

A Return to Feminine Public Virtue: Judge Judy and the Myth of the Tough Mother

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Expanding upon "feminine style" scholarship, this essay employs mythological criticism to explore a case in which women's rhetorical invention manages both aggressiveness and femininity. Judge Judy Sheindlin's rhetoric invokes the Tough Mother, a familiar cultural character emerging from the temperance movement, to promote a special virtuous ethos within the contemporary neo-conservative scene. Judge Judy's rhetoric highlights the continued challenges for women's public discourse, illuminating how feminine public virtue may contribute to scapegoating in popular culture.

In the 1980s and 1990s, a conservative public discourse centering on the perceived decline in American morality gained prominence (Nash, 1997). Academics have contributed to this discourse, arguing that an absence of civic virtue and morality has denigrated American culture by replacing "true" moral debate with emotive claims and judgments (MacIntyre, 1981). Rather than deliberating in the language of virtue, such discourse posits, the public discusses morality in the language of rights (Beiner, 1992; MacIntyre, 1981). For instance, both pro-life and pro-choice advocates frame the abortion debate in terms of child rights, fetus rights, maternal rights, and human rights, rather than virtues such as prudence (MacIntyre, 1981). Social commentators like Bennett (1992) and Olasky (1992) argue that infusing public policy with neo-conservative virtues like self-discipline and personal responsibility will help resolve perennial public problems like poverty, unemployment, crime, and substance abuse. The neo-conservative virtuecrats contend that

many Americans became either embarrassed, unwilling, or unable to explain with assurance to our children and to one another the difference between right and wrong, between what is helpful

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and what is destructive, what is ennobling and what is degrading.
(Bennett, 1992, p. 33)

This resurgence of conservative "virtue talk" is of particular interest for feminist scholars concerned with rhetorical and media criticism. While government and business are still fraught with sex discrimination against women as wage-earners and public leaders (Conway, Ahern, & Steuernaegel, 1999), this virtue-affirming discourse may again popularize the arguments that women have used when entering the historically signified "masculine turf" of public life (Campbell, 1983). Women have consistently drawn upon their special domestic virtues, such as piety and temperance, to justify their entry into gendered public spaces (Matthews, 1992). Within today's conservative context, one may expect women to gain special ethos in public life through traditional submissiveness and quiet virtue. However, as this analysis explores, women may not need to maintain demure, "lady-like" behavior in order to gain public power. Since an aggressive, yet feminine, style remains largely unaddressed in feminist and communication scholarship,¹ it is important to explore why some aggressive public women, such as Hillary Rodham Clinton, are considered "bitches" (Campbell, 1998), while others are embraced by members of the public.

As a rhetorical figure, Judith Sheindlin, known through her popular persona as Judge Judy, provides an opportunity to explore a number of theoretical and practical issues of women's public involvement. Now in its seventh season, Judge Judy stands out as a syndicated ratings success that has spawned nearly a dozen "reality" courtroom imitators. Judge Judy remains one of the most popular television programs in the afternoon talk show format, attracting about seven million viewers each weekday (Burkeman, 2003) and often beating Oprah Winfrey in the key "early-fringe" time slots leading into local news (Albiniak, 2003, February 17). In addition, Judge Judy has three best-selling adult books, and recently signed a \$157 million contract for her program—making her one of the highest paid television personalities on air today (Wapshott, 2003). Ironically, she has achieved such public notoriety by preaching conservative virtues, while simultaneously justifying much of her judicial authority through her practical, domestic role: "my private life is important, because it has given me some firsthand perspectives in dealing with the family disputes I must resolve" (Sheindlin, 1996, p. 4). Although Judge Judy is a

popular public figure and judge, much of her persona thus rests on the traditional feminine roles of mother and wife.

Because she is a woman, a trained legal professional, and a media mogul, Sheindlin stands at the intersection of gender, government, business, and popular culture. As such, Judge Judy is a window on the modern resurgence of virtue and "appropriate" public femininity. The following question serves as a focal point for this analysis: How is Judge Judy able to navigate cultural contradictions surrounding women and public life? I argue that there is a rhetorical explanation for the resonance of Judge Judy's aggressive, yet feminine, persona in American public life that echoes a familiar cultural gender myth—the Tough Mother.² After briefly reviewing scholarship on women's entry into public address, I clarify the "features" of the Tough Mother as mythical female public figure emerging analogically from the temperance movement. I then perform a narrative analysis and criticism of Judge Judy discourse, concluding that Judge Judy's rhetorical performance of Tough Mother mythology reinforces the historical norm that women are virtuous arbiters of "moral dilemmas" in public life. Further, because neo-conservative discourse frames issues like poverty and political disenfranchisement as "moral dilemmas," Judge Judy reinforces the troubling ideological tendency to "blame the victims" of social problems (see Cloud, 1998). As a prolific entertainment figure, Judge Judy's verbal assaults may normalize scapegoating against the neo-conservative "villains" who come before her bench, in lieu of promoting productive political solutions. In conclusion, I elaborate on the possible implications that Tough Mother mythology has for women's public discourse and feminist scholarship in the era of neo-conservative virtue.

Women's Rhetorical Entry in the Public Sphere

The majority of the literature on women's public and political discourse has one common assumption—women's entry into the masculinized public sphere has been difficult. For instance, in early America, a woman who publicly used her voice might have expected various physical and emotional punishments, such as being stigmatized as a whore, being tied to a chair and submerged in a lake, or being carted off to the insane asylum (Jamieson, 1988). Historic norms of femininity prevented women from appearing as competent speakers and as women simultaneously, due to the public sphere-private sphere divide (Campbell & Jerry, 1988). The mas-

culine public space of rationality, aggressiveness, and strength had no place for women. Women's contributions to society were valued as private sphere contributions, only insofar as they indicated a suitable, feminine woman.

Thus, women entering public life faced special challenges in justifying their presence on the platform. Several scholars (Campbell, 1995; Carlson, 1992; Dow, 1991; Mattina, 1994; Zaeske, 1995) detail how early female rhetors blended public and private spheres in their argumentation. Such rhetorical invention afforded women the opportunity to participate in public action, as Zaeske (1995) indicates: many early public women "employed a rhetoric of gendered morality that emphasized the special nature of female benevolence and the social utility of exercising that benevolence through the spoken word" (p. 191). Women did not successfully enter the public sphere by appealing to their inalienable rights; rather, early "womanhood" feminists built arguments for their public involvement upon their special virtues. For instance, Frances E. Willard of the Women's Christian Temperance Union (WCTU) conceptualized the right to vote as "home protection," a means for women to rid the home of sins such as alcohol through their ability to nurture (Dow, 1991, p. 300). Women like Willard assured audiences that they would maintain their femininity in the form of domestic virtue (Campbell, 1995), but they would also benefit the public world—and the private world by extension—through the social enactment of that virtue. One of the feminist movement's contradictions thus surfaced near the end of the nineteenth century: women spoke out and shed part of their skin of femininity while simultaneously using arguments that cloaked themselves in their gender's "superior" traits (Mattina, 1994).

This growing body of literature has addressed many important historical considerations in the formation of American public femininity, especially the turbulent legacy of virtue embedded therein. Further, as I elaborate in the essay's final section, women's public address literature has helped clear valuable space for "feminine style" rhetorical analysis. The present criticism of Judge Judy's rhetoric contributes to women's public address and feminine style literature by expanding the understanding of feminine public virtue, illustrating a case in which aggressive virtue is rhetorically salient. As Judge Judy's feminine style also illustrates, feminine public virtue in the contemporary neo-conservative context may serve an anti-woman or at least anti-feminist agenda. Finally, as feminist rhetorical scholars suggest (Jamieson, 1995; Japp & Japp, 1999; Rushing,

1989), threads of non-political rhetoric, like the rhetoric of popular culture, contribute to American public femininity. As Judge Judy's rhetoric suggests, the feminine style is at work outside of political office and activist circles. In order to rhetorically explain Judge Judy's prominence in society, I employ mythological criticism.

Cultural Myth and the Origin of the Tough Mother

Cultural myth provides critics with a rich tool for analyzing American femininity through women's public discourse, all the while recognizing an alternative to masculine systems of linear logical reasoning for evaluating rhetorical texts. Cultural myths have larger-than-life plotlines of heroes and villains that reveal cultural truths metaphorically or analogically, using standard foundational values to offer meaning for new cultural particulars (Bass & Cherwitz, 1978). In other words, cultural myth connects values of the past with people of the present (Sykes, 1970). Because myths do not rely upon specific premises as logical reasoning does, their content is inherently ambiguous, allowing them to rhetorically bridge *ideological contradictions* (Combs, 1993; Rushing, 1983). Audience members may substitute themselves for the myth's characters or their own situations for the myth's plot, reaching the story's moral or conclusion enthymematically. Hence, myths provide prime means for identification between members of the community at large and representative rhetors of the community authority (Braden, 1975; Bruner, 1959).

Narrative, myth, and ideology are inextricably linked together, as repeated cultural stories enter into "that precise field of the distribution of the dominant ways in which a society makes sense of what is going on around it or what is happening to it" (Hall, 1984, pp. 7-8). The narrative structure allows myths to pass along knowledge about the world in a way that would transcend time and place, giving myths a character similar to the "truth" we garner from empirical observations of the world (Fisher, 1985). Kenneth Burke's scholarship on poetics concludes that myth "narratizes" principles that at once reflect both past origins of a value and future prospects (Burke, 1966; Burke 1969a; Burke, 1969b; Carter, 1996).³ Thus, cultural myths allow us to make sense of and even evaluate others' actions, as myths are containers for such sense-making ideologies.

The Temperance Movement and Tough Mother Mythology

Women were central to several movements that colored the public sphere of the seventeenth through nineteenth centuries, including dress reform, anti-prostitution efforts, the suffrage movement, the progressive movement, and the temperance movement (Campbell, 1989). The temperance movement "represented the most impressive grass-roots mobilization of women for reform—as opposed to the mobilization during the war years which had had no specific policy goal—to date in American history" (Matthews, 1992, pp. 156-7). As such a remarkable public policy action, the temperance movement gave rise to historically salient values of American public femininity. What is more, women involved in the temperance movement had a "confrontational spirit" (Matthews, 1992, p. 157), which was "shocking by the rules of middle class female conduct of the time" (Gusfield, 1963, p. 89). Within the context of the temperance movement, it was acceptable and even appropriate for the otherwise demure and submissive "true women" to march boisterously to a public building—the saloon—and shut it down, all the while instructing men on how to conduct themselves morally.

In terms of their rhetorical involvement, women in temperance societies were "both allies and symbolic props in a campaign to attach public value to personal habits of sobriety" (Ryan, 1990, p. 36). Female temperance activists had various motivations for joining the movement. Early in the temperance movement, most of the women involved were conservative Protestants who sought the banishment of alcohol for biblical and moral reasons (Gusfield, 1963). However, as temperance advanced, more progressive and politically liberal women, seeking such rights as the vote and equal employment, flew the temperance flag in order to achieve their goals (Pegram, 1998). As more women became involved in collective action of the time, leaders of the suffrage and the temperance movements forged a loose alliance to increase their public power and accomplish their broad public goals (Kraditor, 1965). Alcohol was constructed as a "commercialized vice to control government and society" (Kraditor, 1965, p. 60), becoming the tie that bound the temperance, suffrage, and progressive movements together. At the intersection of these three movements, a discourse formed which constructed the masculine public sphere of government and business as corrupt, inefficient, and non-representative of the needs of moral men and virtuous women. This anti-institution discourse

becomes an especially significant feature in enacting Tough Mother mythology within the contemporary neo-conservative movement.

The temperance movement provided American culture with a testing ground for acceptable and visible feminine rhetorical behavior, forming a mythological foundation of feminine personae through which women could publicly invent themselves; female rhetors may employ such archetypes today (Jorgensen-Earp, 1990). Emerging from the temperance movement, the Tough Mother encapsulates the moral and domestic values of another major feminine archetype—the Virtuous Woman (see Welter, 1976)—including the elements of motherhood, church attendance, education, and nurturance. Yet unlike the Virtuous Woman, the Tough Mother who embarks on a journey of public advocacy does not have to hold her tongue in a “feminine” way. Rather, as women of the temperance movement proved, the Tough Mother may publicly speak in an aggressive style because society respects her moral authority and fears her Christian power (both of which are gained through the gendering of the domestic sphere). The Tough Mother has a special ethos as a public reformer because a lusty pursuit of power and money has tainted the scene she travels into, while the scene she emerges from is characterized by morality, purity, and goodness. The Tough Mother avoids being identified as a Fallen Woman by uniting private virtue with public speech.

Lakoff’s “ideal family” metaphor for conservative political ideology, Strict Father morality, helps explain archetypal Tough Mother rhetoric. Strict Father morality turns on a social Darwinist view of the world, where the Father sets sometimes harsh rules that the child must follow without question for his or her own protection (Lakoff, 1996). Strict Father values stress the “*strict dichotomy between good and evil,*” and the importance of obeying moral rules to achieve a successful life (p. 100). The Strict Father’s “*love and nurturance . . . should never outweigh parental authority, which is itself an expression of love and nurturance—tough love*” (p. 66).⁴

The Tough Mother, as gleaned from temperance movement rhetors, is a variation of the Strict Father. Temperance women’s rhetoric sought to keep the dangers of drinking, prostitution, abuse, and poverty away from their children. This protective gesture fits closely with the model of nurturance often attributed to mothers. However, many temperance activists also expounded that the only way for drunkards and other “intemperants” to get out of their plight was to do so of their own volition (Rose, 1996). Like Lakoff’s Strict Father, the woman of the WCTU expected

others to follow her moral, exemplary way of life. Though tough mothering temperance women preached religious/moral consequences of eternal damnation, they also reiterated the practical consequences of excessive alcohol consumption—lowered income and a reduced quality of life.

Tough Mothering as a variation of Strict Fathering gains contemporary currency within neo-conservative “tough love” discourse, which arose from the fundamental teachings of ToughLove therapy, popular in the late 1970s and early 1980s (Holihan & Reilly, 1987). ToughLove follows the premise that children, not parents, are to blame for the former’s own destructive misbehavior:

It is true, of course, that parents have a tremendous influence on their children. . . . But ultimately we have to ask the question “Who’s minding the store?” Who inhabits that human body and determines what it does? Who or what steers its course? Some external force? Parents? Past events? (York, York, & Wachtel, 1984, p. 30)

ToughLove posits that children must fend for themselves in order to survive, and that parents have and should maintain authority over their subordinate children (York, York, & Wachtel, 1982). Without proper, authoritative guidance, children will continue to misbehave and ultimately end up destroying their lives, their parents’ lives, and possibly lives within the community. Finally, neo-conservative “tough love” stems from the ToughLove argument that many behavior problems have their “roots in the culture,” and that institutional professionals, such as therapists, only perpetuate family problems (York, et al., 1982, p. 23).

Like the ToughLove self-help program, neo-conservative “tough love” discourse consists of proclaiming what it frames as “harsh truths for other people’s good” (Roberts, 1995, p. xi). Neo-conservatives cast themselves in the role of frustrated “moral” parents vis-à-vis the “permissive” liberals and institutions that allow society, the delinquent children, to self-destruct. Today’s outspoken conservatives such as Mona Charen, “Dr. Laura” Schlessinger, and Judge Judy echo a sentiment familiar to ToughLove authors: “Blame has become a favorite American pastime” (York, et al., 1982, p. 55). The confluence of tough love and temperance movement discourse illustrates the resonance of the Tough Mother analogue in today’s culture. The Tough Mother emerges today as an ideologically conservative, virtuous agent who employs practical advice to rescue a

scene corrupted by morally lax citizens and governmental institutions. Women gain an outsider's ethos from their gendered domestic virtue; yet, such virtuous qualities allow dispensation for aggressive verbal style or "unladylike" behavior.⁵ The resonance of the Tough Mother analogue becomes clearer through analysis of Judge Judy texts.

Analysis of Judge Judy Discourse

To illustrate Tough Mother mythology in a contemporary context, I examine the mytho-narrative elements that emerge from actual episodes of *Judge Judy*, as well as Sheindlin's books and web-site.⁶ In the explicit narrative layer, the actual drama unfolds around the litigants, both plaintiffs and defendants, who seek Judge Judy's arbitration. However, a second and perhaps more important implicit narrative layer emerges in the conflict between Judge Judy as the protagonist, and the larger culture represented by individuals who come before her bench. As I elaborate in the final section, the implicit "culture war" between Judge Judy and certain litigants fuels neo-conservative scapegoating.

People involved in the business of television have recognized the "natural" narrative lure of the courtroom scene, including *Judge Judy* Executive Producer, Randall Douthit: "It's a perfect vehicle for telling a story. Every story has a built-in conflict and a beginning and a middle and an end" (Pergament, 1999, p. 1C). What is more, the explicit conflicts unfolding in Judge Judy's courtroom are more emotionally charged than other small claims courtroom programs, such as *The People's Court*, which receive substantially lower ratings than *Judge Judy* (Fretts, 1998). Though some cases are relatively benign disputes between strangers, Judge Judy oversees more dramatic disputes between former lovers, former roommates, and estranged parents and children.⁷ One representative case (Kupcinet, 2000a), *Vaughn v. Burgess*, began as a routine conflict over half of the payment for a stereo. Caralyne Vaughn and her fiancé, Jeremiah Burgess, resided together for a year and a half. During this time, they decided to purchase a stereo; Ms. Vaughn paid for the entire stereo because Mr. Burgess was unemployed at the time. Though Judge Judy eventually forced Burgess to pay the \$200 he owed Vaughn for the stereo, the conflict became more heated as the hearing continued. The 19-year-old Burgess cheated on the 22-year-old Vaughn with a 16-year-old girl in their home; the audience learns that Burgess assaulted Vaughn after she tried to "drown" his cellular phone when the 16-year-old called him. The plot

twisted again when Burgess produced love letters that Vaughn wrote him after their romantic involvement had ended. After some argument over the ownership of the love letters, Judge Judy tore them to pieces in front of the litigants.

As Vaughn v. Burgess illustrates, *Judge Judy* cases involve details that go beyond the disputes in question, including matters of assault, infidelity, employment status, income status, sexual or paternal histories, and criminal records. The somewhat extraneous details that Judge Judy seeks in such personal cases become particularly important when examining the implicit conflict between Judge Judy as protagonist and the "immoral" scene in which she speaks. Before returning to this idea, however, I briefly discuss the way in which conflict between plaintiff and defendant is dramatized in the explicit narrative. Understanding one explicit figure in particular—the antagonist—is critical to grasping the process of identification operating in the implicit narrative.

It is difficult to glean a protagonist in the explicit trial narrative because Judge Judy usually verbally assaults all parties at some point during court cases. Since the protagonists do not stand out because of their heroic substance, they may be identified by negatively or contextually examining what the antagonists are not. I observed that the antagonist in Judge Judy's courtroom is the person who does not "follow the rules," so it would appear that the protagonist is one who "follows the rules," or at least does not break the rules as flagrantly as the antagonist. The "rules" deal with the style and content of evidence presentation on an explicit level, which uncovers the litigant's moral character on an implicit level; such judgments are consistent with Strict Father morality, which holds that a person's public behavior displays her or his inner character and self-discipline (Lakoff, 1996).

In terms of style, Judge Judy frequently berates litigants for not answering her questions in an "appropriate" way, including when litigants interrupt her or speak out of turn. More importantly, in terms of testimony content, Judge Judy often tells litigants that they are blatantly lying or wrong when she appears to dislike what she hears. She uses "common sense" reasoning as a litmus test for detecting courtroom antagonists. Marcie Reeves sued Jeffrey Colletta because he allegedly ruined her credit by filing for bankruptcy (Kupcinet, 2000b). The former engaged couple had a joint credit card, which Colletta failed to report when he filed for bankruptcy. Reeves had to pay the balance on the card, which included

\$3500 for her engagement ring. Judge Judy asked defendant Coletta what he did with the engagement ring after the plaintiff returned it to him.

Colletta: I was emotionally distressed at the time so I threw it away.

Sheindlin: I don't believe you. You know why I don't believe you? Because it wasn't in your answer [a written document given to the judge before the trial]. Mr. Colletta, if you paid \$3500 for an engagement ring and [the jeweler] wouldn't take it back, [you sell it]. . . And unless you're living under a rock, you take an ad in the paper and say you're willing to sell it for \$2000. . . I don't know many people who probably earn a lot more money than you, that would take the ring and throw it in the river. It doesn't make sense. Do you understand? They don't keep me here, sir, because I'm gorgeous. So I don't believe that you threw it in the river. (Kupcinet, 2000b)

The reasons for Judge Judy's harsh personal attacks against explicit antagonists like Colletta become clearer when examining the implicit narratives and the subsequent identification processes they spark. Judge Judy moves beyond arbitrating explicit courtroom conflicts. As the implicit narrative's protagonist, Judge Judy scolds litigants about their "immoral" behavior, allowing the audience outside of the conflict to share a laugh and vicariously punish those who violate "the rules."

Through a process of identification, *Judge Judy* audience members are invited to see their values as consubstantial to Judge Judy's protagonist values. Burke (1973) describes identification as "one's material and mental ways of placing oneself as a person in the groups and movements," or "one's ways of sharing vicariously in the role of leader or spokesman [*sic*]" (p. 227). Television critic, Bruce Fretts, writes, "Sheindlin's take-no-prisoners style has tapped into the public's growing resentment of the legal system. In the post-O.J. world, people crave a jurist who lays down the law with common sense" (Fretts, 1998). Peter Brennan, executive producer of the program, is quoted on the *Judge Judy* website: "She tends to tell the litigants exactly what the audience is thinking" (*The Judge*, n.d.). In Burke's (1973) terms, Judge Judy is positioned as the audience's "reflection in the social mirror" (p. 227).

Burke (1973) argues that discursively defining an "us" who differs from a "them" aids identification. Constructing an enemy (or a "them"), ac-

ording to Edelman (1988), is accomplished more effectively with subtle "implicit associations" which "lend emotional intensity to a public issue" (p. 73). Judge Judy does not directly label antagonistic litigants as "the enemy;" instead, through phrases like "lack of personal responsibility," she identifies the cultural enemy for her audience (Sheindlin, 1996). These implied cues, combined with Judge Judy's affectively charged delivery, allow the audience to rehearse public moral posturing along with her. As Edelman (1988) argues, "In constructing such enemies and the narrative plots that define their place in history, people are manifestly defining themselves and their place in history as well; the self-definition lends passion to the whole transaction" (p. 76). Thus, audience members may define themselves as consubstantially moral by identifying with Judge Judy, uniting them against those who "break the rules" and contribute to a morally destitute community. Judge Judy's heroic ethos is ironically generated through maternal connections and abrasive style, as *USA Today* proclaims: "the truth is what Sheindlin demands. No bull. No excuses. She's the mom who loves you but wants no 'he made me do it' whining. And she can always tell if you're lying. All she has to do is make eye contact" (*The Judge*, n.d.).

To illustrate identification through the implicit narrative, it is apparent that Judge Judy broadcasts moral rather than solely punitive judgments for the broader television and cultural audience. Litigants become implicit antagonists based on the cases they present, the lifestyles they lead, and the way they explicitly conduct themselves in court. Thomasina Daniels sued Kimberly Simpson for assaulting her with an automobile cigarette lighter after Simpson trespassed on her property and vandalized her mother's car (Kupcinet, 2000c). Both women, 22 years old and 19 years old respectively, were romantically involved with the same man who was present in the courtroom. Though the details of this case are sensational, the implicit conflict between Judge Judy and Simpson became even more intense as the hearing proceeded. Judge Judy responded to Simpson's claim that her lover did not visit or nurture their child:

Then if he doesn't do that, he's going to miss out. But that's your responsibility, before you make a baby with somebody, you have to be sure that that person is going to be in their lives. And there are things that women can do to prevent having children with people who they're not sure are going to be a part of their children's lives forever. And if you were dumb enough not to

take care so that you didn't have a child with someone who says he was just a casual sexual playmate, then *you deal with it* . . . that's your problem. You're a woman, you're supposed to be able to say that I'm not going to bring a child into this world unless I am committed to the fact that either I'm going to raise the child myself or if I pick a mate, if I pick a mate, it's going to be a mate that's going to be there . . . you are supposed to be a mother. In a different category than just a moronic teenager. (Kupcinet, 2000c)

Note that the case itself only deals with assault; yet Judge Judy's position on the bench allows her to address an even broader, more important neo-conservative case in the public sphere—the perceived decline in social morality. Simpson personifies the irresponsibility that Judge Judy claims is so common in America, the lack of forethought that makes life difficult for children born to “irresponsible,” unmarried parents.

Judge Judy's books extend her television interactions by berating “liberal” solutions to public problems: “We have tried kindhearted and costly social programs. We have tried blaming ourselves as a community. . . I have never read a study that concluded that people must take responsibility for their own lives” (Sheindlin, 1996, p. 20). Because the social structure has failed to maintain morality, Judge Judy has essentially “taken the law into her own hands” with the help of broadcast television. Sheindlin further evidences her anti-legal institution posture, claiming that “All good judges draw on *their experience* [italics added] . . . Being a good judge requires building a fund of knowledge, legal and practical. The law, *coupled with common sense* [italics added], can be powerful” (Sheindlin, 1996, p. 77). Sheindlin lauds personal experiences over the judicial system and other social institutions, framing advice as “the simple and true lessons I've learned, both on and off the bench” (Sheindlin, 1999, p. 10). In other words, her judicial guidance does not come solely from previous legal precedents or current trends in law. Judge Judy's courtroom becomes a sanctuary where her legal philosophy may be enacted, since the “real world” courtroom—consubstantial with an immoral public culture—does not allow such practices.

Through the implicit narrative, Judge Judy uses the televised court cases before her as vehicles to berate “liberal” trends in the culture war. In terms of identification, litigants draw their “immoral” substance from “immoral” ideologies; both are the antagonistic “them.” If society sub-

scribed to Judge Judy justice, litigants like those that come before her would not be allowed to behave "inappropriately." Sheindlin's (1996) implicit protagonist discourse creates a conflict with those who do not follow the neo-conservative virtues of personal responsibility, self-discipline, honesty, and goodness to her liking:

As citizens, we have the right to demand responsible behavior from each other, and from our government. If individuals among us live irresponsibly, the rest of us should not be penalized. When it comes to victims, the people screaming loudest are usually the culprits. The *real* victims—the majority of decent people—suffer in silence. This is a peculiarly American sickness. (p. 177)

Though the conflict, antagonists, and protagonists are clearly identifiable, the implicit narrative has no resolution. Audience members are invited to join Judge Judy's crusade against social immorality by identifying with her rhetoric. Sheindlin states that she left family court for television to help foster such a process:

It's a much larger audience. Whatever message I spew: "Take responsibility for your life. If you're a victim, it's your fault. Stop being a victim. Get a grip! You're the one who's supposed to make a direction to your life" . . . All these messages I tried in Family Court to instill in people . . . [Judge Judy] sounded like something that would not only be fun, but worthwhile as well. (Lee, 1998, p. E2)

Her television show allows seven million viewers to identify with her values each day, putting "their collective foot down" on society by passing their own judgments against litigants.

Understanding Judge Judy as a Tough Mother

Why has the public welcomed Judge Judy as a legitimate spokesperson within a masculine public space, even as she accosts the very people who seek her assistance?⁸ As suggested in the introduction, why does the contemporary audience accept Judge Judy and reject other seemingly "tough" public women like Hillary Rodham Clinton? Three features of Judge Judy narratives illustrate the judge's rhetorical invocation of Tough

Mother mythology in contemporary cultural discourse: Judge Judy uses personal, often domestic, experiences to justify decisions; she uses virtue language as she aggressively attempts to rid America of vice; she offers practical advice that is also nurturing, embodying Lakoff's (1996) pragmatic Strict Father metaphor.

A dominant characteristic of Judge Judy's discourse centers on her own experiences, as in her first book's introduction: "As a woman, a mother and a judge who has seen our criminal justice system deteriorate for nearly a quarter of a century, I have had it" (p. 8). Her gender and domestic roles lend credence to her public and professional ethos:

You deal with [public] problems the way you would deal with any crisis in a family: by showing compassion and setting strict limits. As the mother of five children, I know you have to get tough at the same time that you show love. Without respect and discipline, you might as well give up the game. Family court should be no different. The exact same psychology applies. (Sheindlin, 1996, p. 14)

From a neo-conservative standpoint, Judge Judy's "practical" approach to solving disputes represents an alternative to the current "morally corrupt" system, which discursively relies on arguments that are not based in everyday experience. As in the temperance context, today's institutions are not protecting families—thus, themes from the familiar Tough Mother myth help justify and even laud Judge Judy's public presence. The Tough Mother may leave private life behind in order to confront the public threats to its sanctity.

A second theme revolves around the presence of virtue and morality in Judge Judy's Tough Mother narrative. Judge Judy is on a mission to save society from moral impoverishment, hammering the message that her litigants and members of society must take responsibility for their own actions or accept the consequences. Recall that the Tough Mother archetype formed under conditions in which women were called upon because of their perceived inherent morality. Though Judge Judy does not appeal to a transcendent morality, she maintains conservative ideology by resolving explicit conflicts through the principles of virtue, rather than the principles of rights. Regardless of whether or not Judge Judy is actually religious or moral, her discourse invokes gendered morality stemming from Tough Mother mythology, affording her special public credibility.

Although traditional femininity holds that women are to be submissive, drawing on their culturally afforded virtue justifies their need to "get tough" in public speech. The mythical Tough Mother cannot afford to calmly address a moral drama's antagonists; in the temperance movement, women often used aggressive moral speech to guide people back toward the "good life." As she performs it rhetorically, Judge Judy's Tough Mother persona is no different. When dealing with those who threaten her moral way of life and those she tries to protect, Judge Judy is justified to castigate society with impatience, a loud voice, biting wit, and brutal judgment. Judge Judy can perform femininity and aggression simultaneously, because her rhetoric "makes sense" with neo-conservative construction of a culture and government in moral chaos. A public woman whose style is stern (if less noticeably accosting), but whose message is more nurturing or community-focused may paradoxically be questioned as being less womanly or less feminine than Judge Judy. Hillary Rodham Clinton's "It Takes a Village to Raise a Child" approach seems to have fallen victim to such a paradox in public opinion. In terms of this analysis, Clinton embodies the very morally lax institutional "liberal" that neo-conservative Tough Mothers like Judge Judy are attempting to eradicate from the culture. Because Clinton's "Nurturant Parent" rhetoric (see endnote 4) falls outside of the contemporary "virtue talk" of "personal responsibility," her often unconventional femininity (see Jamieson, 1995) may be called into question while Judge Judy's gender (if not her broader persona) is left unscathed by public attack.

Finally, Judge Judy's Tough Mother advice is framed as practical as well as moral. This relates to the pragmatic conservative metaphor described by Lakoff (1996): "The goal is to get ahead, to serve your self-interest. . . . If you want to get ahead, you'd better be self-disciplined and self-reliant. You'd better stick to the straight and narrow so that nobody gets upset with you" (p. 286). Recall that while many women entered the temperance movement because they believed that alcohol was morally reprehensible, others joined for the practical reason that they did not want abusive husbands in the home (Gusfield, 1963). From this perspective, Sheindlin offers advice that not only morally rebukes listeners; it nurtures them with practical "common sense." Not all explicit participants receive this type of advice. It appears to be reserved for those who "follow the rules" of style and content. Thus, like the Strict Father, the Tough Mother protects those who are worthy of her care from outside harm, provided they follow the rules of self-discipline.

Judge Judy's aggressive verbal wit, practical advice for surviving and excelling in a competitive world, and non-institutionally grounded, common sense decision-making, exude the characteristics of the mythical Tough Mother. By rhetorically inventing herself through Tough Mother mythology, Judge Judy accesses feminine public virtue in a contemporary neo-conservative scene of failed institutions. Though her discourse is situated in the neo-conservative context of virtue, I have shown that her popular culture persona resonates with Americans through her analogic connection to Tough Mother mythology.

Conclusions

This analysis of Judge Judy's discourse opens avenues to understanding American public femininity in neo-conservatism, popular culture, and current feminist scholarship. Initially, I propose that the Tough Mother is a rhetorical genre for women's public discourse, one that expands and informs Lakoff's political morality metaphors. Generic criticism reveals categorical similarities which "make works rhetorically absorbing and consequential" (Campbell & Jamieson, 1990, p. 8). The Tough Mother as a rhetorical genre provides a set of arguments and implicit assumptions about women's public femininity and their purpose for public involvement. Critics may understand this genre's features through a dramaturgical examination (Burke, 1969a) of verbal stylistic agency, the rhetorically or implicitly constructed scene, and the special virtuous nature of the agent.

The specific ideologies of Tough Mother agents may vary, but the means to achieve public action within this genre are likely to be similar. As Judge Judy exemplifies, the Tough Mother uses aggressive communication to accomplish her agenda in public. Other public women, like orthodox talk radio host, Dr. Laura Schlessinger, conservative newspaper columnist, Mona Charen, and former democratic Texas governor, Ann Richards (Dow & Tonn, 1993), display similar "toughness" in their public communication. Aggressiveness and competitiveness have been categorized as masculine traits (Blankenship & Robson, 1995), yet the rhetorical construction of scene and agent within the Tough Mother genre affords women the untraditional opportunity to maintain their femininity while simultaneously "getting tough."

Appeals to Tough Mother rhetoric implicitly or explicitly illuminate a public scene of masculine treachery. This scenic construction gives generic agents special credibility as "outsiders." Agents may evoke feminine

public virtue by explicitly drawing on their domestic roles as wives and mothers. The media coverage during 1992's "Year of the Woman" elections, for instance, focused on the unique perspective women brought to the policymaking process (Fox, 1997). During this election, women constructed their campaigns around issues of family and community, foregoing much attention to partisan and ideological issues (Fox, 1997). Tough Mother rhetoric draws upon feminine public virtue, but opens the possibility that women may be aggressive in publicly expressing their concerns.⁹

Second, this analysis illuminates the symbiotic relationship between neo-conservatism and feminine public virtue. The Tough Mother's special ethos solidifies neo-conservative laments against declining public morality, making such rhetoric particularly salient. While Judge Judy does not warrant judgments with transcendent moral authority, her pragmatic variation of Strict Father morality advances the neo-conservative construction of a culture in moral chaos. Judge Judy preaches the importance of self-discipline, responsibility, and common sense, which comprise and advance the neo-conservative virtue agenda (Nash, 1997).¹⁰

Unfortunately, Judge Judy reinforces conservative discourse at a cost. The identification she creates with her audience is often at the expense of disenfranchised groups. Edelman (1988) argues that in creating a political enemy, groups often participate in "blaming the victim," or blaming social ills on those who appear to be suffering from those ills the most. Recall that Judge Judy does not listen to testimony that she does not want to hear; if a litigant behaves like a conservative enemy (a "victim") she immediately passes verbal judgment against that person. In her books, for instance, Judge Judy blames people on welfare for their own poverty, reifying a trend in contemporary conservative discourse (Cloud, 1998). Like conservatives advocating "family values," Judge Judy's focus on personal responsibility blames "ordinary people for their failure to measure up to some abstract ideal" (Cloud, 1998, p. 411).

Through the daily medium of television, Judge Judy reinforces a powerful scapegoating process. Once identification creates an "us" and a "them," the former rhetorically places their burdens of sin and guilt on the latter (Burke, 1973). In other words, Judge Judy conveniently constructs a scapegoat from the very courtroom participants who seek her help. The audience is invited to blame the socially downtrodden litigants for their own problems, rather than seeking, participating in, and/or enacting other community solutions. Judge Judy's invitation to scapegoat litigants may

make neo-conservative political ideology palatable and even pleasurable for television audiences—especially vis-à-vis the tiring task of finding political resolutions to complex social dilemmas.

Future investigations into Tough Mothering and popular culture are necessary to better understand conservative scapegoating, particularly with the popularity of other neo-conservative women like Dr. Laura Schlessinger, whose talk radio program draws an audience of 10 million listeners daily (Littleton, 1999). As the aforementioned example of Hillary Rodham Clinton supports, the political realm is an unwelcome place for aggressive women when their personae clash with neo-conservative virtues. Further, it seems that even neo-conservative Tough Mothers like Judge Judy and Dr. Laura find a special home in popular culture, versus more directly powerful public spaces like Congress or the business world. Perhaps the idea that a tough woman may have political agency in policy making is too frightening for mainstream culture, even if her toughness is supported by feminine public virtue and the neo-conservative scene. Future analysis of the Tough Mother genre may explore the unique constraints political or corporate life place on women's rhetoric, as well as the salience of the Tough Mother persona outside of neo-conservative virtue's confines.¹¹

Finally, this analysis helps expand growing scholarship in women's public discourse and "feminine style" rhetorical criticism. Feminine style "is comprised of the dimensions of discourse which may reveal or point to epistemic stances which we discover in the public political discourse of women" (Blankenship & Robson, 1995, p. 357). Scholars describe a "feminine" or "effeminate" style of rhetoric as centered on the qualities of nurturance, caring, emotion, community-mindedness, and personal experience as legitimate decision-making tools (Blankenship & Robson, 1995; Campbell, 1989; Dow & Tonn, 1993; Jamieson, 1988; Sullivan, 1993). The feminine style literature affords critics an alternative critical framework for analyzing rhetoric without the "standards set by the 'manly' style" (Jamieson, 1988, p. 80). It also allows critics to value women's voices, in part for traditionally under-valued feminine virtues such as nurturance and compassion. In terms of this analysis, feminine style criticism takes feminine public virtue as a guiding precept for analyzing women's public discourse.

Like "feminine style" scholarship, mythological criticism encourages readers to celebrate the rhetorical deftness illustrated by women in the nineteenth century, who literally invented their way into public

life. Mythological criticism also fosters an appreciation for the symbolic work of maintaining femininity in today's dynamic discursive context. Yet, as this analysis of Judge Judy illustrates, it is important for feminist critics to trace feminine public virtue's mythical genealogy to understand the complex rhetorical ways in which feminine virtues are deployed. This account of Judge Judy's rhetoric highlights the potential "baggage" carried by feminine public virtue in Tough Mother mythology. While Judge Judy draws upon experiential knowledge, nurturance, and mother-like protection to build her persona, the mythology of virtue allows audiences to accept and even join her aggressive neo-conservative performance. As Parry-Giles and Parry-Giles (1996) suggest, the "feminine style" might be used by both female and male rhetors to reify patriarchal oppression of women, as Judge Judy arguably does through a neo-conservative scapegoating process. It does not necessarily follow that a feminine rhetorical style, which appears to be less mired in institutional politics, justly advances a pro-woman agenda (Parry-Giles & Parry-Giles, 1996). Mythological criticism helps conceive of feminine style virtues as *topoi* or argument sites that invoke particular historical values in the cultural scenes of today. Recognizing the mythological history of such virtues aids critics in discerning the more righteously nourishing rhetors from the spectacularly scapegoating ones—even if they both exhibit a flair for the feminine style.

In conclusion, Judge Judy's aggressive femininity "makes sense" culturally through its implicit rhetorical appeal to Tough Mother mythology. Although the Tough Mother offers Judge Judy a virtuous ethos in the contemporary neo-conservative scene, her aggressive popular persona encourages audiences to scapegoat the downtrodden. Women's rhetorical use of the feminine style takes place in a wide array of contexts, including popular culture. Critics should turn to these other contexts, as well as rhetors from many ideological positions, to complicate our understanding of feminine public virtue. This analysis affirms that the feminine style is potentially empowering for women and potentially nurturing for audiences, though it calls our attention to the mythology of virtue as potentially destructive for progressive politics. Through a more nuanced grasp of public femininity, scholars may give voice to knowledge that will help women achieve equality through, and acclaim for, their rhetorical contributions.

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Notes

¹Tonn's (1996) analysis of Mary Harris "Mother" Jones is one of the few pieces to address how a "tough" style coincides with public femininity. Tonn accounts for Jones's particular rhetorical choices through the "feminine" dynamics of motherhood, nurturance, and care, finding that Jones's militant style worked well to agitate her male labor audiences. The present analysis expands Tonn's and other "feminine style" scholarship by troubling feminine virtues such as motherhood and care: I recognize such values as rhetorically constructed and laden with an ideological history that may be traced through the vehicle of cultural myth. I argue that the feminine public virtue embodied or deployed by female rhetors cannot be understood apart from the larger ideological scene of institutional treachery from which it emerged. Feminine public virtue's cultural history serves as a way to rhetorically account for "tough mothering" without taking woman's virtue for granted, as I explore in the conclusions of the analysis.

²No scholarship has directly addressed the Tough Mother gender myth. However, Japp and Japp (1999) discuss the presence of "tough mothering" as an acceptable rhetorical choice for conservative women at the 1996 Republican National Convention. Women who reflect Lakoff's (1996) metaphorical conceptualization of conservatism, the Strict Father, must adapt their gender to the masculine conservative style. Japp and Japp (1999) argue that women may introduce the nurturance and empathy characteristic of Lakoff's (1996) liberal Nurturant Parent, while maintaining discipline. Hence, "tough mothering," as originally conceptualized by Japp and Japp, is a variation of Lakoff's Strict Father political morality. Lakoff explains that Strict Father families do provide nurturance and love, though it is defined differently than the Nurturant Parent's love (which is largely based on empathy). Likewise, "tough mothering" entails love that is based on personal responsibility rather than empathy. My analysis draws upon this description of "tough mothering" but extends it to the level of cultural myth through the analogue of the temperance movement; my analysis is also concerned with topics that Japp and Japp (1999) do not focus on: popular culture texts, the problematic of aggressive feminine style, and the scenic concerns for Tough Mother mythology.

³At the actual textual level of analysis, critics may distinguish between explicit myths, which are "told in the form of a particular kind of story," and implicit myths, which have "elements in speech indicating particular and essential assumptions which give meaning to the life of an individual or community and on which people can fall back in situations of crisis" (Waardenburg, 1980, p. 52). The narrative analysis in the following section reveals that Judge Judy relies on implicit appeals to Tough Mother mythology; as a rhetor, Judge Judy does not explicitly tell a cultural tale, but uses Tough Mother postulates to analogically lend meaning to the contemporary context.

⁴Lakoff offers an alternative politically liberal metaphor in the Nurturant Parent. Whereas the Strict Father sends his children into the world to fend for themselves, the Nurturant Parent attempts to shelter the child from worldly dangers—protection evidences caring and love (Lakoff, 1996). "The principal goal of nurturance is for children to be fulfilled and happy in their lives and to become nurturant themselves" (p. 109). Unlike Strict Fathers, Nurturant Parents teach their children, in a respectful way, to become fulfilled by questioning and exploring the world. Nurturant Parents place highest priority on moral nurturance, which involves not only empathy, but their own self-sacrifice for children's well-being. Moral strength for the Nurturant Parent does not involve adhering to strict morality. Instead, it includes "social responsibility, generosity, respect for the values of others, open-mindedness, [and] a capacity for pleasure" (p. 137).

⁵While these similarities tighten the link between the temperance movement and contemporary "tough love" culture, I would be remiss to not note two of the key differences between these cultural contexts. The first key difference which I alluded to in previous paragraphs is that the temperance movement incorporated a variety of liberal as well as conservative goals and ideologies. Women within the temperance movement sought the right to vote, as well as an end to the public sale and consumption of alcohol. The neo-conservative movement, on the contrary, is not as complex in its membership—its members hold a consistent political ideology which seeks an end to "moral bankruptcy" in American social life. The other key difference is that the temperance movement had a more specific and distinct political goal than the current neo-conservative discourse, which seeks a more conceptual revival of particular values. Tough love advocates pursue a large cultural and political agenda, rather than a single policy change.

⁶I viewed approximately 50 episodes of *Judge Judy* and found these themes to be salient. I included 15 representative cases in the original draft of this project.

⁷Karen Miller, an original member of *Judge Judy*'s development team, affirms that

selecting small claims cases in which relationships are at stake has been crucial to the program's success (personal communication, March 11, 2003). Miller explains that litigants who appear on *Judge Judy* seek something more than monetary compensation—they seek emotional vindication.

⁸My conversation with Karen Miller augmented this question from a television industry standpoint: How could a woman in her fifties who had a reputation for being "too loud" in the New York court systems compete with such well-mannered icons as Judge Wapner and Oprah Winfrey? Understanding Judge Judy as a Tough Mother helps explain her resonance within a neo-conservative context, and illustrates how powerful popular culture is as a rhetorical tool for identification.

⁹An excellent example of enacting feminine public virtue to promote policy is the Million Mom March gun control rally that took place on May 14, 2000. Several women took the stage in an effort to pass "sensible" gun legislation, drawing on their own tragic domestic experiences in which family members died due to gun violence or accidents. Over 750,000 people participated in the rally, which was reported to be "angry" in tone at times (Levine, 2000, p. A1).

¹⁰Interestingly, Judge Judy's pragmatic Tough Mother persona is somewhat progressive on gender roles. Rather than claiming women should maintain strictly traditional femininity, as the ideal Strict Father would (Lakoff, 1996), Judge Judy advises women on practical ways to succeed in the competitive public world (Sheindlin, 1999). Judge Judy does not claim that women should remain in domestic roles in order to raise children; rather, she advises women to find proper care for their children should they choose to be working parents.

¹¹Future analyses may explore the continued challenges that the legacy of feminine public virtue places on women in public life. Drawing on feminine public virtue as a means to boost public ethos could have detrimental consequences for women outside of popular culture and neo-conservative allegiances. Should the discursive scene change, women's arguments based on virtue may not be as powerful. For instance, the press did not characterize 1994's election atmosphere as a "time for change," two years after women gained office within the special "Year of the Woman" public sphere (Fox, 1997). Though they could use their gender as a primary justification for candidacy in 1992, female Congressional candidates could not run as successfully as "political outsiders" when the scene was constructed differently in 1994 (Fox, 1997). It is important to note that arguments casting candidates as "political outsiders" are not the exclusive purview of women. However, because women are often automatically gendered as "feminine," and because of the history of feminine public virtue traced in this analysis, they must go to great rhetorical lengths to build an "insider" ethos in public life. In fact, those female public figures named as "insiders"—like Martha Stewart and Hillary Rodham Clinton—are typically called so pejoratively. In other words, female political "insiders" have their femininity called into question, while male "outsiders" do not have their masculinity called into question. It would seem that if women continue to emphasize feminine public virtue rather than their rights and ethos as public citizens, they could continue to be marginalized members of the masculine status quo.

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