, Jason A. 2005. "Community-Focused Apologia in International Affairs: Japanese Prime Minister Tomiichi Murayama's Apology." *The Howard Journal of Communications*, 16(4), 317-336.
- Fairclough, Isabela and Norman Fairclough. 2012. *Political Discourse Analysis: A Method for Advanced Students*. New York: Routledge.
- Fairclough, Norman, Jane Mulderrig, and Ruth Wodak. 2011. "Critical Discourse Analysis." In *Discourse Studies: A Multidisciplinary Approach*, ed. Teun A. Van Dijk. Thousand Oaks, CA: SAGE Publications.

- Farrell, John Aloysius. 2012. "Divided We Stand." *National Journal*, March 1.
- Gold, Ellen Reid. 1978. "Political Apologia: The Ritual of Self-Defense."
Communications Monographs, 45(4), 306-316.
- Hasley, John. 2012. "The Shortcomings of Contemporary Political Rhetoric." *Pitt Political Review*, 8(2), 9-12.
- Jacobs, Lawrence R, Eric D. Lawrence, Robert Y. Shapiro and Steven S. Smith. 1998.
"Congressional Leadership of Public Opinion." *Political Science Quarterly*, 113(1), 21-41.
- Jaffe, Greg. 2012. "GOP's Akin, Mourdock lose Senate elections." *The Washington Post*, November 7.
- Janssen, Claudia I. 2012. "Addressing Corporate Ties to Slavery: Corporate Apologia in a Discourse of Reconciliation." *Communication Studies*, 63(1), 18-35.
- Jorgensen, Marianne and Louise Phillips. 2002. *Discourse Analysis as Theory and Method*. Thousand Oaks, CA: SAGE Publications.
- Lakoff, George. 1996. *Moral Politics: What Conservatives Know that Liberal Don't*. Chicago: University of Chicago Press.
- Laney, Garrine P. 2005. "Violence Against Women Act: History and Federal Funding."
CRS Report for Congress, December 1.
- Lazar, Michelle M. 2005. "Politicizing Gender in Discourse: Feminist Critical Discourse Analysis as Political Perspective and Praxis." In *Feminist Critical Discourse Analysis*, ed. Michelle M. Lazar. New York: Palgrave Macmillan.
- Miller, M. Linda. 1999. "Public Argument and Legislative Debate in the Rhetorical Construction of Public Policy." *Quarterly Journal of Speech*, 85(45), 361-379.

- “Partisan Polarization Surges in Bush, Obama Years.” 2012. Washington, DC: Pew Research Center, June 4.
- Riggins, Stephen Harold. 1997. “The Rhetoric of Othering.” In *The Language and Politics of Exclusion: Others in Discourse*, ed. Stephen Harold Riggins. Thousand Oaks, CA: SAGE Publications. 1-30.
- Schonhardt-Bailey, Cheryl. 2008. “The Congressional Debate on Partial-Birth Abortion: Constitutional Gravitas and Moral Passion.” *British Journal of Political Science*, 38(3), 383-410.
- Smith, Mark A. 2007. *The Right Talk: How Conservatives Transformed the Great Society into the Economic Society*. Princeton: Princeton University Press.
- Stewart, Charles J, Craig Allen Smith and Robert E. Denton, Jr. 2007. *Persuasion and Social Movements*. Long Grove, IL: Waveland Press, Inc.
- Tumulty, Karen. 2012. “Murdock rape comment adds to election-year furor over social issues.” *The Washington Post*, October 24.
- Valente, Roberta L. et al. 2001. “The Violence Against Women Act of 1994.” In *Sourcebook on Violence Against Women*, ed. Claire M. Renzetti, Jeffrey L. Edleson, and Raquel Kennedy Bergen. Thousand Oaks, CA: SAGE Publications. 279-302.
- Van Dijk, Teun A. 1997. “Political Discourse and Racism: Describing Others in Western Parliaments.” In *The Language and Politics of Exclusion: Others in Discourse*, ed. Stephen Harold Riggins. Thousand Oaks, CA: SAGE Publications. 31-64.
- Ware, B. L. & Linkugel, W. A. (1973). They spoke in defense of themselves: On the generic criticism of apologia. *Quarterly Journal of Speech*, 59, 273-383.

The White House. 2012. "Factsheet: The Violence Against Women Act."

http://www.whitehouse.gov/sites/default/files/docs/vawa_factsheet.pdf