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Sexual harassment gender, power, ideology and time: A case study of the Hill-Thomas and Ford-Kavanaugh Senate Hearings

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"If the facts are against you, argue the law. If the law is against you, argue the facts. If the law and the facts are against you, pound the table and yell like hell." Sandburg, C. (1936). *The people, yes*. New York: Harcourt, Brace, & World.

To my mom and dad, Allah's greatest gift for me.

Abstract

Sexual harassment is a social issue in the U.S. and around the world that is gaining more attention, especially with the popularity of social movements such as #MeToo and #Timesup. People usually attempt to frame their positions in sexual harassment narratives using a wide range of strategies, which show insidious ideologies and power imbalances ingrained in the culture of a specific community. The current study investigates sexual harassment through data from the U.S. Senate confirmation hearings for two nominees for the U.S. Supreme Court: Clarence Thomas and Brett Kavanaugh. The two nominees were accused of sexual harassment by two professors: Anita Hill and Christine Ford, respectively. The purpose of this study is to tap into the discrepancy between arguments based on gender, how ideologies and power are reflected and how arguments may have changed over this period of time. Using the discourse-historical approach (DHA), the study critically examines the statements for argumentation strategies, references and predications. It also compares the discursive strategies employed by the two males and females and the impact of such strategies. The analysis reveals some similarities between the linguistic choices of both judges in the argumentation strategies represented in the use of some topoi and fallacies. In contrast, the arguments constructed by the two professors only contained topoi. Another difference in the statements is in the metaphoric use between the males and females. The study concludes that the similarities and differences between the two cases show that there is an evidence of subtle ideology and power imbalances that could be based on gender despite the time difference between the two incidents.

Keywords: Discourse-historical approach, Sexual harassment, U.S. Supreme Court

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Chapter One: Introduction

I.1 Background of the Study

Critical discourse analysis (CDA) is founded on the concept that text and talk are pivotal in "maintaining or legitimizing inequality, injustice and oppression in society" (van Leeuwen, 2009, p. 277). van Leeuwen (2009) and Weiss and Wodak (2003) point out that, historically, CDA was essentially influenced by the works of Marx, Gramsci and Foucault among other scholars with the general understanding that it neither has an orthodox methodological nor theoretical grounds. However, it rather has a shared goal to critique prevailing discourses that effect inequalities or injustices in modern societies (van Leeuwen, 2009). This shared goal of CDA is achieved by detecting the relations between language and obscure social elements such as social power relations, ideology, and social identities' negotiations (Fairclough, 2001). According to Wodak (2001) from a CDA standpoint, language is not powerful in its own right, it rather gains its power "by the use powerful people make of it" (p. 10). Therefore, CDA "chooses the perspective of those who suffer, and critically analyses the language use of those in power, who are responsible for the existence of inequalities and who also have the means and opportunity to improve conditions." (Wodak, 2001, p 10)

Currently, CDA has become a well-established field in analyzing discourse with various approaches. Wodak and Meyer (2009) list many of these approaches such as the sociocognitive approach, dialectical-relational approach, corpus-linguistics approach, social actors approach, discourse historical approach and dispositive analysis. In the present study, the aim is to critically analyze two sexual harassment cases that occurred in 1991 and 2018. Considering this gap in time and the possible linguistic changes that could have occurred over this period, the discourse-

historical approach (DHA) is the overarching approach in analyzing the data. DHA attempts to investigate and analyze historical changes in the creation of meaning, which mainly originated from the Foucauldian genealogy of discourse and history (Angermuller et al., 2014).

According to Reisigl and Wodak (2009), studying and analyzing data in a DHA context has three focal points: critique, ideology and power. They also indicate that the "DHA adheres to the socio-philosophical orientation of critical theory" (p. 88). Critique, linguistically, carries various meanings: some of these meanings adhere to the Frankfurt School, an idea of literary criticism or established Marxist notions (Reisigl & Wodak, 2009). It is "essentially making visible the interconnectedness of things" and it includes distancing oneself from the data, "embedding the data in the social context" and focusing on self-reflection throughout the analysis process (Reisigl & Wodak, 2009, pp. 87-88; Weiss & Wodak, 2003 p. 14; Wodak, 2009).

Ideologies have a core definition of being coherent and stable collection of beliefs and values (Wodak & Meyer, 2009). According to Thompson, ideologies are social forms and processes in which and through which symbolic forms get circulated in the social world (as cited in Weiss & Wodak, 2003). They are also defined by Fairclough (2013) as "representations which contribute to constituting, reproducing and transforming social relations of power and domination" (p. 28). Thus, ideologies are a major component of the processes that relations of power are established, maintained enacted and transformed through (Fairclough, 2013). Moreover, Wodak (2009) identifies ideology from a DHA standpoint as an essential means in the establishment and maintaining of "unequal power relations" (p. 312). From a critical stance, ideologies are mainly characterized 'as one modality of power', which establishes and maintains power relations by creating concurrence or consent through 'hegemony' instead of violence (Fairclough, 2013).

Power is an essential concept in CDA and in the Foucauldian tradition. Powers (2007) summarizes the core concepts of power outlined in Foucault's (1978) *The History of Sexuality*, Volume One, Introduction. According to Foucault, power is understood as a network of forces which interact together and are characterized as self-organized, relational and goal driven. Hence, power is defined as an interactive process which is "embodied in context-specific situations and is partially identifiable through its ideological effects on the lives of people" (Powers, 2007, p. 28). Moreover, Foucault clarifies that power is not related to physical strength as he refers to the term power as power/knowledge, since power and knowledge are intertwined in any discourse (Powers, 2007). Finally, power also indicates that one may have his or her own will against the others' within a social relationship (Reisigl & Wodak, 2009).

The two cases in this study, which occurred in 1991 and 2018, are essentially narratives of sexual harassment. Narratives, as a discourse genre, take place in different situations and are affected by the genres in which they occur, such as sexual assault narratives explored in this study. Sexual harassment is defined in the United States law as sex discrimination based on a victim's subjective perspective (Zippel, 2006). The main reason behind the focus on any given narrative is, as Edwards and Potter (1992) contend, that narratives procure what they both described as 'a special power' to grant a sense of credibility to the narrator, which gives people a reason or incentive to incorporate stories in their personal accounts (as cited in De Fina & King, 2011).

The present study is interested in critically analyzing narratives of sexual harassment that took place during the US Senate Confirmation Hearings of both Justice Clarence Thomas in 1991 and Brett Kavanaugh in 2018. The two judges were nominated to join the Supreme Court of the United States as Associate Justices. During the confirmation processes, Dr. Anita Hill and Dr. Christine Ford accused both, then nominees respectively, of sexual harassment. Based on these

accusations, both the men and women testified in front of the Senate Judiciary Committee in order to give their accounts on the sexual harassment narratives/allegations in question. The testimonies were mainly in the form of opening statements and following questioning by the Senate Committee members. As a result of the time gap between the two cases, there will be some expected linguistic variations that the study hopes to uncover.

1.2 The social contexts of the two incidents

The two incidents shared some characteristics that make studying them worthwhile. First, the two justices have conservative points of view and were nominated by two republican presidents George H. W. Bush and Donald J Trump, respectively. Moreover, the two women who accused them are university professors. Finally, the two cases were heavily covered by the media and received a lot of public attention. After Dr. Ford came forward with her allegations, there have been multiple references to those similarities by the Senators and media. The first case of Dr. Hill had a huge impact and polarizing effect on the public between people who believed Justice Thomas and others who believed Dr. Hill. Another impact is that 1992 witnessed the election of many women to the Senate and was called the Year of the Women in response to how the Senate has handled Dr. Hill's allegations.

The second case is different in the sense that it followed, not preceded, the popular #MeToo social movement against sexual harassment in addition to other political conflicts. Gibson, Davenport, Fowler, Harris, Prudhomme, Whiting and Simmons-Horton (2019) lay out the various circumstances that lead to the #MeToo movement and related it to Dr. Hill's case and the election of President Trump, among other factors. The politically charged atmosphere following the 2016 election, made Dr. Ford's allegations more polarizing and attracted the media attention to every

detail. The partisan conflicts between the Democrats and the Republicans casted some suspicions on the case and the motives of Dr. Ford as has been indicated by Justice Kavanaugh himself in his opening statement. Thus, the similarities and differences between the two incidents make them a good case study that begs for investigation.

I.3 Statement of Research Problem

Sexual harassment is a major social issue in the US and around the world that gained a lot of media coverage in many instances, such as the ones included in this study. In response to this social phenomenon, Tarana Burke launched her campaign #Metoo in 2006, which aims at achieving a sense of women empowerment through empathy for the survivors of sexual harassment (Rodino-Colocino, 2018). The hashtag #Metoo has also inspired the 2018 #Times Up movement, which aims to stop the silence of victim-survivorship and call for an equal pay in all industries (Rodino-Colocino, 2018). This social and media attention begs for more academic response as academia cannot stand in isolation from the outer world. Many studies have discussed sexual harassment from different perspectives. However, a CDA study employing the discourse-historical approach to analyze the linguistic structure of the discourse in these two incidents has not been conducted to the moment –to the best of my knowledge. The need for this study stems from the lack of similar ones in the literature and its attempt at broadening the scope of DHA by including sexual harassment.

A critical look into the arguments in both statements aims to reveal the ideologies and power relations encoded in them. An argument in this case is defined by van Eemeren et al. (2009) as a reasoning activity that could be verbal or social aiming at "increasing (or decreasing) the acceptability of a controversial standpoint for the listener or reader, by putting forward a constellation of propositions intended to justify (or refute) the standpoint before a rational judge"

(cited in Boukala, 2016, 251). Moreover, since the Ford-Kavanaugh's testimony was recent, this study hopes then to provide a fresh look on the linguistic similarities and differences between the two cases, as well as exploring any role that gender, ideologies or power relations might play in forming sexual harassment arguments and how social movements might constitute as a social factor.

I.4 Research Questions

This study aims to examine the arguments used by both Dr. Hill and Dr. Ford as well as Justice Thomas and Justice Kavanaugh in the opening statements during the confirmation hearings in order to level or deny the accusations of sexual harassment.

The below are the research questions:

1. What role, if any, does gender play in formulating the arguments during the opening statements in both cases?

2. What are the methods employed in these arguments that reflect ideology and power relations?

3. What are the possible changes between the two incidents?

I.5 Delimitations

This study investigates the arguments in the testimonies of both Hill-Thomas and Ford-Kavanaugh in search for the ideologies and power relations embedded in them and how they may have been affected by time and social movements. The study's aim is to investigate only these two cases and it will not examine other cases of sexual harassment. The emphasis is on comparing the two incidents linguistically with regard to specific social movements such as the #Metoo and #Timesup

rather than conducting a non-linguistic analysis. Finally, the study focuses on textual analysis and it will not include multimodal discourse analysis.

I.6 Definitions of terms

I.6.1 Theoretical Definitions of Constructs

Arguments: "linguistic/cognitive action pattern of problem-solving that is characterized by a sequence of speech acts… that are used to convince somebody of the acceptability of a standpoint by challenging or justifying controversial validity claims about truth and normative rightness" (Hansson, 2018, p. 231).

Ideologies: "socially shared representations of groups" as well as "the foundations of group attitudes and other beliefs, and thus also control 'biased' personal mental models that underline the production of ideological discourse." (van Dijk, 2006, p. 138)

Social Power: is defined "in terms of control, that is, of control of one group over other groups and their members. Traditionally, control is defined as control over the actions of others" (van Dijk, 2008, p. 9). It is also characterized as "a property of the relationship between groups, classes or other social formations, or between persons as social members" which is indirect and manifested in interactions to guarantee the enforcer's interest. (van Dijk, 2008, pp. 29-30)

I.6.2 Operational Definitions of Constructs

Arguments or argumentations: the spoken utterances of all Dr. Hill, Justice Thomas, Dr. Ford and Justice Kavanaugh during the hearings in 1991 and 2018.

Ideology: the general beliefs of the four characters that affect their spoken utterances and govern their actions throughout the hearing process.

Power: how each character assumes or lacks hegemony due to the male-dominant sphere of the US Senate and political and partisan affiliations.

Social movements: civil movements initiated by women in order to protest against male sexual harassment such as #Timesup and #Metoo.

Chapter Two: Literature Review

II.1 Introduction

Many studies and scholars have investigated the different genres of discourse with different goals. Some of these goals are descriptive while the others are critical. Discourse analysis and critical discourse analysis, as scholarly fields, include different approaches in order to make the analysis of texts possible. One of the main approaches in this case is the discourse-historical approach, which was developed initially by Ruth Wodak and others in the late 1980s (Pollak, 2008). While working on critically analyzing discourse in a DHA study, there are many concepts that are taken into consideration. These main concepts are critique, ideology and power.

This chapter introduces the key aspects in critical discourse analysis. The chapter also includes an overview on DHA as the theoretical framework employed in the study with elaborations on the main elements in the analysis like power, ideology and critique. Finally, the chapter ends with a critical look at some studies in the DHA.

II.2 Critical Discourse Analysis (CDA)

Generally, when analyzing any stretch of discourse, discourse analysts have two main goals: descriptive or critical. Historically, critical approaches can be traced back to Critical Linguistics which started in the 1970s (Chilton & Wodak, 2005). Critical approaches differ from descriptive/non-critical approaches in that they do not only attempt to describe discursive practices, but also show the way in which power relations and ideologies shape discourse and the effects of discourse on social identities and social relations which are not apparent to discourse participants (Fairclough, 1992). This distinction between the two goals is grounded on the differences between structuralism versus post-structuralism (Angermuller et al., 2014).

According to Angermuller et al. (2014), structuralism, pioneered by the French linguist Ferdinand de Saussure, became a key influence in Eastern Europe during the inter-war period and after the Second World War it gained impact in Western Europe (p. 17). It essentially holds that meaning does not have an intrinsic quality of signs or texts. This means that meaning is "achieved within the interplay of texts and contexts and is thus considered a product of the specific circumstances in which language is used" (Angermuller et al., 2014, p. 71), a view considered to be descriptive. The chief goal of this descriptive discourse analysis in scholarly research is describing the world, which was a dominant view in the twentieth century's DA practices essentially characterized to be non-critical (Bloor & Bloor, 2013; Johnstone, 2018,).

On the other hand, critical discourse analysis is influenced by the works of Marx and Foucault and founded on the concept that discourse is critical in upholding or providing legitimacy for inequality, injustice and oppression within a given community or society (van Leeuwen, 2009). In discussing CDA, Fairclough (2013) takes a Marxist view and contends that changing the world to the better is dependent on the ability to explain how it has come to be in this way. He goes on by adding that CDA is understood as a normative and explanatory critique. While normative means that CDA does not seek to simply describe the existing realities but it attempts to evaluate them; explanatory critique entails going beyond these existing realities in order to explain them. According to him, these social realities are conceptually mediated. This means that social realities are reflexive "i.e. the way people see and represent and interpret and conceptualize them is a part of these realities" (p. 9).

CDA, van Dijk (1993) argues, is methodologically eclectic as it elaborates different theories and methods as a "function of their relevance for the realization of socio-political goals" (p. 252). The term *critical* in CDA does not mean *negative* as it is used commonly. However,

critical means that any social phenomenon should be subject to investigation in order to be challenged and not taken for granted (Wodak & Meyer, 2009). Thus, the role of discourse analysts is to investigate how powerful agencies construct significant social issues in discourse (van Leeuwen, 2009). Fowler (1996) adds that the proponents of this field attempt to reveal 'misrepresentation and discrimination' in various public discourse modes through linguistic analysis.

The field of CDA includes different approaches that reflect the multidisciplinary nature of the field. As mentioned in section 1.1, there are mainly six approaches in CDA: sociocognitive approach, dialectical-relational approach, corpus-linguistics approach, social actors approach, discourse historical approach and dispositive analysis. Based on the nature of the data and research questions, the DHA approach will be the only reviewed approach.

II.3 Discourse-Historical Approach (DHA)

The DHA was initially developed by Ruth Wodak, Johanna Pelikan, Peter Nowak, Helmut Gruber, Rudolf de Cilia and Richard Mitten during their late 1980s research on the post-war anti-Semitism in Austria, and then was further developed by Martin Reisigl and Ruth Wodak (Pollak, 2008). The first study that the DHA was developed for analyzed the establishment of anti-Semitic stereotyped images, while emerging in public discourses during the 1986 Austrian presidential campaign of Kurt Waldheim by Wodak and others in 1990 (Reisigl & Wodak, 2009). Mainly, the DHA differentiates between three dimensions that constitute the meaning and structure of a text: the topics, the discursive strategies and the linguistic means which are "drawn upon to realize both topics and strategies" (Wodak, 2013, p. 592). For DHA, language is not considered powerful on its own right; it is rather understood as a means that helps gain and/or maintain power through the

way powerful people use it (Reisigl & Wodak, 2009). Thus, it draws on different linguistic tools in order to look at hidden power dynamics, "as it considers knowledge about historical, intertextual sources of social agents and the background of the social and political fields within which discursive events are embedded," a concept which is based historically on the Foucauldian genealogy of discourse and history (Angermuller et al., 2014, p. 320). Furthermore, DHA follows the socio-philosophical orientation of Critical Theory and focuses on various genres, large corpora and interdisciplinary analysis during the integration of multi-layered socio-political and historical contexts which makes theorizing dimensions of social change and identity politics possible (Wodak, 2009).

Philosophically, DHA grounds its critique initially on the notion of emancipation. This, according to Reisigl and Wodak (2005), means that "unsatisfactory social conditions can, and therefore must, be subject to methodological transformation towards fewer social dysfunctional and unjustifiable inequalities" (p. 34). In summary, the aim of DHA is to uncover latent power and ideological relations through critique and it mainly "focuses on ways in which power-dependent semiotic means are used to construct positive self- and negative other-presentations" (Wodak, 2015, p. 55).

II.3.1 The three pillars of DHA: Critique, Power and Ideology

The DHA, Wodak (2009) argues, has three central concepts which are shared with CDA: critique, power and ideology. The common interest of CDA and DHA then is to uncover the ways in which discourse obscures these elements of power and ideology (Forchtner, 2011). Furthermore, Forchtner (2011) argues that how the concept of critique is understood is shared between DHA and other CDA approaches. This general understanding of critique is that all critical interventions

attempt to uncover power structures from a victim-centered perspective, facilitate informed choices based on self-reflective stances and reject the 'know-that-all' attitude (Forchtner, 2011, p. 2).

Critique has different meanings that include distancing oneself from the data, "embedding the data in the social context" and concentrating on self-reflection during the process of analysis (Reisigl & Wodak, 2009, p. 87). This means that the analysts in DHA should make their own position as well as the investigated object transparent and provide a theoretical rationale behind arguing for the validity of certain interpretations and why they are more effective than others (Reisigl & Wodak, 2009). Thus, critique entails that analysts should not take anything for granted and open up alternatives throughout the analysis process (Wodak, 2015b).

Second, van Dijk's (1995) defines ideologies as 'systems' which represent the foundation of 'the socio-political cognitions of groups' (p. 138). In other words, "ideologies are representations of practices formed from particular perspectives in the interest of maintaining unequal power relations and dominance" (Lazar, 2005, pp. 6-7). From a DHA standpoint, Wodak (2009) views ideologies as a crucial means in establishing and maintaining unequal relations in terms of power. Moreover, ideologies critically are mainly characterized as power modality, that plays a role in the establishment of power relations through concurrence or consent due to hegemony instead of violence (Fairclough, 2013).

The third pillar in CDA and DHA is power. Analyzing discourse shows how power works in sustaining oppressive social structures and contributing to continuous "struggle of contestation and change" (van Dijk 1991 as cited in Lazar, 2005, p. 6). There are, at least, three various approaches to power: power that results from specific resources that belong to individual actors, power as a distinct feature of the social exchange in each interaction and power as a constitutive

feature of society (Wodak & Meyer, 2009). Reisigl and Wodak (2009) contend that power also indicates that one may have his or her own will against the others' within a social relationship. It is discursively manifested and exerted by a person's control over the social occasion through access to specific public spheres as well as the use of certain grammatical forms. Thus, in DHA analysis, the focus is on how linguistic forms are used in different ways as an expression and manipulation of power (Reisigl & Wodak, 2009). The aspect of power through access to certain sphere is evident in the dataset of this study. Both male judges had more access/power due to the immense support they receive as a result of sharing the same political views as many of the Senators as well as the incumbent president at the time. Both Judges share conservative perspectives that align with Republican points of view, which meant receiving more support in the media and on the Senate floor.

II.3.2 The Analytical Framework of the DHA

Reisigl and Wodak (2009) outlines a framework for analyzing discourse within the DHA. They propose a selection of discursive strategies with their relevant devices that would allow researchers to conduct the analysis. These five strategies are nomination, predication, argumentation, perspectivization or framing and intensification or mitigation. According to Reisigl and Wodak (2009), analysts attempting at performing an analysis can follow eight recursive steps: consulting preceding theoretical knowledge, collecting data and context information systematically, preparing the data for specific analyses, specifying the research questions and formulating assumptions, performing a qualitative pilot analysis, preparing detailed case studies, formulating critique and applying the detailed analytical results. Wodak (2009) points that this systematic qualitative analysis includes four layers: 'the intertextual and interdiscursive relationships', 'the

extra-linguistic social/sociological variables', 'the history and archaeology of texts and organizations', and 'the institutional frames of the specific context of a situation' (p. 318). This framework proves to be effective in analyzing the speech for different aspects, but it needs more tools in order to cover sexual harassment or issues in this vein.

II.3.3 Example Studies in the DHA

The first research that the DHA was developed for was by Ruth Wodak, Johanna Pelikan, Peter Nowak, Helmut Gruber, Rudolf de Cilia and Richard Mitten in 1990 (Wodak, 2015a). This seminal study analyzes the establishment and constitution of anti-Semitic stereotypical images that emerged in the domain of public discourse during the 1986 presidential campaign in Austria by Kurt Waldheim, who kept his national-socialist past secret for a long time (Wodak, 2015a). Since then, many researchers elaborated on the approach to investigate other topics. Some of these studies examine the discrimination against Romanian migrants to Austria and the discursive construction of the concepts of nation and national identity, while others focus on researching the European identities and analyzing right-wing politics (Wodak, 2015a).

One of the earliest detailed analyses that employed the DHA is *Discourse and Discrimination* (2001) by Reisigl and Wodak. In this book, they explain thoroughly the theoretical framework of the DHA and laid out the different strategies utilized in its analysis followed by analyses of different discourses. Based on the outlined framework, the researchers investigated racism and anti-Semitic discourses that are widespread in the various analyzed political speeches. An example study is Reisigl and Wodak (2009), which employed the DHA to investigate discourses about climate change and global warming. Using the argumentation analysis as the main focus, they analyze the answers of Vaclav Klaus to questions from the House of

Representatives' Committee on Energy and Commerce, on the issue of the human contribution to climate change and global warming. The study is used as an example for how the research can be done from the start until the end. It included the data, the research questions, the analysis, but without providing final discussions and conclusions due to space constraints. So, the main aim of the case study is to provide a step-by-step guide to show how the analysis can be performed, which makes it an important reference for all the researchers in the field. The significance of the study is in combining the theoretical background with a semi-detailed application. However, one downside to this study is having many research questions, which are used as examples, and not giving enough space for the discussion of the results and conclusion sections.

The DHA has also been employed by Tekin (2008) in order to investigate the discursive strategies and linguistic structures that have been influential in the construction of Turkey's potential European Union membership in a French political discourse. Through the use of discursive strategies such as argumentation, referential or nomination, predication, as well as perspectivation and mitigation strategies; the researcher concludes that the French discourse is characterized by some core semantic strategies to construct in-and outgroup identities, where the French speakers are engaged in constant identity formation process. Tekin argues that the French speakers assign a positive self-image then compare and contrast this image with the negative image of the Turkish Other, which contributes to a binary opposition depicting the Turkish Other as different, aggressive, threatening and inferior to the French Self. The concept of positive self and negative other images is integral in the present analysis in order to show how the speakers utilized various discursive strategies to strengthen their arguments while leveling the accusations or attempting to refute them.

Another study that employs the discourse-historical approach is Wodak and Boukala (2015). The study examines the renegotiations of the European identity/ies with the co-existing discourses about nationalism and national security since the 2008 financial crisis. The study uses two speeches by Geert Wilders in 2011 and David Cameron in 2013 to show the link between the discursive constructions of European identities and cultural 'Others'. In order to examine how this concept of positive self and negative others, the five strategies of the DHA are applied to these speeches, especially the argumentation scheme. The study shows that the traditional racialized debates have been accompanied by debates about economic security, which created a new distinction between 'Us' as the 'real Europeans' and 'Them' as the 'Others', encompassing everyone else. This shows the challenges that the socio-political unification of Europe faces. the significance of the study lies in showing the discursive strategies used by these leaders to construct and renegotiate the European identity/ies.

However, there is an issue with this research related to its general design. In the employed design, little attention is given to the historical aspect of the discourse. The two analyzed speeches were not compared historically to other speeches that would show the effect of socio-political changes that might be taking place. This aspect renders the analysis empty from the historical concept on which the approach is founded. According to Reisigl and Wodak (2009), the DHA takes into consideration the intertextual and interdiscursive relationships between the discourses, and "while focusing on all these relationships, we [researchers] explore how discourses, genres and texts change in relationships to sociocultural change" (p. 90). Intertextuality, according to Reisigl and Wodak (2009), means that the analyzed texts are linked together in both the past and the present. This linkage between texts occurs through different ways such as: explicit reference, allusions and transfer of arguments –which exists only in the topo of threat argument, which is still

not stressed in the analysis. Nevertheless, the analysis does not show 'change', it rather compares two speeches coming from two different figures with different contexts in two different years.

In a more recent DHA study, Kalim and Janjua (2019) explored the argumentative strategies and topoi that have been employed strategically in order to illustrate the difference between US (Pakistanis) and Them (terrorists). The study shows how the discourse of national identities is constructed as well as the transformation and dismantlement of the Pakistani national identities on social media following the national tragedy of the Army Public School terrorist attack in Peshawar. The researchers explored exclusionary rhetoric on social media through memes, images and hashtags and how they affected the meaning-making process. The study used macro strategies such as "construction, perpetuation or justification, transformation and demontage or dismantling"; in addition to micro strategies like "nomination (reference), predication, argumentation, perspectivization (involvement) and intensification (or mitigation)" (Kalim and Janjua, 2019, P. 74). Based on the analysis the research argues that there have been attempts by the Pakistani social actors to reconstruct the Pakistani nationalist identity in order to draw boundaries between Us (liberal Pakistanis) and Others (the conservative fundamentalist Pakistanis) on social media.

To conclude, there have been myriad of studies that employed the DHA approach for its comprehensive analytical framework and consideration of different aspects such as history in the analysis process. However, to the best of the researcher's knowledge, no study has tapped into sexual harassment or sexual assault from the DHA perspective.

Chapter Three: Methodology

III.1 Research Design

The current study is a linguistic analysis of the arguments in the opening statements during the 1991 Hill-Thomas and 2018 Ford-Kavanaugh testimonies in front of the Senate Judiciary Committee. The study employs a qualitative discourse analysis based on Reisigl and Wodak (2001) framework of analysis to analyze the arguments with some changes as in Figure 2 below.

Reisigl and Wodak (2001) first laid out the framework that has been adapted and used in different other studies as mentioned earlier in the literature. The use of this approach is based on the historical-discourse nature of this study and relative currency of the framework. The use of DHA helps in recognizing the historical aspect and helps better provide an analytical tool that would uncover hidden ideologies. According to Kalim and Janjua (2019), the DHA provides a "much broader view of the context and integrates knowledge about the social, historical and political situation in which discursive 'events' are embedded from various sources" (p. 74). According to Holmes (2005), the goal of critical discourse analysts is to define how power and dominance gets produced and reproduced in a given social practice through everyday discourse. Thus, employing the DHA would help the study provide a critical analysis of the arguments to help reveal embedded ideologies and power relations.

The tools of analysis are divided into discursive strategies and lexical devices as put forth by Reisigl and Wodak (2001) and later followed by Reisigl and Wodak (2009), Wodak and Boukala (2015), Tekin (2008) among others. The choice of these tools is based on their salience in the chosen data and their relationship to both power and ideology to focus on the covert forms of ideology and power rather than their overt ones. Using these tools and the DHA in a sexual harassment context, helps broaden the scope of both fields to adopt new methodologies and

perspectives to consider such issues from different lenses. These tools are also integral when it comes to understanding the nature of the arguments and how they are constructed as well as highlighting any possible similarities or differences between the two incidents.

The analytical tools are divided into discursive strategies (argumentation strategies and references and predication) and lexical devices (topoi and fallacies, terms of address and metaphors). First, argumentation means "linguistic/cognitive action pattern of problem-solving that is characterized by a sequence of speech acts… that are used to convince somebody of the acceptability of a standpoint by challenging or justifying controversial validity claims about truth and normative rightness" (Hansson, 2018, p. 231). Strategies have been defined by Reisigl and Wodak (2001) as "intentional plan of practices (including discursive practices) adopted to achieve a particular social, political, psychological or linguistic aim" (p. 44).

Argumentation strategies are viewed in terms of two concepts: topoi and fallacies, both considered from a DHA standpoint. Topoi and fallacies have been widely used in the area of CDA in order to better understand the arguments made by politicians, as the case in Reisigl and Wodak (2001), to legitimize discrimination and anti-Semitism. According to van Eemeren and Henkemans (2016), "fallacies are violations of the rules for critical discussion that prevent or hinder the resolution of a difference of opinion. They can occur during any of the discussion stages and can be committed by either party" (p. 96). The other concept is topoi, which are defined by Reisigl and Wodak (2009) as

> parts of argumentation which belong to the required premises. They are the formal
> or content-related warrants or 'conclusion rules' which connect the argument with
> the conclusion, the claim. As such, they justify the transition from the argument to
> the conclusion. Topoi are not always expressed explicitly, but can always be made

explicit as conditional or causal paraphrases such as 'if x, then y or y, because x.

(p. 110)

Second, reference and predication strategies mean understanding things through speech and what characterizes them, respectively including titles and pronouns (Wortham, 2001, p. 71). Reisigl and Wodak (2001) define references as "nomination strategies by which one constructs and represents social actors: for example, ingroups and outgroups" (p. 45). They also describe predication strategies as stereotypically evaluative "attribution of negative and positive traits in the linguistic form of implicit or explicit predicates", that aim at "labelling social actors more or less positively or negatively, deprecatorily or appreciatively" (p. 45). Reference and predication strategies can be understood through address forms or terms of address, which are "grammatically optional forms, but they are often socially required and they are always socially loaded" (McConnell-Ginet, 2003, p. 77). McConnell-Ginet (2003) adds that these terms could be names or kinterms and contends that "their occurrence is always potentially significant" since they are optional and include variations between a specific addresser to a specific addressee (p. 87). She further clarifies that address forms add a tag to a given utterance by providing a specific label for the addressee. Therefore, analyzing them would help show the strategies which the speakers use in order to create a positive self-image and, in some cases, negative others as employed by Tekin (2008), for example.

Metaphors are considered as both linguistic phenomena and cognitive tools used by people to conceptualize reality (Kalim and Janjua, 2019). A conceptual metaphor is understood as "a shadow of individual metaphors – the words from which it is formed (for example, 'war' and 'sport') are not necessarily present in the speeches themselves but they are there in their reflections on the wall of the mind's cave." (cited in Wodak and Boukala, 2015, p. 96).
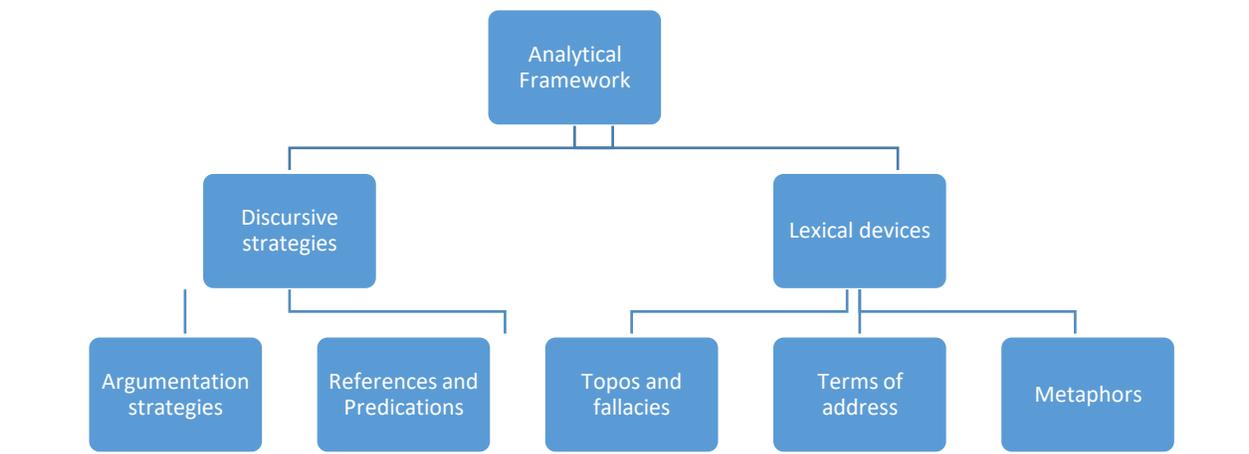
Figure 2 (Analytical Framework)

III.2 Source of Data

The data collected for this study come from the opening statements and later questioning sessions of both Hill-Thomas and Ford-Kavanaugh testimonies in front of the Senate Judiciary Committee in 1991 and 2018. Another vital remark is that since the opening statements are written and revised by lawyers or other professionals, it became imperative to consider the questioning sessions that followed these statements for some extra context and understanding of the different arguments that existed in those statements. These interactive questions provide an opportunity to examine power relations and ideologies through premeditated, yet spontaneous discourse, to produce a thorough analysis. The choice of these two incidents is due to the media attention they received and the similarities they share. Yet, there is a time gap between both of them that might help, with the assistance of further studies, provide some insight on how linguistically the arguments may or may not have changed, especially after different social movements that sought to empower women affected by sexual harassment like #MeToo and #Timesup.

III.3 Data Collection and Analysis

The transcribed data in the present paper are retrieved from: The New York Times, United States Senate Judiciary Committee, The Washington Post and the Library of Congress. The difficulty in finding all the pertinent texts in one place required this search on these different platforms. Moreover, the popularity and reputation of the NY Times and the Post as well as the official governmental status of the other two websites help ensure the accuracy of the transcribed data used.

Chapter Four: Data Analysis and Results

The current chapter provides a textual analysis of the data set in order to answer the research questions of the study. The chapter starts with the discursive strategies: arguments, references and predications. Those discursive strategies are analyzed using lexical devices: topos and fallacies, terms of address and metaphors. For each research question, each discursive strategy will be analyzed based on its pertinent lexical device(s). For each research question, the data will be examined by looking at the data on the bases of gender and chronological order i.e. Dr. Hill will be first followed by Dr. Ford, then Justice Thomas will precede Justice Kavanaugh.

IV.1. Gender and arguments in the opening statements

To highlight how arguments have differed between the four persons included in the study, this section taps into the similarities and differences between the men and the women while making their statements. First, the argumentation strategies will be analyzed followed by references and predications. The reason gender might constitute a factor that needs to be analyzed is based on Wodak's (2005) argument that despite the various achievements that could be discussed such as affirmative action or gender mainstreaming, discrimination still exists "in a different and maybe more subtle way" (p. 93). Thus, gender needs to be analyzed as a variable in order to figure out if there are any discrepancies between the arguments on the basis of gender or not.

IV.1.1 The argumentation strategies

In order to investigate how gender played a role in formulating the arguments, the analysis considered the argumentation strategies employed in the opening statements by both genders. The

arguments show similarities between the two women in the use of certain topoi and they showed similarities between the two men in the choice of some topoi and fallacies. Moreover, there have been some similarities and differences between the arguments of the men and women.

IV.1.1.A The argumentation strategies of the two females

First, Dr. Hill's testimony employed different topoi and the most salient of them are the topoi of burdening and weighing down, threat or danger, reality, right, and fulfilling duty. The *topos of burdening and weighing down* occurred three times, the same as the *topos of consequences and fulfilling duty*. The image those topoi portray highlights the difficulty she had while facing harassment and coming forward, the threats she faced and the reality of the situation and the different consequences of coming forward.

The *topos of burdening or weighing down* is built on the conditional that if someone, an institution or a country feels a specific burden, they should act in order to eliminate this burden (Reisigl & Wodak, 2001). This topos is evident in the examples below and shows how the issue of being harassed and coming forward constitute a huge burden on the person coming forward with sexual harassment allegations. This helps in showing the burden of being harassed and the burden of telling the world about it: "What happened next and telling the world about it are the two most difficult things, experiences of my life" (Hill, 1991). It also paints a disturbing picture of the amount of agony she had to struggle with before coming forward, which should not be the case: "It is only after a great deal of agonizing consideration that I am able to talk of these unpleasant matters to anyone, except my closest friends as I have said before" (Hill, 1991).

The *topos of threat or danger* is another one that has been employed by Dr. Hill. It can be understood in the sense that if a specific action constitutes a danger/threat or bears threatening

consequences, the person should not do it. In different words, if there are particular threats or dangers expected from a certain action, one should act against them (Reisigl & Wodak, 2001). In the excerpts below from Dr. Hill's statement, she points at why she did not want to *go out socially* with Justice Thomas since this is an *ill-advised* idea. "I had a normal social life with other men outside of the office. I believed then, as now, that having a social relationship with a person who was supervising my work would be ill advised" (Hill, 1991). She further adds that since she refused the invitation, she felt that there might be a threat to her career as a consequence.

"I began to be concerned that Clarence Thomas might take out his anger with me by degrading me or not giving me important assignments. I also thought that he might find an excuse for dismissing me. In January 1983, I began looking for another job" (Hill, 1991).

However, she adds that this effort of searching for a new job was engulfed by the *topos of threat* as she was afraid of losing her current job as a retaliatory consequence. Therefore, she uses the *topos of threat* in order to respond to an insidious accusation of why she did not leave the job when she felt uncomfortable. She says: "I was handicapped because I feared that if he found out he might make it difficult for me to find other employment, and I might be dismissed from the job I had" (Hill, 1991).

In order to solidify her previous argument, Dr. Hill argued using the *topos of reality*. This topos can be understood as follows: since reality is the way it is, a particular decision or action should be done (Reisigl & Wodak, 2001). The two topoi in this case, further clarify why she could not leave the job and search for another one. She indicates that: "I also faced the realistic fact that I had no alternative job" (Hill, 1991). Additionally, she argues that there was another reality that she had to face in her search for an alternative job: "Another factor that made my search more

difficult was that this was during a period of a hiring freeze in the Government" (Hill, 1991). These topoi of reality respond to a presupposed question that she is making this up or why she did not leave the job once she felt uncomfortable.

Interestingly, Dr. Hill also used the *topos of right or topos of law* to clarify that what she did was the norm or complied with the expected social codes. This topos can be paraphrased in the conditional: if a law or codified norm permits or prohibits a certain action; consequently, this action has to be taken or overlooked (Reisigl & Wodak, 2001). She illustrates: "I thought that by saying "no" and explaining my reasons, my employer would abandon his social suggestions" (Hill, 1991).

The last significant topos that has been used in this statement of Dr. Hill is the *topos of fulfilling duties*. This topos is built on the conditional that if a person fulfills his/her duty, then he/she acts dutifully; thus, he/she are not to blame for his or her actions (Reisigl & Wodak, 2001). The *topos of fulfilling duties* is a central claim that shows up specifically the main reason that drove her to coming forward and giving her statement. In her words: "I felt that I had a duty to report" (Hill, 1991). Moreover, she adds: "I seek only to provide the committee with information which it may regard as relevant" (Hill, 1991). She concluded her statement with the *topos of fulfilling duties*: "But when I was asked by a representative of this committee to report my experience I felt that I had to tell the truth" (Hill, 1991). The interesting fact is that this topos was the concluding one in Dr. Hill's opening statement and the first topos used by Dr. Ford in her statement.

Dr. Hill concluded her statement with the *topos of fulfilling duties*. Nevertheless, there were other two topoi that existed and deserve to be highlighted. The first topos is the *topos of authority* and the second is the *topos of accusing or defending on the basis of mistakes that have been made*. The *topos of authority* is a form of argumentation that focuses on sounding objective by referring back to a form of authority that command respect. According to Reisigl and Wodak

(2001), this topos is "based on the conclusion rule: X is right or X has to be done or X has to be omitted because A (= an authority) says that it is right or that is has to be done or that it has to be omitted" (P. 79). The following examples help Dr. Hill by making her take a step back and present the quotes to make her case more solid. She mentions: "I remember him saying that 'some day I would have to tell him the real reason that I wouldn't go out with him'" (Hill, 1991).

The last topos that existed in Dr. Hill's statement and was unique to her is the *topos of accusing or defending on the basis of mistakes that have been made* (Rubinelli, 2009). The basis of this topos is to use a mistake as a way of defending something. Dr. Hill points to the idea that: "I may have used poor judgment early on in my relationship with this issue. I was aware, however, that telling at any point in my career could adversely affect my future career." A topos that concedes and accepts using a wrong judgement, despite being the alleged victim who should not be blamed.

Second, Dr. Ford's opening statement featured similar topoi but with more focus on the topoi of fulfilling duty and burdening and weighing down. However, there have been other topoi that occurred throughout the statement with each one occurring only once: *topos of danger or threat*, *consequences*, *humanitarianism* and *uselessness*.

The interesting fact as mentioned earlier is that Dr. Ford chose the *topos of fulfilling duties* as the first topos in her statement: "I am here because I believe it is my civic duty …." (Ford, 2018). She mentioned this topos four times, which shows how much she is trying to justify coming forward with the allegations and the main motive in doing so – to fulfill her civic duty as a responsible citizen. She reiterated the same topos again by saying: "I thought it was my civic duty to relay the information …" and "The sense of duty that originally motivated me to reach out

confidentially…" (Ford, 2018). Interestingly, she not only used this topos as her first argument, but she also ended her statement by it. She pointed out: "My motivation in coming forward was to be helpful and to provide facts about how Mr. Kavanaugh's actions have damaged my life…" (Ford, 2018). What is significant in using this topos is how it answers the hidden question of why she came forward after 36 years of such a traumatizing incident. Hence, the *topos of fulfilling duty* comes as a major element in responding to this question and constitutes one pillar in Dr. Ford's overall argumentation strategies.

Another pillar in Dr. Ford's argument as a response to the same question and doubts is thorough utilizing the *topos of threat*. She mentions that she felt a threat or danger in telling her parents since she believed that the blame will be on her; thus, she decided against telling them that she was a victim of sexual assault. Such topos is empirically proven by a study done by Bongiorno, Langbroek, Bain, Ting, and Ryan in a very recent study in 2019. Bongiorno et.al (2019) found that in a university setting, blame was placed more on the victim of sexual harassment, especially if the victim was a female. Thus, this proves the tendency among female victims to not share their experience with sexual assault or harassment fearing of being blamed or to not receive empathy. In addition, according to Gibson et.al (2019), sexual harassment prior to 2017 was mostly endured in silence whether it was of males or females.

Dr. Ford clearly stated this *topos of fear* in saying: "I was too afraid and ashamed to tell anyone these details. I did not want to tell my parents that I at age 15 was in a house without any parents present drinking beer with boys." This topos is considered as an indirect response to the suspicions people have to Dr. Ford, and other women, who come forward with sexual assault or harassment allegations. This *topos of threat* could deter many sexual harassment and assault victims from coming forward publicly, which she cited as the main reason for approaching the

topic confidentially first out of fear from the dangers or threats of coming forward in public. She clarifies her point of view by saying:

> My hope was that providing the information confidentially would be sufficient to allow the senate to consider Mr. Kavanaugh's serious misconduct without having to make myself, my family, or anyone's family vulnerable to the personal attacks and invasions of privacy that we have faced since my name became public. (Dr. Ford, 2018)

This concept of doubts is not an imaginary concern. In fact, it was a question that Dr. Ford was asked about clearly after finishing her testimony. She was asked by Senator Feinstein: "Why you have held it to yourself all these years? As you look back, can you indicate what the reasons are?" Since it would be beyond the scope of such a limited research to cover the questions and answers, there will be few references to the questioning sessions restricted to proving a certain point. Therefore, the aim here is to prove that the insidious question of why Dr. Ford did not come forward publicly earlier exists and that it is not an imaginary unsubstantiated hypothesis.

In another argument responding to the uncertainties people have about Dr. Ford's allegations and how credible her statement is since it occurred 36 years prior to the testimony, she used the *topos from cause*. This topos indicates that if there is a cause, there is an effect; conversely, if the cause does not exist, the effect will no longer be existent (Rubinelli, 2009). She indicates that since the assault happened, she remembers it clearly and have a lasting memory of it: "I don't have all the answers and I don't remember as much as I would like to. But the details that – about that night that bring me here today are the ones I will never forget." She later pointed during the questioning session to scientific facts that make her sure that it was Justice Kavanaugh who assaulted her.

After Dr. Ford illustrated the reasons for coming forward and clarified why she is sure about the events, she moved on the *topos of burdening or weighing down*. In this case, there is an important point to be considered, which is how Dr. Hill and Dr. Ford both equated the burden and weight of coming forward with the allegations to the assault or harassment itself. She says: Apart from the assault itself, these past couple of weeks have been the hardest of my life" (Ford, 2018) She adds: "This was an extremely hard thing for me to do, but I felt that I couldn't not do it."

Dr. Ford covered other topoi during her statement that further clarify the troubles sexual assault or harassment victims face while coming forward with their allegations and how she believes such cases should be handled. She uses *the topos of uselessness or disadvantage* to showcase another reason that dissuades victims of sexual assault and harassment from coming forward. This topos can be understood through the conditional: if the anticipated result of an action or decision will not occur, the action or decision should be rejected or forsaken (Reisigl & Wodak, 2001). This topos is clear when she mentioned: "I believed that if I came forward, my single voice would be drowned out by a chorus of powerful supporters." This chorus of powerful supporters was led by the president of the United States himself, Donald Trump. Such power imbalance can discourage anyone before coming forward, especially in such politically charged event. Therefore, she used the *topos of humanitarianism* to state her opinion in this case. *Topos of humanitarianism* can be understood through the following conditional: any action, political or otherwise, has to conform with human rights or it should not be performed (Reisigl & Wodak, 2001). She argues: "Sexual assault victims should be able to decide for themselves when and whether their private experience is made public" (Ford, 2018).

IV.1.1.B The argumentation strategies of the two males

In his opening statement to the Senate, Justice Thomas employed many topoi that were later used by Justice Kavanaugh in his testimony. In the following paragraphs, the focus will be on the topoi that have been unique to both men. The data show a high frequency in the use of the *topos of authority* with the emergence of other arguments: the locus ex contrario, topos from looking at contradiction and *topos of definition*.

Justice Thomas in his statement used some topos that would help him prove his point of view without directly accusing Dr. Hill of lying. He used the *topos of authority* in order to paint a picture of himself as a good character and after that he used this topos for the locus of ex contrario as a way to say that such a person who has been an advocate for women rights cannot be a perpetrator of sexual harassment. Moreover, he tried to stay politically correct. This was done by using the *topos of ignorance* to not be dismissive while in the same time trying to find contradiction in Dr. Hill's account. The most interesting topos of all that he used and same Justice Kavanaugh is the *topos of definition*. He also used presuppositions in order to attack the 'process', a concept that he directed his attacks to.

The *topos of authority* in this statement focused first on creating an image of Justice Thomas as an objective authority figure. He first says: "For almost a decade my responsibilities included enforcing the rights of victims of sexual harassment" (Thomas, 1991). Thus, he uses his own authority in order to create an image, which he will use later in order to prove his point. He also added: "… my adamant opposition to sex discrimination sexual harassment" (Thomas,1991). Another type of authority that existed in the statement is by mentioning other people who know him and Dr. Hill so he can prove that he never knew that Hill had any issue before with him: "I detected nothing from her or from my staff, or from Gil Hardy, our mutual friend, with whom I maintained regular contact" (Thomas, 1991). He repeated the same form of authority later on again

in order to show how those figures contradict or do not corroborate Dr. Hill's narrative and that he did not know that she felt uncomfortable with him.

Based on this topos and how he represented himself as an advocate of women rights, he aimed to refute the allegations by using *the locus ex contrario*. *The locus ex contrario* is founded on the foundation of noncontradictions, which indicates that any contrary descriptions or items cannot belong to the same subject simultaneously (Rubinelli, 2009). This means that two opposite qualities cannot be attributed to the same subject at the same time. Therefore, he mentioned that: "In addition, several of my friends, who are women, have confided in me about the horror of harassment on the job, or elsewhere" (Thomas, 1991). The argument here is since I am a figure who has been always an advocate for women rights and I had female friends who have been victims of such an issue, I cannot be a perpetrator in the same time.

Justice Thomas also employed the *topos of ignorance* to indicate that he did not know that he made Dr. Hill uncomfortable and if he did do that he would have stopped. Therefore, he cannot be blamed on something that he was ignorant of. *The topos of ignorance* is founded on the conditional that if someone did not know of a crime, he or she did not participate in this crime, and cannot be considered guilty as a consequence (Reisigl & Wodak, 2001). He illustrates that: "… she never raised any hint that she was uncomfortable with me" (Thomas, 1991). However, he couples this topos of ignorance with a strong denial of the accusations: "if there is anything that I have said that has been misconstrued […] If I did know I would have stopped immediately. […] But I have not said or done the things that Anita Hill has alleged" (Thomas, 1991). Nevertheless, Dr. Hill indicated in her opening statement that she told him that she was uncomfortable with these conversations. According to her: "I told him that I did not want to talk about these subjects." Therefore, this argument, from both sides, cannot be considered as fully true since the two involved

parties contradicted each other and there was no formal conviction or any formal result that would support either party.

Moving on after establishing his self-represented image, he aims at refuting the narrative of Dr. Hill through *the topos from looking at the contradictions*. The aim of this topos is to argue by establishing or signifying contradictions either in timing, actions or words of the other orator (Rubinelli, 2009). The sole contradiction that he used is by demonstrating that Dr. Hill had a choice of not leaving the Department of Education since she was a career employee and that she was not forced to move with him to the EEOC (Equal Employment Opportunity Commission). According to him: "I do not recall that there was any question or doubts that she would become a special assistant to me at EEOC, although as a career employee she retained the option of remaining at the Department of Education" (Thomas, 1991). However, it is worth mentioning in this context that this point was brought up by Senator Specter and Dr. Hill replied: "I was not even informed that I could stay on as a schedule A attorney, as well as, as I stated before, the agency was subject to being abolished" (P. 98 of the Judiciary Committee document). Thus, this leads to the same point discussed earlier that both arguments need to be considered with caution as they have been under contradictory.

The final major theme that existed in the statement of Justice Thomas is the *topos of definition*. It indicates that if something or someone is labeled as X, then the actions carried out by this person or object should by definition carry the same attributes of X (Reisigl & Wodak, 2001).This is an interesting topos since it was mainly used by the two males and show a clear difference in the argumentation strategies between the men and women investigated in this study. The reason why this is interesting lies in what is being defined, America and what can be described as American. Justice Thomas characterized the confirmation process openly as un-American,

which is used as a direct attack at the congress. He repeated the topos twice: "This is not American." and "This is not what America is all about" in order to reiterate his point of view and gain more sympathy by claiming that he, as an American, does not deserve this treatment from the U.S Senate.

Justice Kavanaugh's statement shared similar characteristics with Justice Thomas. In his opening statement, Justice Kavanaugh aimed at portraying himself as an advocate of women rights and someone who enjoys the support of many women who can vouch for his innocence by using the *topos of authority* coupled with the *topos of numbers*. He quotes one of the four people who Dr. Ford mentioned in her statement as being part of the party where the assault took place. The quote serves more than one purpose, it is a *topos of authority* and *topos from looking at contradiction*. He takes a quote from the letter sent by the attorney of Ms. Keyser, of Dr. Ford's friend and one of the four people named by Dr. Ford to be at the party where she alleges the assault took place, to substantiate his claim. He quotes: "Simply put, Ms. Keyser does not know Mr. Kavanaugh and she has no recollection of ever being at a party or gathering where he was present with or without Dr. Ford" (Kavanaugh, 2018). He used this quote twice in his statement combined with quotes from the other two males whom Dr. Ford mentioned to have attended the party. He also added that: "All four people allegedly at the event, including Dr. Ford's longtime friend, Ms. Keyser, have said they recall no such event" (Kavanaugh, 2018). These quotes aim at making the statement more objective and to point at contradictions between the two statements. However, it is worth mentioning that this mentioning of Ms. Keyser and quoting others should not always be considered as the ultimate proof since the legitimacy of some of those witnesses has been a source of debate on its own. In an exchange between Ms. Mitchell, the private investigator hired by the Senate in order to handle the questioning of Dr. Ford on behalf of some Senators, and Dr. Ford,

Ms. Mitchell brought up this point during the questioning session. Dr. Ford's response indicates that Ms. Keyser has been facing health issues and cannot be considered as a reliable witness and that P.J, another person named to be in the party, and Ms. Keyser would not have a reason to remember this evening since it was eventless to them. Thus, this *topos of authority* may also be regarded as an *argumentum ad verecundiam*, or the fallacy of authority. In this fallacy, a person backs up his or her own point of view by referencing someone/authority who is considered unimpeachable or competent when in reality it is not the case (Reisigl & Wodak, 2001). In the exchange below Dr. Ford dismisses the testimony of the two witnesses based on different reasons that, according to her, disputes the reliability of those witnesses.

> MITCHELL: OK. Do you have any particular motives to ascribe to Leland?
>
> FORD: I guess we could take those one at a time. Leland has significant health challenges, and I'm happy that she's focusing on herself and getting the health treatment that she needs, and she let me know that she needed her lawyer to take care of this for her, and she texted me right afterward with an apology and good wishes, and et cetera, So I'm glad that she's taking care of herself.
>
> I don't expect that P.J. and Leland would remember this evening. It was a very unremarkable party. It was not one of their more notorious parties, because nothing remarkable happened to them that evening. They were downstairs. (Retrieved from the Washington Post)

Finally, in this section there are two arguments that have been brought up and worth mentioning. In the first one, Justice Kavanaugh claimed that: "The 10-day delay has been harmful to me and my family, to the Supreme Court and to the country." The idea in highlighting this argument here is not to question whether Justice Kavanaugh has been harmed or not; it is rather to

point at the different parties that the justice mentioned in association to himself – his family, the Supreme Court and the country. This quote has to be considered in the light of the following plea: "I ask you to judge me by the standard that you would want applied to your father, your husband, your brother or your son." Such efforts of defining what is American, appealing to the people or equating one's harm to the rest of the country have only been attempted by the two males in the context of this study.

Justice Kavanaugh, like Justice Thomas, took advantage of the opening statement in order to create this image of themselves as advocates of women rights, which they later used as a topos of authority. What is remarkable in this case is that justice Kavanaugh explicitly pointed out that "Dr. Ford's allegation is radically inconsistent with my record and my character from my youth to the present day." This method of using one's own character that is in question and using it to prove another point is considered fallacious or as a logical fallacy. The *petitio principii* fallacy, which is also known as circular argument, means that the speaker takes what is controversial and needs to be proven as a presupposed starting point for another argument (Reisigl & Wodak, 2001). In this case, the integrity of both judges is in question and is yet to be decided on. Nevertheless, they used their self-described images as a proof of their innocence form the alleged charges.

Another fallacious argument that both judges have is the *non sequitur fallacy*. This fallacy entails disputatiously connecting an argument to a conclusion that could be correct, but in this case the connection is wrong or false (Reisigl & Wodak, 2001). In both cases, they argued that they have female friends who confided in them the horrors of being sexually assaulted or harassed. Then they both built on this to say that their knowledge of such instances would necessarily mean that they would never commit such violations, a link or connection that is broken and cannot sustain being considered as a valid proof of innocence.

A final argument that needs to be included is that of the appeal to sympathy by shifting the focus of the conversation and blaming someone or something else. In the case of Justice Thomas, he claimed that he is a victim of the process and he also added during the evening session that the whole process is "a high-tech lynching for uppity-blacks" and that any black person who would attempt think differently "… will be lynched, destroyed, caricatured by a committee of the U.S. Senate, rather than hung from a tree." In this case, since he is black, he is being targeted for attack by the U.S. Senate Judiciary Committee that consisted of, at the time, an all-white Senators. On the other hand, Justice Kavanaugh shifted the blame using politics and partisan affiliations. Aside from quoting some attacks from Democratic Senators he claimed that all what is happening is due to a "pent-up anger about President Trump and the 2016 election" and an attempted "revenge on behalf of the Clintons and millions of dollars in money from outside left-wing opposition groups." The aim of these attacks is mainly to divert the attention to other issues in order to gain some sympathy rather than staying on the message.

To conclude this section, a careful look at the arguments presented by the males and females in this study shows discrepancy or gender asymmetry in the way each gender chooses to formulate their arguments. While the two women started their argument on the basis of being doubted and used various topoi to represent themselves, the two men resorted to different topoi and fallacies that have not been attempted by the two women. In other words, the men attempted at gaining sympathy by using their race or partisan affiliations, while women focused on describing the incidents and justifying themselves. The aim in this case is not to have an essentialist perspective on what could be considered as gendered argumentation strategies since this is not possible for a variety of reasons. First, this goes against any critical standpoint in the analysis of data pertaining males and females. Second, the data set includes four people who cannot be a

representative data sample of all men and women in the world. Third, the data is collected based on incidents that have unique characteristics and cannot be an indicator of how gender, biologically or otherwise, can affect arguments in sexual harassment cases at large. Fourth, the data might be subject to the role and not gender exclusively, this means that the arguments could be formulated based on the role of being the accuser or the accused. Finally, the four statements have been carefully examined by law professionals in order to best represent their clients. Nonetheless, the data and the previous findings are of great importance when it comes to considering the arguments in the light of social change and differences that could have happened over time.

IV.1.2 References and predications

In this section, the focus is on the reference or predication strategies as well as the metaphors used by the males and females and how they were employed in order to present a positive self-image about oneself and negative image of others. Metaphors and terms of address will be analyzed in the same order used above.

Metaphoric use in the statement of Dr. Hill is minimum. Most of the speech focused on descriptions that are pertinent to the events in question. The only instance in which Dr. Hill used a metaphor was to refer to her own inability to find another job easily. She used the word *handicapped* to refer to a total incapacity to find a job that could help her get away from the pressure she was facing at her job. Another aspect in this regard is the use of some words like *graphic*, *vivid* and *vividly*. The reason behind this is the constant mentioning throughout the questioning section of the statute of limitations and the questioning of Dr. Hill's memory since the alleged events happened 10 years prior to the hearings. Therefore, those words could constitute a reply to such discourse.

Examining the terms of address and references to Justice Thomas by Dr. Hill shows how she maintained for the most part an image of Justice Thomas as her employer. According to McConnell-Ginet (2003), the role specific labels do is dependent on the way they are used generally in any given social practice (p. 94). This is established mainly by referring to Justice Thomas with as *my employer*, *Chairman* or *Judge* in most of the incidents where she brought his name, except in certain contexts characterized by social proximity to some extent. The significant occasions are: "On several occasions Thomas told me graphically of his own sexual prowess", "occasion in which Thomas was drinking a Coke in his office", "I did have dinner with Clarence Thomas." Other than those occasions there were few other references to Justice Thomas by his name without having any terms of address.

Dr. Ford's use of metaphors in her statement shared some characteristics with that of Dr. Hill in the sense that the main focus was on descriptive rather than metaphorical language. The first metaphorical use was when Dr. Ford referred to the sexual assault and its impact: the first is that the traumatic experience has *been seared into* her *memory* and like a scary ghost *haunted* her in her adult life. She used another metaphor that help illustrate the image of how drunk were Justice Kavanaugh and Mr. Mark Judge by describing their motion as unsteady to the extent of going down *pin-balling off the walls*.

While considering the terms of address, Dr. Ford's opening statement has shown to be precise and systematic in how she refers to Justice Kavanaugh. There is consistency in the terms of address or reference: *Mr. Kavanaugh*, *Brett* or *the boy who sexually assaulted me*. There is always a clear-cut difference each time Dr. Ford mentioned Justice Kavanaugh whether she refers to him in terms of being her assailant or the Supreme Court nominee. Each time she referred to him in his capacity as a nominee, she called him Mr. Kavanaugh. However, when the discourse

was referring to him as an assailant, she never predicated his name with any terms of address. This systematic use of terms of address help her while trying to position herself in the narrative and to indicate social distance or closeness by utilizing this linguistic aspect.

Regarding how both men used metaphors, it is clear that they both employed various metaphors to describe their statuses or how the allegations affected them. Both men describe an image of destruction or war with oneself or others. Justice Thomas, for instance, said that he has been *wracking* his *brains* and *eating* his *insides out* trying to *tear away* at himself in order to find the reason behind these *explosive allegations* that caused him to live such *dark days* and *crushed* the *honor* he felt when he was nominated. Justice Kavanaugh, on the other hand, depicts a state of war between himself and the others who are against his nomination. He describes that they are trying to *blow* him *up and take* him *down*. Like sneaky soldiers in the battlefield some of his opponents *were lying in wait* ready to *unleash* and *deploy* those attacks. Men in those cases used metaphors in order to gain sympathy by portraying an image of self-destruction or war with the others and highlight the impact of those allegations.

A final consideration in this regard is the terms of address use by both Justices. There is a clear difference between them in how they referred to their accusers. Justice Thomas referred to Dr. Hill as Professor Hill only once, then he merely mentioned her as Anita Hill. This could be understood in terms of the working relationship between justice Thomas and Dr. Hill, in which the latter was a subordinate to the former. In such case, he mainly referred to her as he would call her traditionally. To the contrary, Justice Kavanaugh only referred to his accuser as Dr. Ford. This denotes social distance and helps in establishing a fact that he does or did not know her personally in order to remove the terms of address.

Chapter Five: Discussion and Conclusion

V.1 Introduction

Overtime, various social movements have occurred in order to call for more gender equality and rights. However, according to Lazar (2014), it seems that gender asymmetries are enacted explicitly or implicitly symbolically or materially in various contexts. In order to investigate any possible asymmetries, one needs to look beyond what is overt and obvious and considers the covert insidious revelations that could cause such discrepancies between genders. The study aims at employing the discourse-historical approach (DHA), in order to analyze the discourse of two U.S. Supreme Court nominees, Justice Clarence Thomas and Justice Brett Kavanaugh, and two female professors who accused them of sexual misconduct, Dr. Anita Hill and Dr. Christine Ford, respectively. Three research questions were posed in this study: the possible impact of gender on the arguments, how ideologies and power relations were reflected in the arguments and whether there have been any changes between the two incidents. This final chapter introduces briefly the results of this study based on the research questions above and focus on discussing the results in detail.

V.2 Summary of findings

To answer the three research questions, the study considered the discursive strategies employed in the opening statements of the males and females. The data were analyzed for argumentation strategies in terms of topoi and fallacies as well as references and predications in terms of terms of address and metaphors. The significance of *topoi* is that they help the researchers to recognize and systematize arguments, since they "illustrate important parameters in the discursive construction of identities, which are based on inclusion/exclusion strategies" (Wodak and Boukala, 2015, p. 95). The results found a tendency to use topoi of burden, threat and fulfilling duties in a

higher frequency in females' statements compared to the topoi of authority, looking at contradiction and fallacies in males' arguments. These findings suggest a gender asymmetry in argumentation strategies when trying to portray an image of being the victim or trying to gain empathy by others, which needs to be further investigated by future studies. Another important issue is that the current study investigated the cases through gender; however, power could be an essential variable that is worth further consideration in the future as well.

Another finding is concerned with the difference in metaphorical use as well as the referential strategies between men and women that aimed at creating a positive self-image and negative image of the others in order to strengthen their arguments. The need to consider metaphors is due to their pervasive nature in daily life not only in the language but the actions and thoughts of people (Lakoff & Johnson (2003) as cited in Wodak and Boukala, 2015). While women used less metaphors and employed them as tool to better describe a situation, men were found to use more metaphors containing imagery of self-destruction or war in order to gain more sympathy and portray an image of oneself as being less powerful. In a case study in Germany, Koller and Semino (2009) analyzed a corpus of political speeches compiled from speeches of two German Chancellors, Angela Merkel and Gerhard Schröder, and found that Merkel utilizes metaphors formulaically, while Schröder employed more war metaphors. They also argued against an essentialist or monocausal explanation of what could be considered as gender-driven use of language. Moreover, they noted that this specific use could be subject to different factors such as partisan affiliations or contextual information (Koller and Semino, 2009). Hence, the results of this study confirm the findings of Koller and Semino (2009).

To reiterate, this study, following the same argument as Koller and Semino (2009), does not support an essentialized point of view on gender argumentation strategies or metaphoric use;

however, it mainly aimed at considering how gender might constitute a factor in this sense. Therefore, the results need to be considered in this light with a grain of salt.

The second research question aimed at finding any hidden aspects of power or ideology. The data provide a general picture where women start from a place of doubt and fear of coming forward publicly with allegations of sexual assault or harassment. The two cases indicate how a woman has to justify herself for coming forward and answer the various doubts of her motives, integrity, credibility, memory or free well. Both women clearly stated at the end of their statements that they are not there for political motives or as pawns manipulated by someone political entity. It is worth mentioning that in the DHA language is not considered powerful on its own right; it is rather understood as a means that helps gain and/or maintain power through the way powerful people use it. This may help explain why the two women used language in a little differently and in a specific way compared to the two men who enjoyed more social power. The two women remained focused on providing answers to the statements or describing the events. On the other hand, men felt empowered and were able to accuse and attach others of trying to orchestrate campaigns aiming at preventing them from realizing their dreams. They felt empowered to claim that what hurts them would consequently hurt the country and the Supreme Court. They were also able characterize what was happening as a *national disgrace* or as being *non-American*. They were able to use fallacious claims that women did not attempt to use as it would have added to the preexisting doubt about their statements.

This discrepancy in power relations could be understood in the light of the literature which reports on the ideology of victim blaming which argues that the victims of sexual harassment were more likely to be blamed for being harassed. De Judicibus and McCabe (2001) conducted a research and reported on other studies and contend that the victims of sexual harassment have a

higher tendency of being blamed for being the subject of sexual harassment by both males and some females. Even though the females who attributed the blame to the victim was considerably less, it still shows how such blame might deter women from coming forward or cause them to feel less empowered.

The final research question looked into any possible impact of time or social movements on the statements. On the surface, it seems that there have been some changes between the 1991 hearing and the 2018 one. This change is in hiring a female prosecutor to handle asking questions instead of a panel of men. Another change lies in the type of questions that have been less graphic and more understanding. However, this change remains on the surface, which cannot qualify to be considered as substantial. In both cases, the hearing was held in public, which is not an ideal venue to discuss such allegations in a manner that would help reach the truth. The type of setting and the questions asked cannot help reaching a clear verdict of innocence or guilt. What seems to be the reason for the hearings is to find out how much we can live with the person against whom the allegations are made.

V.3 Discussion and Conclusion

The previous chapter attempted to provide a careful look into the opening statements of four people included in this research: Dr. Anita Hill, Justice Clarence Thomas, Dr. Christine Ford and Justice Brett Kavanaugh. In the age of #MeToo and #Timeisup it is hoped and expected that women who would come forward with sexual assault or harassment allegations would be dealt with differently compared to the past. This is because those two social movements aimed at creating an atmosphere where women would be able to share their experiences without facing the same pressure of doubt and victim blaming that they used to suffer in the past.

Regardless of these hopes, recent research articles provide evidence that victim blaming ideology, whether it is towards a man or woman, still existent in the United States. Fairclough (2013) defined ideologies as "representations which contribute to constituting, reproducing and transforming social relations of power and domination" (p. 28). The ideology of victim blaming has been explored in various studies that investigated this issue as highlighted earlier in different studies by De Judicibus and McCabe (2001), Bongiorno et.al (2019) and van der Linden and Panagopoulos (2019).

In two studies by Bongiorno et.al (2019), they found that college students displayed less or same level of empathy to female victims compared to male perpetrators. In the same study, Bongiorno et. al (2019) also indicate that men are more likely than women to believe that a woman who comes forward with an allegation could be exaggerating her sexual harassment claims or even fabricating them, and believe that those women might have hidden agendas or ulterior motives that would make them complain about sexual harassment. This is could be sensed explicitly in the dataset when considering the topos of fulfilling duties or topos of threat as explained earlier in statements such as "I have no personal vendetta against Clarence Thomas" by Dr. Hill or "My motivation in coming forward was to be helpful and to provide facts about how Mr. Kavanaugh's actions have damaged my life" by Dr. Ford.

In another study, van der Linden and Panagopoulos (2019) explored the impact of personal ideology, whether it is conservative or liberal, on individual judgements on sexual harassment. The study reported asymmetry in judgement based on the ideological orientation of the person and in-group loyalty. According to this research, conservative participants showed more tendency to condemn sexual harassment if it is committed by an out-group liberal offender (Harvey Weinstein) compared to less concern when the perpetrator is an in-group conservative (Bill O'Reilly). Those

results are shocking since such a moral issue should not be subject to in-group versus out-group affiliations. However, a casual look at the type of questions, insinuations and statements made during both confirmation hearings in 1991 and 2018 reveal that such bias exists even among the Senators of the U.S., who are supposed to not act based on a partisan agenda. Therefore, this study aimed at tapping into the discursive strategies employed in the statements and how they are pertinent to power and ideology.

By considering the arguments and the ideas presented in the statements, one can argue that a better change is yet to be hoped for. The same insidious messages exist in the arguments in both cases, which proves the mounting work required socially and needs to be accomplished in order to provide a safe haven for women who come forward with sexual harassment or assault allegations in the future, especially with the availability of social movements like #MeToo.

This study investigated sexual harassment using a critical discourse analysis approach that has a different perspective and incorporates new tools of analysis that would, hopefully, open the doors to a new look at this social issue. The introduction of these tools into the study of sexual harassment can play an integral part in future research in understanding the discursive argumentation strategies of the accusers and the accused of sexual harassment and whether such strategies could be pertinent to gender. Much of the research papers or books that looked into the argumentation strategies (topoi and fallacies) focused mainly on analyzing political discourse related to national identity and global issues. Therefore, this research could be considered as a step into a new direction of analyzing such a social issue. It could be also viewed as an addition to CDA in the sense that it uncovers the power and ideological impact on sexual harassment from a new lens, which is a new research area that could be further investigated. Additionally, since research was able to tap into the hidden ideologies and power relations, it thus fulfills the aim of CDA in

clarifying how text and talk are essential in "maintaining or legitimizing inequality, injustice and oppression in society" (van Leeuwen, 2009, p. 277). Even though the results of this research cannot be generalized due to the small data size, they nonetheless presented various tendencies and strategies employed by the males and females when it comes to describing the impact of sexual assault and sexual harassment.

V.4 Limitations

As mentioned earlier, this study covers only the textual analysis with no regard to any multimodal aspects of the data. Furthermore, the research covers mainly the opening statements with minimal reference to the questioning session. This is due to the limited scope of this paper compared to the size of data if one would consider all the questions directed at the four individuals. There is an overwhelming amount of questions and answers that could be further investigated in a study in their own right. Finally, the limited number of individuals in this study, cannot provide a generalizability factor for other cases of sexual harassment or assault allegations.

V.5 Recommendations

The current study aimed at opening the gate for a critical look into the statements of males and females when discussing sexual assault or harassment allegations. Other studies can consider similar cases in different contexts and try to find how arguments might be impacted by gender, power or ideology. Moreover, since the current study did not cover the questioning sessions extensively, this might open the door for such research in order to find out if there is any consistency or discrepancy in the type of argumentation strategies and metaphoric use between the statements and questioning session. A research into such a serious issue should also be looked into

from different cultural perspectives or settings in order to tackle the different aspects that might comprise a factor in the understanding of sexual harassment and how to better deal with it.

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