Making the Personal Political: The Role of Descriptive and Substantive Representation in the “War on Women”

by

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Introduction

When the all-male Senate Judiciary Committee convened in 1991 to deliberate on the allegations made by Anita Hill, a legal assistant who had accused Supreme Court nominee Clarence Thomas of sexual harassment, Americans recognized an important problem. They saw a metaphor played out before them for a political system dominated overwhelmingly by men and unable to properly represent the interests and experiences unique to women. Arguably, it was as a result of this realization that the American public went on to elect a record number of women to the US Congress in the 1992 elections.

Twenty years later, an all-male panel gathered to testify on new legislation under scrutiny within the Affordable Care Act that would require all company healthcare plans to cover contraceptive medication. Once again, women were shut out of a deliberative process that concerned them deeply. This case, and the wider context in which it appeared, gave rise to some important questions about how much our system has really improved when it comes to the representation of women.

Throughout the two-year term of the 112th Congress (2010-2012), disputes over women-related policy arose front and center in both local and national politics. Despite the great deal of public attention that was generated around what came to be referred to by some as the “War on Women,” we still lack a scholarly understanding of the extent to which women legislators engaged, or in some cases, refrained from engaging in this debate.

Three policy areas in particular drew unusual amounts of legislative and media attention during this period: women’s reproductive healthcare, equal pay for equal work, and violence against women. This study examines the legislative and rhetorical behavior
of the seventy-eight women in the House of Representatives and the seventeen women in
the Senate surrounding four Congressional bills selected to represent these policy areas. I
hypothesize that women representatives face disproportionate pressure from both the
public and from their parties to take strong leadership positions on these so-called
“women’s issues” and are able to exert disproportionate influence on the policy
outcomes. I also examine the unique political risk that Republican women face when the
expectations of their female constituents and their party leadership come into conflict.
This paper seeks to identify the set of variables that constrain a politician’s decision-
making in this scenario.

Although this research deals with the direct legislative behavior within the 112th
Congress, it is important to keep in mind that many members of Congress carefully cast
their votes on policy with an eye to the next election. Both parties recognized women as a
critical constituency in the 2012 elections, and with good reason. This year, women
ended up accounting for fifty-four percent of the electorate. The record number of women
who ran for seats in both the Senate and the House was a testament to this electoral
strategy, and the record number who won proved its effectiveness. Perhaps we will look
back on the “War on Women” as the “Anita Hill” moment of the 21st Century.

**Literature Review**

A great deal of scholarly work has devoted itself to understanding and defining the proper
form of representation in democratic society. Social science research on women’s
participation in politics has tended to focus on two particular interpretations of the role of
governing officials: descriptive representation and substantive representation. Hanna
Pitkin’s *The Concept of Representation* (1967) laid the foundations for theories exploring the connections between these two ideas. Pitkin uses descriptive, or “standing for” representation, to refer to the identifying features that a representative might share with different constituencies, such as race, gender, or level of education. To illustrate the argument for this type of representation, Pitkin quotes an early John Adams work, in which he writes that a legislature should be “an exact portrait, in miniature, of the people at large, as it should think, feel, reason, and act like them” (p. 60).

Substantive, or “acting for” representation, on the other hand, describes the extent to which a governing actor advocates for the interests of a certain social group, without regard to shared characteristics. This approach arguably draws its roots from Plato’s model of the “philosopher king” and Hobbes’ “Leviathan,” both of which Pitkin references throughout her chapter on substantive representation. Pitkin argues that limiting the composition of a legislature to a strictly descriptive standard is too literal an interpretation of representation, and does not allow for “any kind of representing as acting for, or on behalf of others” (p. 90). Unless a representative’s characteristics can be directly connected with the way he or she acts, Pitkin considers them inconsequential to their ability to govern.

In some contemporary literature on the subject, this set of claims is extended to suggest that forcing descriptive representation can hurt social groups by over-essentializing their identity. The practice of filling seats “may perpetuate or even aggravate the marginalization of historically disadvantaged groups” (Dovi 2002, p. 742). Still, many other scholars contend that descriptive representation can be a useful mechanism to promote substantive representation, particularly in the case of women’s
representation (Mansbridge 1999; Cowell-Meyers 2001; Swers 2002). These theorists believe that descriptive representation, far from being a problematic approach, simply is not in itself sufficient to ensure that the substantive representation of historically marginalized groups will occur (Williams 1998). Putting women in political office, though an important first step, does not necessarily mean that they will look out for women’s interests.

Despite the lack of a guarantee that descriptive representation will result in substantive representation, there seems to be sufficient evidence that it certainly makes it more likely. The argument here is twofold. First, in study after study women politicians have been shown to assign more importance to the policy problems faced by women as a social group than their male counterparts (Swers 2002, forthcoming; Htun 2004; Mansbridge 1999; Reingold 2008; Kittilson 2008). Second, using their personal experience as women they are able to bring unique insights and innovative solutions to the policymaking process (Htun 2004; Kittilson 2008; Swers 2002). In her analysis of the 105th Congress, Colleen Shogan found that both Republican and Democratic women were more likely to bring up women-salient issues in their floor speeches and to invoke their own gender in doing so (2001). Their ability to bear witness to a unique set of experiences in this setting allows their colleagues to make more informed legislative decisions. Advocates of quotas in representative government draw from this line of reasoning (Beckwith and Cowell-Meyers 2007).

“Critical mass theory,” as adapted to gender, suggests that substantive representation begins to occur when women constitute between 15 and 30 percent of the legislature (Childs and Krook 2006). Jason MacDonald and Erin O’Brien observed
critical mass effects in their study of three decades of voting and sponsorship records from the House of Representatives. They found that as women are surrounded by relatively more female legislators, they are more likely to actively advance women’s rights.

At 17%, the proportion of women in the 112th Congress seems to have reached at least the minimum of the critical mass threshold. Unfortunately momentum had slowed on efforts to increase the number of women in Congress in years prior. Many considered the 2010 elections, the first election since 1979 that actually reduced the number of women in Congress, a major step backwards after decades of progress. Republican women, specifically, continue to find themselves with very few peers in Congress, which might help explain their unwillingness to put women’s issues at the top of their agenda. This context puts an especially great pressure on individual women to display an added level of commitment to the gender element of their identity. Therefore some say that proponents of women’s representation ought to refocus their efforts on enabling “critical actors” rather than a larger “critical mass” (Celis et al 2008).

This brings our attention to the numerous other factors that can limit a representative’s ability to act for women, especially when doing so means crossing party lines. First, representatives are inevitably constrained by the national political climate (Celis and Childs 2011). The general tone of the 112th Congress was largely defined by such extreme partisanship that policy reform was made almost impossible. Election year politics tend to exacerbate this kind of gridlock, producing an environment that had a constraining effect on some Republican congresswomen’s sponsorship and voting choices.
Seniority and committee membership also help determine a congresswoman’s level of independence in sponsoring and voting on legislation (Swers 2002). While the Republican women Senators of the 112th Congress were relatively advanced in their careers, the House Republican women ranked significantly lower than their male counterparts and had little opportunity to take leadership on voting or bill sponsorship. I argue that this fact accounts for some of the differences between the House and Senate women’s commitment to women’s issues. The partisanship of the constituents of a particular district obviously not only determines the kind of politician who makes it into office, but the kind of legislative decisions they make. A Republican woman who represents a very red district will be much more unlikely to cross party lines on women’s issues than a woman who represents a more mixed demographic.

Public opinion scholarship offers another useful tool towards understanding legislative decision-making. Realistically, our legislators are not only beholden to their constituents. Amongst the myriad considerations they have to take into account are the desires of elites, the attention of the media, and pressure from vocal interest groups (Glynn 1999). Civil society pressures, particularly embodied in a strong feminist movement, have proven particularly effective in making sure that legislators represent women’s substantive interests (Beckwith and Cowell-Meyers 2007). An autonomous women’s movement, which may or may not be institutionalized, serves to represent women’s concerns while avoiding the assumption that women’s issues should be either women representative’s top priority or exclusively theirs to deal with. Yet these pressures can also come from both directions. For every women’s rights organization fueling a
Democratic candidate, there is as much (if not more) special interest money pouring into Republican campaigns in support of much less women-friendly policy efforts.

Just what constitutes a women’s issue is not so easily defined, of course. In their 2005 study of women’s substantive representation in the 103rd and 104th Congress, Michele Swers and Carin Larson define women’s issues as “issues that are particularly salient to women because they seek to achieve equality for women; they address women’s special needs, such as women’s health concerns and child care; or they confront issues with which women have traditionally been concerned in their role as caregivers, such as education and the protection of children” (p. 113-114).

Two prevailing interpretations of “women’s issues” represent absolutely polar ideologies. On one end of the spectrum, a pro-women position entails promoting women’s autonomy and allowing them to pursue options other than domestic work. On the other, pro-women actions are considered those that differentiate women from men by valuing their “natural” role in the private sphere (Celis et al 2008, p. 105). This side often argues that policies favoring abortion, contraception, and equal pay for equal work are damaging to the traditional family model (Schlafly 2003; Klatch 1987). It’s important to note that both of these perspectives invoke gendered reasoning, even if they emerge from opposite ends of the ideological spectrum. An alternative view suggests that the very notion of “women’s issues” is misleading in the first place, as every issue is a women’s issue (Bacchi 1999).

Many politicians, scholars, and ordinary citizens have grappled with the question of whether socially conservative and feminist inclinations can, in fact, coexist within the
same belief system. In a 1983 article on the subject, the author Judith Stacey attempted to define “The New Conservative Feminism.” This ideology is based on three central points: rejecting the mainstream feminist argument that the “personal is political,” preserving the differentiation of qualities unique to women (particularly motherhood), and moving away from criticisms of men and the traditional patriarchic family structure. In a compelling rebuttal to this piece, Angela Dillard claimed that this version of “conservative feminism” turns a blind eye to structural inequalities between men and women in society and cannot possibly take equal rights seriously (2005). A legitimate form of conservative feminism, she argues, must acknowledge the historical and contemporary injustices that women have faced in society.

Of course, some women simply have no interest in accommodating feminism into their political agenda. A movement of female politicians who adamantly rejected the feminist label but claimed to be pro-women rose to prominence in the 1980s. Phyllis Schlafly and the women of the “New Right,” who fought the Equal Rights Amendment and similar feminist initiatives, embodied this approach. Their stories have given rise to a body of literature stressing the need to distinguish between pro-women and pro-feminist positions. To equate the two is to ignore the heterogeneity of the female gender (Celis et al 2008; Celis and Childs 2011). Even these claims, however, put normative standards on conservative claims regarding women’s interests. The quality of these claims, they argue, can be measured by three factors: an explicit responsiveness to conservative women’s desires, legitimate connections between rhetoric and policy action, and consistency in the context of a representative’s other legislative behavior (Celis and Childs 2011). In some cases, it may be that Republican women authentically aim to represent women of a
different ideological class. In others, however, we may find that there are other electoral
and instrumental mechanisms at work. This paper takes the position that these
movements ought not to be recognized as authentically pro-women, but rather turn
women into agents of their own oppression.

In the “War on Women,” the major issue at stake was bringing a women’s point
of view to circumstances that are indeed unique to women. No man has ever experienced
a pregnancy, not to mention an abortion. No man has required contraceptive pills, which
many women utilize for health-related reasons. It is much more unlikely that a man
would be discriminated against in his paycheck based on his gender. And though
domestic violence against men is not unheard of, the issue does affect women in
disproportionate measure.

I argue that when it comes to the four bills I have selected to analyze in depth
there is a clear-cut position that benefits women. At times, choosing the pro-women
option will mean inconveniencing highly powerful constituencies, such as the business
community or extreme religious factions. Yet when you put aside the political posturing,
these issues are really about the role that women are able and expected to play in our
society. Legislation in these areas can have massive implications for women’s ability to
provide for themselves economically, to postpone childbirth in order to pursue
educational and career opportunities, and to gain personal autonomy outside of the
traditional male-breadwinner family structure if they so choose. In order to help fix a
system that has historically disadvantaged women, there are some political risks that are
very much worth taking.
There is substantial evidence that a gender gap emerged between the two major political parties in the early 1980s, with women voting with a disproportionately liberal slant (Wolbrecht 2000). The twenty-point gender gap measured between Democratic candidate Barack Obama and Republican Mitt Romney in the 2012 presidential elections, therefore, should not have come as a surprise to anyone (Gallup 2012). Aware of their advantage with women voters from the start, Democrats were able to spin the focus “War on Women” angle into a key talking point preceding the 2012 election season. This framing pitted the GOP against a stereotype that had already plagued them for years, of being the “anti-women” party. As a result, it was both parties, not just the Democrats, who renewed their focus on women as a constituency. As both sides tried to appeal to women in the voting booths, they also recognized women for their ability to bring much-needed legitimacy to their claims. Republican women, as I have mentioned, faced expectations from their party that sometimes came into direct contradiction with the expectations from their female constituents. As a result, these representatives were not always consistent in their views or in their votes.

Michele Swers’ analysis of the legislative behavior of female Republican Senators in the 111th Congress provided significant evidence that Republican women “generally try to maintain a low profile on women’s rights issues… either because their policy views on women’s rights do not align with the views of the party or because they fear that becoming the Republican face on issues like abortion will take over their legislative agenda or alienate moderate and independent voters” (Forthcoming).

Tanya Melich, who spent years as a politician within the Republican establishment, makes an interesting argument about the future of the “Republican
feminist” conundrum. She writes, “Republican women in the Congress… face some
difficult decisions, in which they will have to choose between loyalty to the party’s
agenda and their belief in women’s freedom. They will fight but lose until some
reinforcements are elected” (1996, p. 288). Of the 74 women in the 112th House, only 24
(32.4%) are Republican, and of the 17 women in that session’s Senate only 5 (29.4%) are
Republican. Until Republican women specifically achieve some sort of critical mass both
in Congress and within their party, they will continue to have to choose between two
unappealing political risks.

So why did Republicans choose to sponsor the pieces of legislation that launched
this controversy in the first place? The notable ideological veer to the right preceding the
2012 elections was probably just an attempt to rally very specific groups, such as highly
religious Catholics and supporters of small government. By firing up these
constituencies, the Republican Party stands to gain votes, funding, and electioneering
services from parts of the population that otherwise might withdraw their support.

Each side had a unique set of political motivations to engage in the so-called
“War on Women,” but the situation eventually proved more difficult for Republicans, and
particularly their female party members, to navigate. The debate over women’s policy
concerns became a battle of framing between the two parties in which women were,
sometimes reluctantly, drawn in as critical actors in the representative arena.

**Analyzing the 112th Congress**

Within the three women-centric policy areas I have chosen to analyze, four
Congressional bills generated a particularly significant amount of political and public
attention. I have examined the different ways in which Democratic men, Democratic women, Republican men, and Republican women dealt with each bill legislatively and rhetorically. Roll call voting data and bill sponsorship provide a basic understanding of this process, but records from floor speeches and media appearances shed more light on the complex factors that women, in particular, must take into consideration as they approach these political battles. But let us first clarify that each of these bills does indeed fit under our working definition of “women’s issues,” and that each of them presents a choice between a vote that is beneficial to women and one that is not.

The controversy over the renewal of the Violence Against Women Act was the obvious choice to represent the first issue. This act is responsible for funding a variety of programs focused on violence prevention, law enforcement training programs, and resources for those affected by gender violence. It also establishes important legal protections for victims and their families and enables more effective prosecution for the perpetrators of these crimes. Since being signed into law in 1994, the rates of gender violence have reduced dramatically (White House, 2012). The Violence Against Women Act normally passes for renewal in both the House and the Senate without any trouble. Yet 2012 has told a different story. For the first time in the bill’s history, Congress has been unable to reach a bipartisan agreement. The Republican House majority put forth H.R. 4970, a version of the bill that limited confidentiality guarantees for accusers, created new obstacles for battered immigrant women to get visas, excluded gay and lesbian couples, and encumbered the prosecution of crimes committed in Native American territories. The White House found this bill to be so extreme in its limitations that the President promised to veto it if it passed Congress. The Democratic version
introduced before the Senate (S.1197) included language that explicitly ensured that none of these important provisions would be cut, while also adding new protections. Throughout the 112th Congress, many politicians and voters expressed frustration that such a critical piece of legislation should even be put to a procedural vote. As of February 2013, the bill was still facing roadblocks in the House and has yet to reach the President for approval.

One in four American women will be the victim of domestic violence during her lifetime, and one in six will be threatened with or experience rape (Mikulski, 2012). Every year, the services provided by the Violence Against Women Act help about 70,000 victims across the country. These services include legal support, counseling, shelter, and violence prevention programs. As Rep. Gwen Moore (D, WI) stressed in the House hearing on the subject, “This is not a partisan issue, and it would be very, very devastating to women of all colors, creeds, and sexual orientations for us not to address this” (House Session, 2011).

On this issue more than any other, the Senate’s women were willing to cross party lines. All five women GOP Senators voted to pass the Democratic version of the bill, while many male Republicans did not. Meanwhile, members of the House were less consistent in their voting. Just two Republican women voted against the limited version of the bill, while twenty-one of Republican men were willing to do so. “There is no disagreement over reauthorizing the Violence Against Women Act,” said Rep. Cathy McMorris Rodgers (R, WA), “We are going to move forward in a bipartisan fashion like we always have” (Dennis 2012). Yet in December, the Republican-led House allowed the
Violence Against Women Act to expire after the strongly supportive vote in the Senate.

The Paycheck Fairness Act (S. 3220, H.R. 1519) is the second legislative initiative under examination, representing the battle for equal pay for equal work. The Act was put to a cloture vote twice in the Senate, blocked both times by the Republican filibuster. Today, women make about 77 cents to every dollar earned by men, a wage gap that has only improved at a slow pace in recent decades (White House 2012). A lack of regulation on employers often allows businesses to get away with paying women
employed in the exact same positions as men to earn lesser salaries. In 2009 President Barack Obama signed the Lilly Ledbetter Act into law, extending the time and circumstances under which a woman can file a lawsuit for unequal pay for equal work. Four out of the five women GOP Senators in office at that time crossed party lines to support the bill, while just a single male Senator from the party did the same. While the Lilly Ledbetter Act represented progress, its specificity left a great deal of room for employers to continue to discriminate against female employees.

That same year the Paycheck Fairness Act passed in the Democratic House. This Act would extend the existing Equal Pay Act of 1964 by increasing opportunities to legally challenge employers who discriminate by gender, as well as the penalties against them. The bill went on to be defeated in a Senate procedural vote, however, falling two votes short of the sixty needed to move forward. Voting on this bill went strictly down party lines, with five out of five Republican women voting against the Act. Democrats have not given up on the Paycheck Fairness Act, reintroducing the bill in both houses of Congress in 2011, where it is still stuck in committee.

This is a case where the interests fueling the opposition to this bill, namely big business, represented such a valuable base of Republican support that their interests had to be top priority, even for the women legislators. In order to avoid criticism, however, Republicans refused to talk about the Paycheck Fairness Act in terms of promoting equal rights for women, calling it a “war on free enterprise.”
It was more difficult to reduce women’s reproductive healthcare to a single bill. Therefore I have selected two bills that made their way through both the House and the Senate, stirring up a significant amount of national attention along the way. First was a proposal that would cut Planned Parenthood entirely out of the fiscal budget, Amendment 36 to the 2012 Continuing Resolution (H.Con.Res.36). This bill was passed in the Republican House 241-185, but then struck down by the Senate 58-42. The rationale for this bill was “an urgent need to stop taxpayer dollars from funding abortions.” Yet this argument distorts the issue in several important ways.

In the 1973 case of Roe v. Wade, the Supreme Court ruled that a woman’s access to abortion services is a right protected by the Constitution. Then in 1977 the Congress passed the Hyde Amendment, ensuring that taxpayer dollars cannot be used to pay for abortions under Medicaid, with the exception of cases of incest or so-called “forcible rape.” Despite the implementation of these policies, abortion remains one of the most polarizing issues in our national politics today. The battle over abortion legislation pits...
two equally passionate camps against one another in a fight over opposite outcomes. The massive amounts of funding and interest group attention that are funneled into both pro-life and pro-choice movements ensure that the issue always stays on the agenda.

To make the proposed funding cuts to Planned Parenthoods about abortions also ignores an array of other factors. Abortion services only account for about three percent of Planned Parenthood’s activities, and as I clarified before, those services are prohibited from receiving taxpayer funding. Most of the spending in fact goes towards providing STI/STD testing, contraception, and cancer screening and prevention. One in every five American women uses Planned Parenthood healthcare services at some point in her lifetime, and many low-income women rely on Planned Parenthood clinics as their primary source of healthcare (Planned Parenthood 2011). To base one’s vote to defund Planned Parenthood on one’s beliefs regarding abortion, therefore, both ignores the factual truth that government money does not fund abortions and ignores the host of other critical services that Planned Parenthood clinics provide.

I have specifically chosen to exclude bills that deal explicitly with abortion from my reproductive rights category, as I believe the two issues are falsely equated. It seems to me that it is far more difficult to make objective claims about abortion, as it is such a complex and controversial issue. On one hand, pro-choice groups portray abortion as an issue of women’s personal freedom to make choices about their bodies. Framed in this light, reproductive rights also have important implications for women’s personal and economic autonomy. On the other hand, pro-life groups make a moral argument that abortion is harmful not only to the unborn fetus, but also to the mother. Conservative positions on abortions tend to vary in extremity. This year’s Republican Party platform
advocates an across-the-board ban on abortion. Yet plenty of more moderate conservatives are more likely to allow for exceptions in the case of rape, incest, or life-threatening pregnancies.

*6 Representatives did not vote or voted “Present”

The Blunt Amendment was the second bill that I chose to represent women’s reproductive healthcare. This bill, which was originally introduced in the House as the “Respect for Rights of Conscience Act of 2011” (H.R. 1179, S.1813), attempted to allow employers to refuse to include contraception in their healthcare plans. It died in
committee in the House of Representatives, and was defeated in the Senate by a 51-48 vote. Data from the 2006-2008 National Survey of Family Growth, analyzed by the Guttmacher Institute, shows that about 11.2 million U.S. women between the ages of 15–44 (or 18% of all women) currently use oral contraceptive pills. Though pregnancy prevention is the number one reason that most women use this method, 58% of pill users also cite the various non-contraceptive health benefits, such as severe menstrual pain, acne, or uterine fibroids (Jones 2011).

Four of the five Republican women in the Senate voted against tabling the Amendment, yet something interesting occurred with one of them in particular. Shortly after the vote, Senator Lisa Murkowski (R, AK) publicly renounced her position. Murkowski reported to having been approached by many of her female constituents, who expressed that they felt as if they had been let down by her recent vote. This incident was representative of women politicians’ mandate to govern on behalf of women. “I have never had a vote I’ve taken where I have felt that I let down more people that believed in me,” she told a local newspaper. She also conceded that the idea of a War on Women wasn’t so far off base, saying, “I think [these incidents] are just adding to this sense that women’s health rights are being attacked — that in 2012 we’re having a conversation about whether or not contraception should be allowed. I think most thought that we were done with those discussions decades ago. So it’s been kind of an interesting week for women’s health issues” (O’Malley 2012). Murkowski’s situation exemplifies the way in which Republican women can find themselves pulled in two different directions when it comes to women’s issues. She was bold enough, and found herself in a comfortable
enough position as a Senior Senator, to go public with this internal conflict whereas many of her peers might not feel comfortable doing so.

Civil Society Matters

In the US government, legislators’ political autonomy is constantly mediated by a variety of factors, one of the most important of which is the support of civil society groups. These groups provide the endorsements, voter outreach, and fundraising efforts that constitute critical fuel for a career in politics. The support of women’s organizations can be especially important for women candidates, and often drives the kind of legislation they introduce and support. Pro-choice organizations like EMILY’s List and NARAL have significant fundraising and electioneering capabilities, causing many Democratic women to seek their approval with any votes related to reproductive rights. The endorsement of pro-life organizations like the Susan B. Anthony List, on the other hand, can be a huge asset for conservative women and tend to pressure them to vote against groups like Planned Parenthood. Groups like the National Organization of Women and
Moms Rising raised money to support the Paycheck Fairness Act, while thirty-one business associations, such as the National Association of Manufacturers and the National Retail Federation helped fuel opposition efforts (Map Light 2012).

A few very conservative women’s groups such as the Concerned Women For America and the Independent Women’s Forum have voiced their opposition to the Violence Against Women Act in general, calling it a “slush fund” for feminist groups, that “harms men unfairly and encourages the dissolution of marriages” (Weisman 2012). However most women’s organizations advocated for the Violence Against Women Act in its full capacities.

**The Frame Game**

The debate over women’s issues came to represent the bitter partisanship of the 112th Congressional session. Both sides developed key talking points out of the issue for use in press releases, media appearances, and campaign ads. The Republicans’ first tactic upon recognizing the threat of this framing was to deny the existence of the “War on Women” altogether. When Rep. Debbie Wasserman Schultz debuted the term in early 2011, the House Republicans published a press release, reprimanding, “Apparently it’s open season on Republican women… the tone in Washington, D.C. has reached a new low” (House Republicans 2011). Some, including Rep. Michele Bachmann (R, MN) and Rep. Mary Bono Mack (R, CA), called the “War on Women” a “myth” perpetuated by the Democrats to garner support. Rep. Judy Biggert (R, IL) seemed to want to avoid the topic altogether, saying, “We should keep our focus on economic growth and jobs, instead of getting sidetracked by issues that divide us” (Pear 2011). In order to avoid being
perceived as attacking women, Republicans made great efforts to “de-gender” each of the three issues I have discussed.

The issue of gender violence proved impossible to remove from its implications for women, making it more likely for Republicans to eventually concede on the changes they would like to make in order to avoid major political risks. Reproductive rights, on the other hand, opened many opportunities to refocus the conversation. As we have seen, Republicans tried to move this conversation towards abortion, religious freedoms, or the spending of taxpayer dollars whenever possible in order to reach their core supporter base. During the February 29, 2011 Senate hearing on the Blunt Amendment, the single female Republican to offer an opinion, Kelly Ayotte (R, NH) called the idea that the amendment represented a denial of healthcare access to women a “red herring” (House Session 2011).

Ideological motives and financial concerns become particularly difficult to distinguish when these measures are squeezed in amongst budget revisions, as the threats to Planned Parenthood were. Rep. Ann Marie Buerkle (R, NY) said of Planned Parenthood, “They should be allowed to do their pap smears and taking care of women who need those services, but the federal government shouldn't have to subsidize it” (Media Trackers 2012). The irony of the fiscal argument, however, is that these programs are actually shown to save the government money in the long run. An estimate published by the House Budget Committee, for example, says that for every one dollar we spend on family planning programs, taxpayers save about four dollars (Van Hollen 2012). But Republicans recognized the threat posed by the Democrat’s framing. “If it’s made a contraception issue,” said Buerkle of the Blunt Amendment, ”they’ll win.”
As more and more media attention was drawn to these controversies, a new GOP strategy emerged. Republicans, including Presidential candidate Mitt Romney, began to try to turn the tables and prove that it was really Democrats who were waging a “War on Women.” When Reince Priebus, Chairman of the Republican National Convention was asked about this angle during an appearance on MSNBC, he said, “The real war on women is the war that Obama has put forward on the American people… We’re just borrowing your messaging.” This framing was also applied to the issue of reproductive rights. Rep. Martha Roby declared to the House of Representatives that Planned Parenthood is “demeaning for women” (House Session 2011). Her colleague Rep. Virginia Foxx said, “Fifty percent of the unborn babies that are being aborted are females. So the misogyny comes from those that promote the killing of unborn babies” (House Session 2011).

Embracing this new brand of Republican support for women, the twenty-four Republican women in the House of Representatives announced the formation of the Women’s Policy Committee in May of 2012. This formal Congressional caucus, though it does not deal exclusively or explicitly with women’s issues, was a clear attempt to combat the perception that Republicans are anti-women. This strategy is somewhat reminiscent of earlier efforts to promote the “New Conservative Feminism” discussed earlier in this paper, is similarly misleading.

The Right to Represent

The basic functioning of democracy requires legislators to be responsive to the input of the citizens whose lives are affected by the laws they put into place. Public attention was
drawn to several notable incidents during this legislative period when the voices of women were silenced on the very issues that pertained to them. Sandra Fluke, a Georgetown Law student, made headlines when she was turned away from the now infamous Senate hearing on contraception coverage. The testimony she had prepared explained how birth control enabled women like her to pursue educations and careers. When not covered by health insurance, she explained, the cost of these pills becomes prohibitive for students and low-income women, who are often the ones who need them the most. She also shared the story of a friend with polycystic ovary syndrome, a genetic disorder that can be treated using hormonal contraceptives, to illustrate the numerous alternative functions of the pill. Committee Chairman Darrell Issa (R, CA) deemed Flukes’ testimony irrelevant, due to the fact that she had no “expertise” on the issue and was not a member of the clergy. This raises important questions about who deserves to participate in the decision-making process in our government.

The women in Congress were perhaps the most incensed of all by this episode. Rep. Caroline Maloney (D, NY) and Eleanor Holmes Norton (D, DC) walked out during the hearing as a signal of protest. When others began to question the absence of women on the Senate Judiciary panel that convened to discuss the Blunt Amendment, Rep. Joe Walsh was quoted as saying, “This isn’t about women. This isn’t about contraception. This is about religious freedom” (Huffington Post 2012).

In a somewhat similar incident, Rep. Eleanor Holmes Norton (D, DC) was not allowed to testify at a hearing on a bill (H.R. 3803) that would ban abortions after 20 weeks of pregnancy, even though it would only take effect in her specific district. In
retaliation, she held her own private press conference where she stood side-by-side with a woman who aborted a fetus with severe brain defects at 21 weeks.

It’s not just on Capitol Hill that women are denied testimony on the issues that affect their lives. An analysis of media coverage from a six-month period preceding the 2012 elections revealed that women’s voices were vastly underrepresented in the media even when it came to women-centric stories. According to this study, men provided 81% of quotes for print stories on abortion, 75% on birth control, 67% on Planned Parenthood, and 52% on women’s rights (The Fourth Estate 2012).

When Congress convenes for open debate, however, women do take advantage of every opportunity to put direct pressure on their colleagues. During the House hearing on cuts to Planned Parenthood funding, two Democratic congresswomen came unexpectedly to the stand to voice their disapproval, citing very personal experiences. In response to Rep. Paul Broun’s (R, GA) claim that Planned Parenthood disproportionately aborts black babies, Rep. Gwen Moore (D, WI) retorted, “I know a lot about having black babies. I had three of them….” She went on to explain that the experience of an unplanned pregnancy at the age of eighteen and the years of struggling to put food on the table had given her a unique understanding of why “it is important for women to have a choice, to have an opportunity to plan their families” (House Session 2011). Rep. Jackie Speier (D, CA) had not intended to disclose her personal experience when the hearing began. Yet she became so frustrated at hearing men attempt to represent women’s issues in what she thought was an unfair light that she candidly shared the story that day of her late-term abortion due to a health-threatening problem with her pregnancy. “For you to stand on this floor,” she told her Republican male colleagues, “and suggest that somehow
this is a procedure that is either welcomed or done cavalierly or done without any thought, is preposterous” (House Session 2011).

Several women from both parties have bravely spoken out about their own personal experience with gender violence as well. Rep. Gwen Moore (D, WI) took the stand once again when the Violence Against Women Act was up for debate in March, 2012. She did not mince words:

“When this bill came out of the Senate Judiciary Committee with all of the Republican Senators--all of the guys--voting no, it really brought up some terrible memories for me of having boys sit in a locker room and sort of bet that I, the A kid, couldn't be had and then having the appointed boy, when he saw that I wasn't going to be so willing, complete a date rape and then take my underwear to display it to the rest of the boys. I mean, this is what American women are facing…”

Finally, as the sponsor of the original Paycheck Fairness Act, Rep. Rosa DeLauro (D, CT) has been the most outspoken advocate for equal pay for women in the House of Representatives. In various speeches and press appearances, she has emphasized the particular frustration she feels as a woman with the state of discriminatory pay today as a woman herself. “I’m a member of Congress,” she told one women’s group, “My [male] colleagues from Connecticut are in the Congress. We make the same salary… That is not true for most women in our society today” (Women’s Policy Research Center 2010).

While many Democratic women in the House fully embraced their role as descriptive representatives, their Republican colleagues tended to vote along party lines,
which in these cases meant choosing options disadvantageous to women. It was the Republican female Senators who were most likely to deviate from their party on women’s issues, both in their rhetoric and their voting patterns. Senators enjoy a much greater level of independent power than Representatives, which may account for this trend towards moderation in the Senate. Sen. Olympia Snowe, (R, ME) the most moderate Republican in the Senate, voted with Democrats on all four of the bills in this study. The other four have more mixed records, but in many cases take notably different positions than Republican men. Of efforts to cut funding to Planned Parenthood, Senator Lisa Murkowski (R, AK) said, “It makes no sense to make this attack on women. If you don't feel this is an attack, you need to go home and talk to your wife and your daughters.” And Senator Kay Bailey Hutchison (R, TX) has even suggested that debates over women’s health have become distorted by abortion conflicts. When Planned Parenthood came under fire in her home state in 2012, she defended them on television, saying, “They do so much… of the preventative healthcare, and if they’re doing that, then we need to provide those services. Absolutely” (Texas Tribune 2012).

Bill Sponsorship

Based on historical evidence, we can expect Democratic women to introduce the most legislation related to promoting women’s interests. Meanwhile, it is Republican men who are most likely to introduce legislation opposing feminist causes (Swers and Larson 2005). Each of the four bills under consideration tells an interesting story. In line with these expectations, the Paycheck Fairness Act was sponsored by Senator Barbara Mikulski (D, MD) and Rep. Rosa DeLauro (D, CT) in the Senate and the House,
respectively. Interestingly, however, the Violence Against Women Act was originally
drafted in 1994 and historically introduced by male Democrats. In 2012, Sen. Patrick
Leahy sponsored the Democrat Senate version.

Meanwhile, Republicans made a concerted effort to put women’s faces on the
bills that might have been perceived as attacking women’s rights. The GOP version of the
Violence Against Women Act Reauthorization bill, including language that would cut
back services, was sponsored by Rep. Sandy Adams (R, FL) in the House and Kay Bailey
Hutchison (R, TX) in the Senate. In her language supporting the bill, Rep. Adams spoke
at length about her own previous marriage to an abusive, alcoholic husband. Finally,
Reps. Diane Black (R, TN) and Martha Roby (R, AL) co-sponsored the House legislation
that would have cut funding to Planned Parenthood. This tactic of putting women’s
names on anti-women bills uses ostensible descriptive representation to replace more
meaningful substantive representation.

**Gender & Ideology**

Ideology is, of course, a critical determinant of voting patterns. Yet the confluence
between gender and ideology is indisputable. As of now, too many of the core ideologies
of the Republican Party come into conflict with the interests of women. It is no
coincidence, therefore, that women are more likely to vote liberally and are much more
likely to support liberal positions on women’s issues. If the Congressional makeup and
electoral voting patterns are any indication, they are simply much more likely to be
Democrats.
The annual ideology ratings produced by the *National Journal* provide a pretty good sense of this phenomenon. The newspaper analyzes Congressional voting records to rate politicians’ level of conservatism on scale from zero to one hundred. The ratings for the 112th Congress clearly showed the correlation between gender and ideology. Women in the House of Representatives had an average conservative rating of 32 based on their voting records on social issues, whereas the men’s was 49. In the Senate, this pattern was even more extreme, where women scored an average of 18 and men 41. Even controlling for party, gender remains a significant variable in determining ideology. Gender itself is a strong indicator of ideology and therefore has both an indirect and a direct effect on voting on women’s issues.

**2012 Elections**

In the end, the Democrats won the right to define the terms of the “War on Women” debate. The American people, who were increasingly represented by women voters, recognized a serious problem with the substantive representation of gender. Between the framing efforts of the Democratic Party and the votes of the American people, this resulted in an increase in the descriptive representation of women in the
United States Congress never before seen. After the record wins in Congressional elections, women will hold twenty seats in the Senate and eighty-one in the House of Representatives. In many of these races, gender became a defining issue for the candidates.

Republicans Todd Akin and Richard Mourdock lost significant leads in their Senate races following each of their offensive remarks regarding rape and abortion, and both went on to be defeated by female candidates. Many called Elizabeth Warren’s support of equal pay legislation a winning issue in her Massachusetts Senate race against incumbent Scott Brown. Meanwhile, the matchup in the Connecticut Senate race saw descriptive representation pitted against substantive in a very interesting manner. Chris Murphy’s Democratic campaign drew attention to Republican candidate Linda McMahon’s support of the Blunt Amendment and opposition to Planned Parenthood. A female narrator concludes one of Murphy’s campaign ads by saying, “CEO Linda McMahon was never on our side. And she won’t be as Senator.” McMahon quickly countered with her own ad in which she directly addresses the women of her state, saying: “Murphy calls me anti-women. But Chris, take a look. I am a woman.” Christopher Murphy won the race, as well as taking the women’s vote by about 15 percentage points.

Since the disappointment of the 2012 elections, the GOP has been abuzz with talk of a change in strategy going forward. They seem to have recognized the importance of listening to all Americans, as their traditional base of support might not be able to muster the votes they need. The debate over women’s issues in a way became a metaphor for the choice between politics of inclusion or exclusion. Creating demographic appeal amongst
women, and young, single women in particular, will continue to be increasingly important in coming elections. The more vocal women are as a constituency, whether by turning out to vote, contacting their representatives, or fueling civil society groups’ efforts, the more responsive their representatives are likely to be to their needs. It will be interesting to see if the 113th Congress takes any of these lessons into consideration when voting on women’s issues in the future.

Conclusion

In Congressional politics, publicity is half the battle. The ability to control the messaging that reaches the public allows small, discrete victories to have major implications for wider ideological agendas. There is no doubt that the Democratic strategy blew the “War on Women” frame out of proportion for political gain, forcing Republicans to emphasize other frames, such as anti-abortion or pro-business interests. Yet when Republicans doubled down on their anti-women positions, many of the party’s female members felt cornered.

Republican female legislators are often caught in a lose-lose situation when it comes to expressing an opinion on women’s rights. On one hand, they are criticized by women’s groups for betraying them if they vote against women’s rights measures. On the other hand, they receive backlash from their own party, conservative media outlets, and powerful interest groups when they decide to take a stand in the other direction. This double bind often leaves Republican women no choice but to withdraw from the conversation altogether.
The “War on Women” provides an interesting case study for the significance of a combination of descriptive and substantive representation in a thriving democracy. Descriptive representation is most effective when legislators are able and willing to share a diversity of experiences and perspectives. The more women are in the room demanding representation, the less effective Republican attempts to distract from their interests will be. However, we must also be wary of the fact that descriptive representation can be hijacked as a tool for promoting an anti-women agenda. Without being accompanied by real substantive representation, descriptive representation has the potential to do more harm than good.

I adapted the title of this study from the well-known feminist slogan, “The personal is political.” American voters put a lot of stock in the private identities of our politicians. We want to know about their families, their experiences, and their beliefs because we believe these characteristics influence their ability to represent our own. Those who have personal experience with a social problem are more able to effectively communicate the real-life implications of the kind of policies that might fix it. Achieving a greater critical mass of women in Congress, escaping the talking points of election year politics, and elevating the women already there to greater positions of leadership within their parties, will allow women to represent women more effectively.

Ideology and partisan loyalty remain key factors in congresswomen’s decision-making on women’s issues, particularly when these issues are tied back to pressure from powerful political groups. Yet there is still the possibility that increasing the representation of women overall will allow for more across-the-aisle collaboration amongst women. Senator Kirsten Gillibrand (D, NY) said last year, "When we have our
dinners with the women in the Senate -- the Democrats and Republicans—we have so much common ground. We agree on so many basic principles and values. I think if there were more women at the decision-making table, we would get more things done” (Huffington Post, 2012).

Failed bills like the Violence Against Women Act Reauthorization and the Paycheck Fairness Act will be given another chance during the 113th Congress, though the level media scrutiny will have eased off somewhat. How they fare under the largest class of congresswomen ever will be a further test of the theories laid out in this paper. One can only hope that voters’ support for women candidates in the latest elections will be considered a mandate for change.
Works Cited


