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When the Victim Becomes the Accused: A Critical Analysis of Silence and Power in the Sexual Harassment Case of Dr. Christine Blasey Ford and Supreme Court Justice Brett Kavanaugh

Erendira Torres

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WHEN THE VICTIM BECOMES THE ACCUSED:
A CRITICAL ANALYSIS OF SILENCE AND POWER IN THE SEXUAL
HARASSMENT CASE OF DR. CHRISTINE BLASEY FORD AND SUPREME
COURT JUSTICE BRETT KAVANAUGH

A Thesis
Presented to the
Faculty of
California State University,
San Bernardino

In Partial Fulfillment
of the Requirements for the Degree
Master of Arts
in
Communication Studies

by
Erendira Torres

May 2021

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ABSTRACT

The purpose of this study was to investigate whether silence was performed as an act of submission or power in the sexual harassment case of Dr. Christine Blasey Ford and Supreme Court Justice Kavanaugh in 2018. Additionally, this study was concerned with how gender role expectations were communicatively represented throughout the hearing. This qualitative case study took a Critical approach through a Feminist Poststructural lens, navigating through concepts such as: discourse, silence, and gender as a cultural construct.

ACKNOWLEDGEMENTS

First and foremost, I want to thank my committee members for making this project possible. Dr. Taylor, I cannot thank you enough for your time, guidance, mentorship and patience. Thank you for believing in me when I didn't even believe in myself. Thank you for never giving up on me. Dr. Corrigan and Dr. Bahk, thank you for sharing your knowledge with me and for pushing me to think outside the box.

Second, I want to thank my immediate family -- mom, dad, brother, and sister -- for always keeping me grounded. Your constant love and support never went unnoticed. Dad, thank you for the much-needed tough love and encouragement. You were right, giving up was never an option. Mom, thank you for allowing me to vent to you. Sis, thank you for staying up with me all those nights. Brother, thank you for distracting me when I *needed* to be distracted.

Last but definitely not least, I want to thank my husband -- the first man to love me and understand me down to my core. Dane, thank you for being my rock and number one fan. Thank you for believing in me. Thank you for not allowing me to give up. Thank you for taking me out of the dark place I was in. Thank you for the unconditional love you show me each and every day. Thank you for loving the real, raw version of me. Most importantly, thank you for our soon-to-be-born son. I love you more than words can express. I will love you beyond this lifetime.

DEDICATION

This project is dedicated to three people: victims of sexual assault, my soon-to-be-born son, and my younger self.

First, this project is dedicated to all victims of sexual assault no matter the age, sex, color or "circumstance." My hope is that when you read this project, you realize, even if it is for a brief moment, you are not alone. You are worthy. You matter. Do not be ashamed. Your experience does not define you. What happened to you was NOT your fault.

Second, this project is dedicated to my soon-to-be-born son. As I write this, he is expected to come in about three weeks. Baby, mommy loves you deeply. If I can teach you one thing, it would be to always stay true to yourself and stand up for yourself. Mommy did not know how to do that for many, many years. Always come to me. Always talk to me. Always lean on me. Please, never feel like you cannot come to me. I will never belittle you. I will never turn my back on you. I will always listen to you. I will never make you feel ashamed. Speak up, baby. Your voice is powerful. You are stronger than you know.

Third, this project is dedicated to my younger self. I am sorry. I am sorry I did not stand up for you. I am sorry I did not fight for you sooner. I am sorry for all those 20+ years of silence. I am sorry you had to feel broken and defeated from a young age. I promise, from this point forward, I will not let you down. I will make it up to you. I will stand up for you and fight for you.

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INTRODUCTION

When the Victim Becomes the Accused: A Critical Analysis of Silence in the Sexual Harassment Case of Dr. Christine Blasey Ford and Supreme Court Justice Brett Kavanaugh

“They are all innocent until proven guilty.

But not me. I am a liar until I am proven honest” (O’Neill, 2016).

Sexual assault is often conceptualized a nonconsenting sexual misconduct. According to Jozkowski, Peterson, Sanders, Dennis, and Reece (2014), sexual assault is defined and is not limited to “nonconsensual sexual activity obtained through force or threats, verbal coercion, or intoxication” (p. 905). For many years, victims of sexual assault did not have a label to connect to their experience(s). Because sexual assault was not labeled, it made it difficult to raise awareness and or validate experiences. According to Wood (2008), “only when the term sexual harassment was coined, did the general public recognized it as unwanted behavior that tied sexuality to security and advancement” (p. 122). Though consent may be self-explanatory to many (i.e., engaging in consensual sex), there is very little empirical research examining how individuals conceptualize sexual consent (e.g., Beres, 2007). Hickman and Muehlenhard (1999), stated that gender differences permeate the framing and subsequent social construction of sexual consent. Research has been conducted to comprehend misunderstandings that may contribute to sexual assault.

Recognizing how individuals think about and express sexual consent is important, because lack of consent is the reason behind rape and sexual assault. Hall (1998) conducted a study where college students were assessed on how they give sexual consent. Students were given a list of sexual behaviors. Participants were instructed to select how they communicated sexual permission, by choosing one of two choices: verbal consent (i.e., yes or no) or nonverbal consent (e.g., actively touching, pulling closer, nodding yes). Consequently, Hall (1998) found no significant difference between men and women's use of consent; however, did note that most sexual permissions were indicated nonverbally. Importantly, nonverbal communication can often be misinterpreted, and does not mirror the way consent is taught today (i.e., verbal consent or "yes"). As such, miscommunication can lead to sexual aggression and assault (Jozkowski et. al, 2014).

In 2013, President Obama signed the Campus Sexual Violence Elimination Act (Campus SaVE Act), which aimed to reduce sexual violence on college campuses. This law urged college campuses to adopt "affirmative consent" (i.e., verbal consent) education and policies at every stage of sexual activity. Today, verbal consent (i.e., "yes") is needed to effectively communicate consent (Tinkler, Clay-Warner, & Alinor, 2018). Controversially, negotiation of sexual consent often follows traditional sexual scripts that favor men's sexual aggression and women's sexual compliance. Consequently, exemplifying an imbalance of power between men and women.

This paradox leads to the ongoing discussion on whether victims of sexual assault should be “believed.” Some argue that victims should show signs of physical abuse or injury in order to constitute rape or sexual misconduct (Anderson, Beattie, & Spencer, 2001). This assumption helps explain why many victims of sexual assault remain silent. Suarez and Gadalla (2010) stated that, “an important factor that discourages rape victims from reporting is the unsupportive reactions that they often encounter after disclosing the assault” (p. 2011). In other words, to avoid being shamed, women decide to keep silent and not disclose the abuse. Minton, Solomon, Stokes, Charash, & Kendzior (1999) wrote, “there is a clear connection between shame and female sexuality” (p. 160), reinforcing the idea that female victims of sexual abuse opt to remain silent. There is an inculcated value in women that abuse is their fault. If they speak up, they will not only not be believed, but also shamed (Norberg, 2012).

In 2017, the hashtag #MeToo trended on social media – a modern approach to social movements of human rights and equality. The #MeToo movement is a social movement that raises awareness about and fights against sexual and physical harassment (Lee, 2018). According to Lee (2018), some cases of harassment are reported in professional settings where “about 30 percent of women and 4 percent of men among U.S. academic medical faculty members reported experiencing sexual harassment... [and] 60 percent of medical trainees and students experienced harassment or discrimination during training” (p. 433). Personal stories of harassment and sexual abuse have brought

awareness to the issue. Most importantly, the #MeToo movement has led to the widespread discussion of victim empowerment (Lee, 2018). As more and more victims share their experiences, it influences others to break their silence, causing a cultural shift around victimology.

Common discourse surrounding victims during sexual harassment cases (e.g., Bill Cosby, 2014; Harvey Weinstein, 2017; Michael Jackson, 1993, 2002), usually centers on questions such as “Why didn’t the victim speak up sooner? Why after so many years are they speaking up?” The questions place blame on the victim, and in a sense, removes the perpetrator from the conversation entirely. The #MeToo Movement aims to push back on this social framing issue—to remove the blame from the victim and make perpetrators accountable for their actions. Edgar (2014) stated that, “these remarks reframe gendered violence through victim-blaming discourses” (p. 138). Additionally, problematic framing directs the responsibility to the victim through assumptions that they “asked for” the violence against them (Dalbert, Lipkus, Sallay, & Goch, 2001).

Silence is the absence of spoken words; a quiet state. Spoken words are often deemed as privilege, while silence is often viewed as suppression (Parrott, 2012). Discourse is how identity and power are expressed (Mills, 2004). To understand silence as a component of discourse in sexual assault cases, this study will be grounded in victim testimonies and specific cases (i.e., Supreme Court Justice Brett Kavanaugh and Dr. Christine Blasey Ford). Utilizing a victim

testimony will assist in examining how silence is used and organized as a form of discourse(s).

Notably, most studies conducted around sexual abuse and harassment are from other disciplines related to but outside communication studies. Using a feminist poststructural feminist lens, this study examines how silence is (en)gendered and organized by victims to examine patterns of discourse in sexual assault cases. This study contributes to this conversation from a purely communicative perspective on the organizing of silence and discourse from and by victims. By analyzing the court hearing and testimony of Dr. Christine Blasey Ford and Supreme Court Justice Brett Kavanaugh case, I will bring a grounded account on discourse(s) of sexual harassment, which will allow to make sense of the cultural markers for silence around sexual harassment. For the purpose of this study and smooth readability, I will be referring to Dr. Christine Blasey Ford as Dr. Ford and Supreme Court Justice Brett Kavanaugh as Judge Kavanaugh. Judge Kavanaugh will be referred to as “Judge” and not “Supreme Court Justice,” because during this case, he was not yet appointed as Supreme Court Justice. In the following pages, I will: discuss what feminist poststructural theory entails; define discourse and its relation to power; examine gender as a cultural construct; discuss how silence is a form of discourse; analyze how victim blaming often leads to victim silence; and end with an explanation of my methodology.

CHAPTER ONE

LITERATURE REVIEW

Although sexual assault and harassment are not necessarily new discoveries in research, they are still ongoing conversations and recurring societal problems. It is important to point out that many of which are occurring in light of different contexts and disciplines. Different social forces and research lenses can be applied to understanding this phenomenon. In this case, analyzing the issue through a feminist poststructural lens on the sexual harassment case of Dr. Ford and Judge Kavanaugh. First, I explore a feminist poststructural lens, analyzing how discourse influences cultural performance. Thus, reinforcing hegemonic masculinity, which establishes patterns of power through discourse (Wood, 2008). Furthermore, language and behavior are common factors analyzed in order to understand how power is organized through society (Foucault, 1981). This study takes exploration one step further and unpacks silence as a component of discourse/language (Clair, 1997; Taylor & Canary, 2017). More specifically, this perspective allows silence to be seen as a form of power rather than submission (Taylor & Canary, 2017).

The following table illustrates the concepts explored throughout the literature review. It is important to understand that these concepts seldomly exist alone. That is, it is difficult to remove or add a category without the other existing. These elements live and function by one another through discourse.

Figure 1. Diagram of Concepts Explored.



Feminist Poststructural Theory

Poststructural theory, it is an “apolitical” deconstructive criticism concerned with the ‘free play’ of meanings in literary texts, meanings of gender and language, and detailed historical analysis of discourse and power (Weedon, 1997). In other words, poststructural theory is interested in meanings behind established communicative norms and how they are organized in society. Language and communication are the primary means by which individuals establish structure, organization, and identity (Foucault, 1981; Weedon, 1997). Most importantly, poststructural theory unveils discursive patterns and consequential discursive positions within language in society. For example,

deconstructing and creating consciousness of individuals' experiences through gender performance and social positions of power. Traditionally, women smile and engage when communicating with others, while men tend to appear more serious. According to Exline, Ellyson, and Long (1985) those with higher social positions tend to appear more serious when communicating because they feel more comfortable when having control. Communication, and or discourse, establishes a sense of hierarchy, power, and organization in society. Feminist theorists suggest that gender is created and enacted through social interactions. The structures of power create contexts in which violence is tolerated and perpetuated in expressions of masculinity and femininity (Hust, 2017). Consequently, language is a common tool for where and how people make sense of themselves (Weedon, 1997).

Communication is the tool people utilize to navigate their way through society. According to Weedon (1997), "Language is not the expression of unique individuality; it constructs the individual's subjectivity in ways which are socially specific" (p. 21). In addition, poststructural theory explains how language establishes a particular discourse through organized institutions. French Theorist Foucault introduced the idea of understanding the relationship between discourse and power. Power always exists even when not actively thinking about it. Power is culturally dictated, but often, not explicit (Foucault, 1981). Foucault (1981) gave special attention to gender and sexuality. Most importantly, Foucault's power and discourse are mainly concerned with political action and

scholarship that “may encompass change in what divides power between sex and gender” (Ramazanoglu, 1993). Utilizing Foucault’s work on power and discourse on an impactful movement like the #MeToo movement, allows for understanding the communicative aspect of silence as discourse in sexual assault cases.

Feminist poststructural theory maintains the focus on language, subjectivity, discourse and power relating to social forces (Weedon, 1997). Consequently, it aims to break male generic language and social standpoint that excludes women. According to Weedon (1997), feminist poststructural theory “focuses on women’s experience which brings together the personal and political” (p. 2), which offers useful ways of understanding experiences relating to social power. Not only does feminist poststructural theory demand for the inclusion of women, but overall social and political equity. According to Tannen (1990), men are concerned with establishing power through discourse, while women seek human connection. Feminist poststructural theory is important because it provides first-hand insight to an oppressed culture or group. Social and political equity is highly determined by how discourse flows throughout society.

Discourse

Discourse is a conceptually rich term. Discourse is commonly associated with how people think, make sense, and communicate about themselves and the world around them. According to Mills (2004), discourse has “largely been

defined by what is not and the difference from a series of terms, such as text, science and ideology” (p. 3). Additionally, there is no singular definition of the term, but rather, various definitions show the fluidity and multitudinous nature.

According to Hawthorn (1992):

Discourse is speech or writing seen from the point of view of the beliefs, values and categories which it embodies; the beliefs etc. constitute a way of looking at the world... different modes of discourse encode different representations of experience; and the source of these representations is the communicative context within which the discourse is embedded. (p. 42)

In other words, individuals place meaning and make sense of what is being said.

Dialogue is interchanged and dissected for meaning. Mills (2004), stated that discourse is how people express identity, power, and context:

People are said to communicate needs and emotions (internal states) and ideas (internal representations of the world); nothing is said or implied about a self in interaction with others, a self in society, or a self in relation to symbol systems that are socially constituted. (p. 51)

Mills (2004) identified the complexities of discourse through its many interpretations. The term possesses a wide range of interpretations through literary and cultural theory. For the purpose of this study, and in conceptualizing the term discourse, I will be looking into Foucault’s work, specifically his argument on power and discourse.

Foucault (1981) explained that discourse is not merely linguistic practices, but how power is organized and institutionalized through society. Mills (2004) states that “discourse offers a way of thinking about hegemony – people’s compliance in their own oppression – without assuming that individuals are necessarily simply passive victims of systems of thought” (p. 27). This argument suggests that through hegemonic structures, people make sense of power through communication by establishing gendered language. According to Hussey, Katz and Leith (2015), gendered language is “produced in different contexts and how the use of language by one person might influence the language production of another” (p. 418). Foucault is more concerned with the ways in which people negotiate power relations, rather than “assuming that the powerful person in an institutionalized relation is in fact all-powerful” (Mills, 2004, p. 35). This argument reclaims the idea of feminist poststructural theory that no specific gender holds more power over the other, rather discursive structures assume power norms. According to Mills (2004), “Power circulates through society rather than being owned by one group. Power is not so easily contained. Power is more a form of action or relation between people which is negotiated in each interaction and is never fixed and stable” (p. 34). Because of the multivalent nature of discourse and its strong explanatory relations to power, it is essential when applied to understanding sexual assault cases. Often, gendered discourse sets the tone for what it means to be masculine or feminine. Thus, constructing a normative social construct on who holds power in society.

Gender(ed) Discourse: A Cultural Construct. Social and political institutions often subordinate women to men. Gender establishes a system of social hierarchy and power. It is important to note that based on cultural gender norms, males hold automatic and normative power in society known as hegemonic masculinity (Wesson, 2008; Connell, 1987). Hierro and Marquez (1994) described gender as, "Inequality of power imposed on sex and constitutes the sexualization of power" (p. 175). The terms sex and gender are often used interchangeably; however, they do not represent the same thing. Sex is biological and often designated at birth, while gender is more complex. Gender (i.e., masculinity, femininity, and androgyny) are based on societal roles, performance(s), and status (West & Zimmerman, 1987). Genders have their own cultural and communicative performances; we call this "doing gender" (West & Zimmerman, 1987). West and Zimmerman (1987) state that, "doing gender involves a complex of socially guided perceptual, interactional, and micropolitical activities that cast particular pursuits as expressions of masculine and feminine 'natures'" (p. 126). Based on how sexes are expected to perform gender (i.e., cisgender), I argue that sex and gender are culturally determined. Hierro and Marquez (1994) explained that, "male-female inequality is not the product of biological difference but of psychological, social, and political differences," establishing a gendered discourse (p. 175). Men and women coexist; however, sex and gender expectations separate them into their own culture. Hussey et al. (2015) stated that, "Males and females are raised to behave differently in the

same social situations and grow to adopt different cultural norms and goals" (p. 418). Consequently, men and women establish these differences through gender discourse.

Feminine discourse is organized through nurturing, supportive, and inclusive language, often referred to as "feminine language" or "feminine styles" (Mumby & Putnam, 1992). Examples of feminine communication styles include: building rapport, disclosing, utilizing verbal qualifiers, hesitant language, and apologetic language (Hussey et al., 2015). Building rapport refers to connecting with others and building relationships through communication (Wood & Reich, 2012). Qualifying language refers to speech patterns, tone, and word choice used to soften the context of a message or undermine the speaker's position/power (e.g., "I am not sure, but..." or "I know I am not an expert, but...") (Wood & Reich, 2012). From a U.S. perspective, female-performing bodies (hereon; the label women will be used) tend to employ softer language than men (or male-performing bodies). Additionally, women tend to apologize more often than men even when unnecessary (Allan, Allan, Kaminer, & Stein, 2006). Research has found that women spend more time explaining themselves as an effort to seek forgiveness and understanding from others (Gonzales, Pederson, Manning, and Wetter, 1990). Brown and Levinson (1987) stated that people of lower social positions make higher efforts to maintain positive affirmations and opinions from others. Because women are often viewed as the "inferior sex" or

having lower social status compared to men, due to hegemonic masculinity, they often feel the need to apologize or hedge more often than men.

Masculine discourse is culturally organized as dominant, argumentative, and persuasive (Ashcraft & Mumby, 2004) and often referred to as “masculine language” or “masculine styles” (Mumby & Putnam, 1992; Wood & Reich, 2012). Examples of masculine communication styles include: dominating the conversation (i.e., holding the floor more often), interrupting, employing defensive language, not disclosing personal information easily, mentioning status/power, and raising their voice. Kathlene (1994) stated that men assert masculinity and dominance by detaching emotionally from the conversation. As opposed to women, men do not disclose personal information because that can be perceived as vulnerability (Wood & Reich, 2012). While women communicate to build rapport, men communicate to report (Ashcraft & Mumby, 2004). Lastly, socially, men’s voices and opinions are often deemed as factual over women’s (Roberts & Utych; 2020). In other words, a lot of things they communicate are often not second guessed as much as women’s voices.

West and Zimmerman (1987) stated, “rather than as a property of individuals, we conceive of gender as an emergent feature of social situations: both as an outcome of and a rationale for various social arrangements and as a means of legitimate one of the most fundamental divisions of society” (p. 126). This implication suggests that because men and women have their own way of expression, they shape their own component of culture.

Men and women are expected to negotiate and perform depending on the specific cultural society in which they live (Eguchi, 2009). As Eguchi (2009) explained, "Gender is the major aspect of social interactions" (p. 93). The core of our communicative standards is based upon what men and women should do and not do. Through popular culture and social normative standards, gender communication and performance are often viewed as a form of power, where masculinity is associated with dominance, and femininity is associated with subordination (Macharia, 2007), because gender is the communicative enactment of cultural assumptions.

Power, gender roles, and communication in relation to these concepts, are established from a young age. Gallas (1997) examined how children develop power and identity through gender communication, discourse, and silence in elementary schools. According to Gallas (1997), boys establish power through discourse, while girls portray a submissive demeanor often through silence -- "'bad' boys and a 'good', but silent girls" (p. 63). The study examined a group of elementary school children while completing their morning journals for an entire school year. Gallas found that boys made jokes, were disruptive, and attracted attention to themselves. Girls were opposite, as most sat quietly and avoided overall attention and "took less physical space" (Gallas, 1997). Researchers have studied communicative gender enactments by focusing on behaviors from a young age, to understand how boys and girls perform and communicate gender.

Thus, often creating a sense of insecurity and inferiority in women from a young age. According to Hartman (2006):

Many girls begin to doubt their own knowledge and experience and begin to devalue their feelings, at which point they often take on more traditional roles as women... As girls enter junior high, for example, they begin to perform less well academically. As the focus more on popularity, many learn that being smart and earning good grades is an obstacle. (p. 85)

On the other hand, when girls adopt a loud and assertive voice, they are often perceived as one “of the boys” (Meade, 2007) or a “bitch” (Kimmel, 2008). Often, some girls are categorized as “tomboys.” Girls who act, dress, and talk like boys, are therefore not viewed as feminine or “girly,” but as masculine and “tomboys” (Urquijo-Ruiz, 2009). In our heteronormative society, women are expected to look and act feminine (e.g., submissive, nurturing, quiet, empathetic). Therefore, not being “feminine enough” violates societal expectations.

According to Burgoon (1978), as a society, we place positive or negative values on people or situations, and when these values do not effectuate based on established perceptions, our expectations are violated. According to Wood (2013), “People who reject conventional prescriptions and step outside of social meanings for gender often provoke changes in cultural views” (p. 22). Popular discourse establishes and organizes what it means to be male and what it means to be female. When those classifications are broken, we face uncertainty and discomfort. Overall, young girls are taught to be silent and submissive. Because

of our gendered discourse in society and double-standard views on sexual assault, victims of sexual harassment choose to remain silent rather than facing shame and victim-blaming.

Guyland

Through interviews and ethnographic work, sociologist and gender studies professor, Michael Kimmel (2008), provided insight on male adolescents' transition into adulthood. Kimmel sheds light on the process by which boys become men and the social pressures they encounter to conform and perform gender norms. According to Kimmel (2008), culture shapes boys to adopt masculine views, which help them navigate their way to manhood. He argues that this form of communication shapes the culture of masculinity. Kimmel defines this phenomenon as Guyland (i.e., a man's world):

Guyland is the world in which young men live. It is both a stage of life, a liminal undefined time span between adolescence and adulthood that can often stretch for a decade or more, and a place, or, rather, a bunch of places where guys gather to be guys with each other, unhassled by the demands of parents, girlfriends, jobs, kids, and the other nuisances of adult life. In this topsy-turvy, Peter-Pan mindset, young men shirk the responsibilities of adulthood and remain fixated on the trappings of boyhood, while the boys they still are struggle [sic] heroically to prove that they are real men despite all evidence to the contrary. (p. 4)

Kimmel highlighted several rules and principles in Guyland. First, he explained that hypermasculine behavior is not only applauded, but highly encouraged in Guyland. Hypermasculinity refers to exaggerated masculine performance such as, socially encouraged to engage in promiscuous sexual activity, aggressiveness, and hostility (Shafer, Ortiz, Thompson, & Huemmer, 2018).

Second, hypermasculine behaviors are dismissed with the argument that “boys will be boys.” In other words, because boys are expected to perform their gender in an exaggerated masculine way, they should not be punished for doing so. “Boys will be boy” is a common cultural excuse used to dismiss their actions.

Third, Kimmel stated that it is encouraged for men to side with other men rather than women. In other words, supporting one another over supporting women. Having each other’s best interest (i.e., “having each other’s back”) is a symbol of masculinity (Kimmel, 2008). Socially, this is known as “guy code” or “bro code.” If a man shares or sympathizes with a woman, they are often considered to “not be man enough.” “Bro code” is essentially a “friendship etiquette” amongst men with the vulgar golden rule of “bros before hoes” (i.e., “friends before women”) (*The Bro Code*, 2011). Kimmel (2008) stated, “The motto of Guyland is simple: ‘Bros Before Hos.’ Just about every guy knows this--knows that his ‘brothers’ are his real soul mates, his real life-partners” (p. 13). Supporting one another over supporting women is an important factor in Guyland and bro code. Performing and abiding to these rules not only establishes masculine culture, but it also works as a way of excluding women.

In order to establish a difference between the culture of Guyland and the place of young women, Kimmel identified this experience as “babes in boyland.” This refers to the exclusion of women from Guyland, “and when girls are allowed in, they have to play by guy rules –or they don’t get to play at all” (p. 14). This is important, as it identifies the nature between the relationship between young adults in today’s normative views. The communicative performance of sexes reinforces the difference between their cultures. Young men have the power in Guyland while women must learn to be submissive. Kimmel (2008) stated:

A girl senses that she is less than, not a bro, and that underneath all his syrupy flattering is the condescension and contempt one naturally has for a hoe. Girls also know the joke about the difference between a bitch and a slut (their only two choices in Guyland): “A bitch will sleep with everyone but you.” Girls live in Guyland, but they do not define it. They contend with it and make their peace with it, each in their own way. (p. 15)

To simply put, women understand they live in Guyland, they know their role, and they play into it. According to the findings in educational sociology, gender practices and customs take place through socialization; meaning gender performance and power is inculcated and learned through culture (Nickel & Vale, 1988). Attitudes, behaviors, and practices are learned through society and the education they impose on genders; with this comes the exertion or submission of power.

Silence as a Communicative Gesture

Silence is a communicative gesture (Acheson, 2008). Munoz (2014) eloquently asserted that, “silence is more than just dead air in human communication” (p. 15). Unspoken words can have a multitude of meanings. Often, what is left unsaid is more relevant than what is verbally communicated. Acheson (2008) argued that silence is not simply lack of speech, but “binded and composed cultural codes” (p. 538). To simply put, silence is culturally dependent. According to Lee (2010), “Silence is not polar opposite to noise, but a context in which another kind of discourse takes place... silence is more a medium than a state, a vessel rather than a condition” (p. 17). Through language, silence is heard. Most importantly to this study is the recognition that silence is an inherent component of discourse (Taylor & Canary, 2017).

Silence may be used to organize and control discourse (Kramarae, 2001). While some may view silence as a marginalized and submissive concept, others view it as a form of discursive power (Foucault, 1994). Silence may be used by sexual assault victims to regain power and control when they feel everything else seems to fail. According to Blimes (1997), this is known as ‘hidden silence,’ which refers to what remains untold, and is often associated with power. However, hidden silence does not have a recognizable ‘form’ itself, but rather, it is conceptualized by the examiner. In other words, the person trying to understand silence is the one who gives it the meaning. Therefore, victims of sexual assault can assert power through employing silence as a communicative

strategy. Jaworski (2000) conceptualized hidden silence as “an absence of something that we can expect to hear in a given occasion, when we assume it is ‘there’ but remains unsaid” (p. 113). Lee (2010) found that because we now live in a noise filled society, people have lost the ability to appreciate and understand silence. Consequently, even when we hear silence, we are often lost in how to listen for the hidden context (Lee, 2010). Often, a result of victim silence is victim blaming, as a means to finding answers to the attack.

Silence is not only employed by victims of sexual assault, but also by perpetrators and bystanders (Bluth, 2014). Bystanders are those who either witnessed the attack, have knowledge of, or were involved in a non-active way (Banyard, 2011). The assumption is that silence employed by victims often comes from a place of shame, fear, and self-guilt, silence employed by perpetrators often comes from a place of power and defiance (Mazzei, 2011). Often, those with powerful positions and careers (e.g., politicians, artists, celebrities) who becomes involved in sexual assault allegations, resort to silence by “privately handling the situation with a lawyer” (Joyrich, 2019). Resorting to silence in a courtroom generally does not serve well with either the plaintiff or the defendant. Munoz (2014) stated that, “silence when a spoken response is required can be interpreted as guilt, ignorance, or defiance, rather than as discomfort or inexperience with courtroom structures and their rules” (p. 26). In other words, when either side of the courtroom remains silent, it is often viewed as guilt or withholding the truth. Often, silence under these circumstances is

viewed as omission. Omission is referred to as excluding or withholding information (Levine et al., 2018). Levine et al. (2018) conducted a study to understand the correlation between omission and dishonesty, guilt, deception and benevolence. Research found that omission was highly correlated with dishonesty and guilt. People tend to find those who use silence as omission as dishonest and guilty. However, it was found that those withholding the information (i.e., omitting) resorted to silence as a form of power.

Past research found victims of sexual assault considered themselves less powerful against their attacker (Campbell & Raja, 2005; Lerner, 1980; Minton, 1999). When feeling unsupported by the world around them, silence becomes heavily ingrained. Harris and Hanchey (2014) asserted that victims' willingness to break silence comes from a place of lack of power and support. In other words, as long as a victim is victim-blamed and shamed, the victim will remain silent. Munoz (2014) explained that sexual assault victims' voices are often especially silenced in courtrooms because of lack of power:

Experienced participants, such as judges, attorneys, and bailiffs control the talk of less experienced participants: plaintiffs, defendants, juries, witnesses. Under these circumstances, having less experience and less power in the situation (and often having more at stake: possible imprisonment or execution, large sums of money, ownership of land and other significant possessions) can be compounded by cultural differences between the regulars and the novices. Knowledge, experience,

perspective, and opinion can all be either allowed or silenced by the rules of speaking in a courtroom. (p. 26).

Because silence is performed differently between individuals, a correlation exists between silence and gender performance.

(En)Gendering Silence

Cultural gender norms encourage men to not show affection, suppress their emotions, and not talk about their feelings (Ashcraft & Mumby, 2004; Kimmel, 2008; West & Zimmerman, 1987; Wood, 2008). Ideally, men are encouraged to silence their emotions. Balswick and Peek (1971) described this phenomenon as the inexpressive male. Besides motivating men to be inexpressive with their emotions, men are also encouraged to take on the role of dominance and superiority in relationships. According to Sattel (1976), there is an undisputable correlation of power in male inexpressiveness. Sattel (1976) questioned Balswick and Peek's (1971) idea that men are generally inexpressive in all phases and instances of life. He argued that men are expressive, but are socially and culturally encouraged to be inexpressive to assert power. For example, Sattel (1976) stated that when talking about sports and politics, men are usually overly expressive. However, when dealing with topics that pertain to relationships or women, they are often inexpressive and silent. Sattel (1976) stated:

Why this silence? Again, I do not think it is just because our culture demands inexpression – I think here... silence and inexpression are the

ways men learn to consolidate power, to make the effort appear as effortless, to guard against showing the real limits of one's potential and power by making it all appear easy. Even among males alone, one maintains control over a situation by revealing only strategic proportions of oneself. (p. 476)

According to Leto DeFrancisco (1991), there is a correlation between male inexpressiveness and silence. Leto DeFrancisco (1991) studied married couples' interactions for ten days by audio recording their everyday conversations in their homes. The study focused on: who did most of the talking, the topics of discussion, who had a harder or easier time communicating, who spent more time silent, and who silenced each other more. Leto DeFrancisco found that: women started conversations more often (63 percent of the time), while their husbands silenced them by speaking over them, interrupting them, and evading questions and conversations entirely through the use of silence and omission. Leto DeFrancisco stated that "men were relatively silent, and those behaviors silenced the women" (p. 416). She added that "men disguised their silence through evasion and omission 68 percent of the time" (p. 416). Lastly, Leto DeFrancisco found that men used aggressive and defensive language more often than women (67 percent of the time) to avoid some topics and conversations. This evidence reinforces Acheson's (2008) argument that silence is a contextual and culturally dependent performance.

Sattel and Leto DeFrancisco confirmed that men disguise silence through male inexpressive behaviors (e.g., unaffectionate conduct, emotional detachment, speaking over others, evading conversations) to establish power. While women tend to utilize silence as absence (to literally or metaphorically appear nonexistent) or withholding of a message, men tend to perform silence through the use of omission, evasiveness, and interruption. In other words, men's silence is not the absence of spoken words, but rather, filled with avoidant expressions and often times, through aggressive and defensive verbal and nonverbal behaviors. Holmes (2013) stated that silence through omission and evasion is often linked with aggressive behaviors and language. Culturally speaking, males are encouraged to use their voice and inexpression to express power and dominance (Sattel, 1976). As Ashcraft and Mumby (2004) stated, masculine language is often viewed as "aggressive, argumentative, and defensive" (p. 4). Because silence is viewed as the opposite of expressiveness, men tend to fill silence with masculine language, given that is the way of doing and performing their gender. For the purpose of this study, I argue that men communicate and perform silence through inexpressive male behaviors (Sattel, 1976; Leto DeFrancisco, 1991), rather than the absence of words (Jaworski, 2000).

Silence serves powerful communicative purposes. Houston and Kramarae (1991) explained how silence is organized as power by stating, "the power to silence another is not simply the power to prevent her to talk; it is also the power

to shape and control her talk, to restrict the things that she may talk about and the ways she is permitted to express them” (p. 389). While silence may be seen as a form of submission, silence is organized as a form of discursive power. For example, those held under custody and choose to withhold or omit information use silence as power (Levine et. al, 2018; Kathlene, 1994). Moreover, victims of sexual assault resort to silence as a form of power (Mazzei, 2011). Most victims often feel powerless after the abuse and the only thing they believe they have control over is their silence (Carretta, Burgess, & DeMarco, 2016). However, victim silence often leads to unfortunate repercussions such as victim blaming.

Victim Blaming

Victim blaming refers to the idea of making victims of sexual assault responsible for the attack, by stating that victims somehow provoked the attack (Harber, Podolski, & Williams, 2015). Additionally, victim blaming is construed as involving judgements that victims of sexual assault “deserve what they get,” which is motivated from a belief in a just world (Lerner, 1980). Victim blaming often leads to victim self-blame and self-silencing, which heightens depression and post-traumatic stress disorder (Campbell & Raja, 2005). A common way to victim blame has been through making rape pass as a myth or fake (Anderson, Beattie, & Spencer, 2001). According to the National Sexual Violence Resource (NSVR.org), it was reported that the statistics of false reporting in sexual assault cases in 2018 was between 2 and 10 percent. These numbers are often inflated due to inconsistencies, certain statutory protocols, and law enforcement

judgement. Some myths about rape and abuse include “real rape victims should have signs of injury to prove it” (Anderson et al., 2001). In order to establish these conclusions and establish a link between rape myths and logic of victim blaming, Anderson et. al recruited 60 participants who had previous knowledge of each other and to the issues and opinions on rape. Because of the sensitive topic, researchers found that it would be best to have participants know each other. This way, having a higher chance of victim disclosure. Therefore, receiving concrete and reliable data for the study. Victim blaming serves as a function to find answers and leaving the perpetrator free of all blame. Anderson et al. (2001) stated:

We are motivated to believe that the world is a fair place and that behavioral outcomes are deserved thus allowing us to maintain a sense of control and efficacy over the environment. To believe that unfortunate things happen to people without any apparent reason would prove chaotic and would subsequently threaten our sense of control. Thus, perceiving the victim as deserving of the misfortune helps to restore the comfortable view of the world as ordered and fair. (p. 447)

Suarez and Gadalla (2010) stated that, “an important factor that discourages rape victims from reporting is the unsupportive reactions that they often encounter after disclosing the assault” (p. 2011). To understand the extent to which people put direct blame back on the victim, Suarez and Gadalla used the rape-myths acceptance (RMA) scale. The RMA scale is a 22-item 5-point

Likert-type scale that aims to identify the degree to which people find the victim of rape responsible. Some of the items include: "If a girl is raped while she is drunk, she is at least somewhat responsible for letting things get out of hand," "When girls go to parties wearing slutty clothes, they are asking for trouble," and "A rape probably doesn't happen if a girl doesn't have any bruises or marks." Suarez and Gadalla's research constituted on gathering previous research that utilized the RMA and incorporating their findings into one study. The goal was to determine who holds victims responsible; the victim, the rapist, or both? Do social class, status, and culture play a role in victim blaming? Suarez and Gadalla found that, "men displayed a significantly higher endorsement of RMA than women" (p. 2010). Additionally, results demonstrated that, "men, older people, traditional gender role beliefs, adversarial sexual beliefs, conservative political beliefs, and aggressiveness among other variables were predictors of rape" (Suarez & Gadalla, 2010, p. 2012). Victim blaming induces shame in victims of sexual assault.

Tangney (1996) defined shame as an "unwanted and difficult-to-control experience in self-hidden emotion" (p. 6). Shame is a constituent of victim blaming (Norberg, 2012). It is a way to denigrate and remove power away from victims or those who are oppressed. Shame is linked to the "experience of being female" (Lunceford, 2008, p. 321). According to Lunceford (2008) the terms "shame" and "humiliation" are gendered as female terms. Wood (2013) argued that language reflects social views of women as passive and men as active when

engaged in sexual activity (e.g., “he screwed her” vs “she got laid”). Lunceford (2008) analyzed the discourse between men and women during the walk of shame. The walk of shame was popularized in the United States, which refers to the walk back home after a casual sexual encounter; however, shame in this scenario is only accredited toward women. Men do not have to worry about performing a walk of shame because engaging in sex, regardless of marital or promiscuous, is a masculine concept (Young, 2015). Men are expected to be sexual initiators, while women are expected to be passive and defined by her relationship to the man (Mills, 2008). Though both persons are engaging in the sexual encounter, only the woman faces the consequences of being shamed for having casual sex. Lunceford (2008) asserted that, “a woman must choose to be sexual or feminine — she cannot have both. The walk of shame tacitly acknowledges that women have sex but punishes those who do so openly. Discretion allows women to maintain the paradox of sexy, yet virginal” (p. 324).

Regardless of whether women engage in consensual sex or are victims of rape, the blame is directed back to them. Female bodies continue to be shamed and required to take accountability for their actions. While men are encouraged to share their sexual encounters, women are compelled to be silent. Females who openly communicate an active and promiscuous sex life, are often considered as less valuable in society through labels and their respective material consequence (e.g., slut, whore, slut, prostitute) (Hess, Menegatos, & Savage, 2015). The concept of shame establishes and maintains a sense of

hierarchical structure between genders (Norberg, 2012). Like victim blaming, it is a way to establish who has power and who does not. Shame is not only viewed as an emotion, but also a language (Norberg, 2012). This implication suggests that not only do victims of shame feel judgement, but those who shame understand the implications of their rhetoric. Norberg (2012) investigated how language made people feel certain emotions. Languages differ amongst cultures and with that, emotions change. With shame being considered a language and gender considered a culture, the study focused on the discourse of shame and its interpretation between males and females. According to Norberg (2012), “woman’s shame is typically presented as sexually coded and produces responses like silence and a sense of physical shrinking” (p. 162). Sexuality is encouraged for boys from a young age, while girls are oppressed and expected to remain virginal.

Minton, Solomon, Stokes, Charash, & Kendzior (1999) stated that, “there is a clear connection between shame and female sexuality” (p. 160) and because of this, female victims of sexual abuse opt to remain silent. There is an inculcated value in women that abuse is their fault. If they speak up, they will not be believed (Norberg, 2012). Minton et al. (1999) asserted that, “A girl is exposed from birth onward to the suggestion of her inferiority” (p. 208). From a young age, girls are taught that with their biological sex and gender roles, comes submission and segregation. To determine the extent to which women wish to be male instead of female, Minton et al. (1999) recruited a diverse sample of women.

They were given a booklet with different scenarios and questions such as: the ability to not menstruate, bearing children, perceptions of getting away with more, and being able to go out and not be sexually harassed. Results reported that if given the choice, women would rather much be born male. To simply put, women would rather experience the heteronormative power men have in society, rather than experiencing shame.

This study examines the ongoing conversations around and about victims of sexual assault. Most importantly, focusing on silence as a cultural and gendered performance. Specifically, whether silence is viewed as oppressive or a choice. The following research questions guide this study:

1. How is silence discursively practiced throughout the testimony?
2. How are gender role expectations communicatively represented throughout the hearing?

CHAPTER TWO

METHODOLOGY

My research commitments derive from a critical perspective (Deetz, 2001). Deetz and Mumby (1990) described critical scholars as those “challenging the hegemony of mainstream, functionalist approaches” (p. 18) and questioning why beliefs and practices are organized the way that they are. Issues of power, control, and authority have become an important area of research for critical scholars. Deetz and Mumby (1990) stated that, “by focusing on the relationship between power and discourse, we show how particular systems of interest representation emerge in the modern organization” (p. 18) and in this case, sexual harassment and abuse. Using feminist poststructural lens, I will be able to understand how silence is used through trial transcripts.

Researcher Position

Childhood memories begin as early as four years old (Peterson, Morris, Baker-Ward, & Flynn, 2014). Teenagers and young adults have reported meeting their preschool best friend or walking to the park with their grandparents as one of the earliest memories they could recall (Peterson, Warren, & Short, 2011). Unfortunately for me, when I think about my earliest memories, the first thing that comes to my mind is the time I was sexually assaulted at the age of six. I would give anything to change that and make my earliest memory a joyous one.

Recalling that event brings pain to my heart, shame, anger, frustration, and overall discomfort.

Both of my parents worked overnight, so my sister and I were babysat by an elderly family friend. This woman had two sons and one of them made me feel uneasy when he was around. Being that young, I did not understand why I felt strange when he was around; I could not make sense of the feeling he gave me. When he would walk through the door or I would hear his voice, my playful six-year-old energy would shut down and I would go into a silent stage—I did not want to be noticed. After the abuse, I was unable to verbalize what had happened. However, I knew what had happened was wrong. What I internalized was a sense of shame, because from a young age, I was taught that girls' vocal and physical expressions dictated how boys and men treated females. For example, I must have "said something" or "done something" inviting the abuse. I remember my mom often telling me, "Your grandfather and your uncles are in the living room. Do not come over wearing that. You are going to cause male distraction." I learned from an early age, it was my duty to prevent unwanted attention and disrespect. Telling my parents what happened was not an option. Somehow, even though I was young, I understood that what transpired was not "normal" and if I said something, it would have been considered my fault. Though I was only six years old, I learned the feeling of humiliation, shame, and silence.

Now that I am in my twenties, and I can now articulate what happened, I still cannot comprehend why someone would put anyone through that kind of

pain and humiliation. Above all, knowing that some blame victims or even question their silence with lying, is unexplainable to me. Even until this day, I have not found the courage to tell any of my family and friends about the abuse. Unfortunately, I grew up in a household, and more broadly a culture, where victims are blamed. My father would say about other women, “Well, did you see what she was wearing? She wanted attention.” And even if victims are not blamed in my household, questions like these appear: “Why would the perpetrator rape her/him though? Can’t they just have consensual sex with someone else or pay a sex worker for it?” But what some people do not understand is that it has never been about pleasure, it has always been about power. It has never been about the victims’ clothes or appearance either, because I know my six-year-old self, wearing a Minnie Mouse shirt, was not “asking for it.”

Tracy (2013) stated that when conducting a credible, ethical, and significant qualitative study, one should approach the study with an “honest and authentic awareness of one’s own identity and research approach” (p. 233). Tracy described this as “self-reflexivity” and further defines it as, “sharing one’s motivations to conduct a certain study and engaging in practices that promote self-awareness and exposure” (p. 233). Further, Tracy explained that some researchers’ past experiences may be considered as “baggage” or wisdom. Personally, I believe my experience gave me wisdom. While some may feel “sorry” for me, I do not pity myself. I believe that my experience not only made

me stronger, but it allowed me to understand other victims on a different level than most. Tracy (2013) stated that some qualitative researchers not only acknowledge their own personal experiences, but they “celebrate it.” I believe I celebrate mine. I believe that if I had not lived what I did, I would not have the same amount of empathy, knowledge, and understanding on the topic. Most importantly, this project liberated me. It is now easier for me to “say out loud” my experience. This project changed me. I turned my “baggage” into wisdom.

Data Collection and Analysis

Using an iterative analysis, I watched, analyzed, transcribed and studied Dr. Ford and Judge Kavanaugh’s sexual harassment court hearing that took place in 2018. An iterative analysis is a “reflexive process in which the researcher visits and revisits the data, connects them to emerging insights, and progressively refines his/her focus and understandings (Tracy, 2013, p. 184). Tracy (2013) further explained that through iterative analysis the researcher prepares raw materials (i.e., fieldnotes, key documents, interview transcripts), systematically organizes other data sources; and codes and labels data through a multi-step process.

I conducted a qualitative case study analysis for this project for a few reasons. First, the timeliness of the high-profile case. This case was highly popular in 2018 during my first year in graduate school. Second, accessibility. The footage of the hearing was easily accessible online as well as the court transcript. A big upside of using this case study was that I was able to see social

actions working together in “real time.” In this case, politics is the ultimate “old boys club.” Lastly, it avoided practical limitations such as not being able to directly interview Dr. Ford, Judge Kavanaugh, or anyone else present during the hearing. The following section will give detailed insight on how exactly I completed my analysis.

First, I gathered and organized my physical materials, which were: testimonies, footage of the hearing, transcripts, and stationery. I found Dr. Ford’s written opening testimony online, which was written in conjunction with the recommendation of her lawyers (Katz, Marshall and Banks, LLC). The transcript of the opening testimony is publicly available online and published through her law firm. I found and watched the entire hearing on YouTube, published by C-Span. The footage was a total of nine hours. However, I viewed the footage four times, making it over 36 viewing hours. Dr. Ford’s testimony and hearing was a little over four hours. Judge Kavanaugh’s testimony and hearing was also over four hours long. I utilized Closed Captioning every time I watched the hearing. Additionally, I found and downloaded the entire PDF transcript of the hearing, issued by The Washington Post. The transcript was a total of 140 single-sided pages. I printed the transcript and placed it inside a 2-inch binder for ease of reference and to keep it organized. I used different colored pens and highlighters to highlight recurring themes on the hardcopy transcript while watching and analyzing the hearing.

I viewed the hearing in chronological order--in the order in which the hearing took place: Dr. Ford testified before Judge Kavanaugh. The senate committee members took turns speaking during both testimonies. I also watched all recesses, because the cameras did not stop rolling when court was technically not in session. I wanted to make sure that I viewed the hearing from all angles and perspectives. The dialogue during recesses was not included in the physical transcript. When I needed to retrieve dialogue not included in the transcript, I utilized YouTube's Closed Captioning. I also listened to the audio and paused periodically as I transcribed everything into a Word document.

As previously stated, I watched the hearing in its entirety four times. The first time, I watched it to familiarize myself with the case in order to engage with what Tracy (2013) called the data immersion phase of data analysis. I did not take notes or make any connections that time around, I simply watched in order to gain a big picture understanding of the trial and arguments presented. The second time, I split the hearing into three sections: Dr. Ford's testimony, Dr. Kavanaugh's testimony, and comments and opinions from the general public. After watching each testimony, I took a few minutes to jot down my thoughts on what I had seen. I focused on cursory observations, in my primary-cycle coding. Tracy (2013) noted that this is about words and phrases directly related to initial observations rather than theoretically saturated. For example, for Dr. Ford's testimony, I jotted down, "nervous?" "stuttering" and "Is she apologizing for not remembering?" For Judge Kavanaugh, some of my notes included, "Seems

overly angry,” “Did not really answer any questions directly,” and “Seems more aggressive speaking to female committee members than to male committee members.” The third time I watched the hearing, I went back to my literature review and made possible connections from my notes (i.e., second time watching the hearing) to past research findings. This step in the process allowed me to solidify my first-level coding structure. For example, I tied connections such as: apologetic language=female discourse and aggressive language employed by Judge Kavanaugh=hegemonic masculinity. Then, I assigned a different colored pen and highlighters to identified themes (e.g., pink=feminine discourse, blue=masculine discourse, yellow= “boys will be boys” behavior, orange=gendered silence, green=victim blaming).

While watching the hearing for the third time, I used the different colored pens and highlighters to underline instances where I saw these themes occurring on the hardcopy transcript. The fourth time I watched the hearing, I followed along with the hardcopy transcript, but this time I made significant pauses in the video and reflected on areas I had previously highlighted. This helped me either reinforce or discard significant occurring themes. Using the iterative approach, I made literature connections and comments on the margins of the transcript, which allowed for my second-level codes to emerge. At the conclusion of my coding cycles, I had three hierarchical codes which are represented as themes in the data interpretation section (Tracy, 2013). Also, I notated times in which significant instances took place. This helped me go back and connect the

hardcopy transcript to the footage with ease. Though I watched the hearing in its entirety four times, it is important to note that I referred to the video several times on top of that. For example, if I needed to refresh my memory or if I needed clarification on something that was said, I went back to that specific time slot. All in all, the total viewing hours adds up to more than 50 hours.

The most recognizable themes throughout the analysis of the hearing were “gendered discourse patterns” and “gendered silence”. Gendered discourse patterns were not only established by Dr. Ford and Judge Kavanaugh, but also by some Senate Judiciary Members and the general public who made calls during recesses. As for gendered silence, it was utilized by Dr. Ford, Judge Kavanaugh, and some members of the Judiciary Senate. Lastly, the analysis recognizes that both gendered discourse patterns and gendered silence have structural consequences and implications through their performance. Before diving into the data interpretation analysis, it is important to first explain how the case developed, point out dates, and other information leading up to the hearing day, which will serve useful to understanding the analysis.

The Timeline of Events Leading up to the Trial

Early July 2018, President Donald Trump nominated Judge Kavanaugh to a lifetime appointment as Supreme Court Justice of the United States of America (Stolberg & Fandos, 2018). When Dr. Ford found out that Judge Kavanaugh was considered for this position, she decided to come forward about an alleged sexual harassment event that happened in 1982. Dr. Ford reached out to

Congresswoman Anna Eshoo and disclosed the abuse. Anna Eshoo reported that Dr. Ford appeared terrified and was concerned about her. Congresswoman Eshoo advised Dr. Ford to reach out to Senator and ranking Democrat on the Senate Judiciary Committee, Diane Feinstein. Dr. Ford wrote a letter to Senator Diane Feinstein alleging that Judge Kavanaugh had sexually harassed her when they were both in high school (*The New York Times*). She also stated her wish to remain confidential. Senator Feinstein respected Dr. Ford's wish to remain confidential and did not raise the issue during the initial confirmation proceedings. However, on September 12, 2018, the online news publications, The Intercept, reported that Senator Feinstein was withholding information and documents concerning Judge Kavanaugh from the rest of the Judiciary Committee Democrats (Brown, 2018). Dr. Ford's name was not mentioned in this article.

On September 13, 2018, Senator Feinstein referred Dr. Ford's letter to the FBI. Dr. Ford's name was redacted and sent to the White House for an updated background check investigation on Judge Kavanaugh (Brown, 2018). The letter was then sent to the Senate Judiciary Committee. On September 16, 2018, several media outlets became aware of the situation and began tracking Dr. Ford's identity (*The New York Times*). Feeling under pressure to reveal her identity, Dr. Ford went public. Dr. Ford was scared of the negative impact that her coming forward would cause, but she believed it was "her civil duty to come forward." She spoke to *The Washington Post* alleging that Judge Kavanaugh had

sexually harassed her when she was 15 and he was 17 years old (Bever, 2018). She also stated to be “terrified” and feared for her and her family’s safety.

She stated that she and Judge Kavanaugh were not necessarily friends, but shared common friends and acquaintances (C-Span). Dr. Ford stated she attended a house party where she, Judge Kavanaugh, and four other people were hanging out (Brown, 2018). She described going up the stairs to use the restroom when someone pushed her from behind and into a room with blaring music. Dr. Ford described Judge Kavanaugh as intoxicated. He held her down on the bed, covered her mouth, and tried taking off her clothes as his friend Mark Judge watched (*The Washington Post*). Dr. Ford described both men to be laughing at her while she tried to scream and set herself free. She then had a chance to escape. Dr. Ford explained that she rushed out of the bedroom, locked herself inside a restroom, and waited to hear both of them leave down the stairs. When she heard them reach the main floor, she rushed outside of the house and left.

Dr. Ford committed herself to a polygraph test which corroborated her accusations as truthful (Bever, 2018). She also submitted into evidence therapy session notes from 2012. The session notes did not explicitly name Judge Kavanaugh as the perpetrator but did record information about “elitist boys” who went on to become “highly respected and high-ranking members of society in Washington.” However, Dr. Ford’s husband recalled Judge Kavanaugh’s name during a couples’ therapy session in 2012.

On September 18, 2018, Dr. Ford's attorneys sent a letter to Senate Judiciary Chairman Charles "Chuck" Grassley requesting an FBI investigation (Stolberg & Fandos, 2018). Dr. Ford and her team hoped to stop Judge Kavanaugh's appointment to the Supreme Court in a confidential manner. Dr. Ford considered there were better suited candidates for the Supreme Court position without sexual assault allegations.

On September 27, 2018, the Senate Judiciary Committee held a public hearing to discuss Dr. Ford's allegations. While Dr. Ford named Mark Judge (i.e., Kavanaugh's friend) and Leland Keyser (i.e., Dr. Ford's friend) as witnesses and bystanders, Dr. Ford and Judge Kavanaugh were the only witnesses scheduled for this hearing. Republicans appointed career prosecutor from Arizona, Rachel Mitchell, to deliver their questions to both Dr. Ford and Judge Kavanaugh during the hearing. Democrats asked their questions themselves to both. While it was intended to be this way for both Dr. Ford and Judge Kavanaugh, Republicans did not question or speak to Dr. Ford directly; however, they did speak to Judge Kavanaugh. Both gave their testimonies and answered questions on average 3 hours. During each recess, the audience had the opportunity to call and give their opinions on air (some of those calls will be provided).

Dr. Ford declared that she believed it was her civil duty to come forward and break her silence. Some did not understand Dr. Ford's motive to come forward 36 years after the alleged abuse and accused her of lying, looking for her "five minutes of fame," and even victim blamed her. Others questioned her

credibility, considering that her witnesses declared to “not recall such event.” Lastly, some also questioned her credibility when she could not recall some information or could not be specific details about some things during the hearing.

Presented Evidence and Witnesses

The following table provides further information on presented evidence and witnesses called to testify on the hearing. Providing additional details and information grants supplemental context to the narrative. Dr. Ford and Judge Kavanaugh’s team presented evidence to support their claims. Equally, both Republican and Democratic parties submitted evidence. It is important to note that this table does not represent all the evidence submitted during the hearing. This table only represents the evidence relevant to this study and used in the analysis section.

Table 1 represents evidence presented for Dr. Ford. The table is organized as follows: source of evidence, what the evidence presented was, and the corresponding argument for that particular data set. Similarly, Table 2 represents the same data presentation only for Judge Kavanaugh.

Table 1. Evidence Presented for Dr. Ford

Source of Evidence	Evidence	Presented Argument
Dr. Ford's Legal Team	Therapy Notes	Discloses details about the alleged abuse causing PTSD.
Dr. Ford's Legal Team	Couples' Counseling Notes	Dr. Ford's husband recalls her describing (but not naming) her aggressor.
Dr. Ford's Legal Team	Dr. Ford's Polygraph Test	Results revealed her allegations to be truthful.
Dr. Ford	Leland Keyser; Dr. Ford's friend and alleged bystander	According to the court, Ms. Keyser does not remember ever being there the night of the alleged abuse. Therefore, was not in attendance the day of the hearing. However, Dr. Ford alleged she did not come forward because she was scared. Up until the hearing day, Dr. Ford alleged that she and Ms. Keyser were in communication.
Dr. Ford and Democratic Party	Mark Judge; alleged bystander identified by Dr. Ford; Judge Kavanaugh's childhood friend.	Dr. Ford declared him as a bystander the night of the alleged abuse. Allegedly, he was in the same room when the abuse happened. The democratic party invited him to testify, but he denied the request.
Democratic Party	Judge Kavanaugh's detailed High School planner/calendar.	Calendar entries detail Judge Kavanaugh attending parties where he would normally drink to the point of "blacking out."

Democratic Party	Judge Kavanaugh's high school yearbook.	Judge Kavanaugh was described as a heavy drinker and partier by friends and peers.
Democratic Party	Dr. Ford, Ms. Ramirez, and Ms. Swetnick's request for an FBI investigation against Judge Kavanaugh. All three women alleged to have been sexually harassed by Judge Kavanaugh.	Request for investigation denied.
Democratic Party	<i>Wasted: Tales of a Genx Drunk</i> ; book (memoir) authored by Mark Judge	Mark Judge describes the character "Barthold Kavanaugh" as a heavy, belligerent, and aggressive drunk. Given details in the book, it is assumed that the character "Barthold Kavanaugh" represents Judge Kavanaugh.
Democratic Party	Deborah Ramirez; Judge Kavanaugh's Yale classmate. Ms. Ramirez came forward with sexual assault allegations against Judge Kavanaugh	Was not invited to testify during the hearing though she requested a formal FBI investigation.
Democratic Party	Julie Swetnick; acquainted house parties with Judge Kavanaugh in their youth. Ms. Swetnick came forward with sexual assault allegations against Judge Kavanaugh.	Was not invited to testify during the hearing though she requested a formal FBI investigation.

Table 2. Evidence Presented for Judge Kavanaugh

Source of Evidence	Evidence	Presented Argument
Judge Kavanaugh's Legal Team	Letters from male colleagues	Content of the letters support his exceptional character.
Judge Kavanaugh's Legal Team	65 letters from women (e.g., family, friends, colleagues)	Content of the letters support Judge Kavanaugh's morals and respectful nature towards women.
Republican Party	Offer to fly out to California and meet Dr. Ford.	They did not want to escalate the case to the Supreme Court. Dr. Ford's legal team denied the offer.
Republican Party	Dr. Ford's 36-year silence	Described as "political pawn."

Importantly, the alleged witnesses and bystanders were not called to testify. Though Dr. Ford, Judge Kavanaugh, or one of the political parties mentioned certain people to be connected with the case, none of them were physically present during the hearing nor did anyone testify. However, the court reported that Julie Swetnick and Deborah Ramirez came forward with sexual harassment allegations against Judge Kavanaugh. The following section is the data interpretation section and will illuminate details of the events that happened during the hearing.

CHAPTER THREE

DATA INTERPRETATION

On July 2018, Dr. Ford, came forward with sexual assault allegations against Judge Kavanaugh, alleging he sexually harassed her when they were both teenagers in 1982. Dr. Ford came forward 36 years later and disclosed the abuse when Judge Kavanaugh was publicly nominated as Supreme Court Justice of the United States. The following section will provide further insight into the hearing by providing detailed examples that will support the themes found in the study. The data interpretation will be divided in the following sections: gendered discourse patterns and structural silence. Each theme will be divided into the same three subthemes: feminine discourse(s), masculine discourse(s), structural silence through a gendered lens, and a section on structural consequences for each theme.

Gendered Discourse Patterns

Gendered discourse is distinguished by self-expression, use of language, and relationship building and maintenance (i.e., feminine and masculine communication styles; Ashcraft & Mumby, 2004). Feminine and masculine styles of communication socially organize gender norms, power, and resistance (Deetz, 1992). In western cultures, women are expected to employ softer language and maintain relationships with others, while men are often defined by accomplishments and positions they hold in society (i.e., employment and social

status) (Wood & Reich, 2012). For example, women tend to employ diminishing and apologetic language, while men tend to use dominant, assertive, and aggressive language. Research suggests that masculine behaviors hold normative power in society (Connell, 1987; Wesson, 2008). Foucault (1981) stated that power is culturally dictated, but often, not explicit. In other words, power always exists even when not actively thinking about it. Power is usually linked to credibility, hierarchy, and identity. Most importantly, power is often culturally established through gendered discourse (Tannen, 1990). This implication suggests that men and women naturally adopt masculine or feminine styles of communication as a form of gender expression and performance. Thus, establishing discursive power or lack thereof.

Motschenbacher (2010) stated that although gender inarguably organizes identity and power, a central question to ask when analyzing gendered discourse is, “What does saying something produce?” and not so much “Who says something?” In other words, to not only see who is speaking (e.g., man or woman), but to understand what their message is communicating beyond spoken words. As stated, gendered discourse can be reflected through feminine and/or masculine language styles: choice of words, tone, evasiveness, interruption, and silence, which were all present during the hearing from and by Dr. Ford, Judge Kavanaugh, and members of the Judiciary Senate. In the following sections, I will be discussing how feminine and masculine discourse(s) were present and

organized throughout the hearing. As well as examining structural consequences for each theme (i.e., gendered discourse patterns and gendered silence).

Feminine Discourse(s): Submissive and Apologetic

Feminine discourse is a communication pattern whereby women typically build and maintain relationships based on emotion, responsiveness, and support (Ashcraft & Mumby, 2004). Hussey et al. (2015) added that based on socially constructed gender norms, women tend to communicate through disclosure, inclusive, hesitant and apologetic language. Tannen (1994) explained feminine discourse as “hesitant and self-deprecating” language, where women exhibit “feminine styles” of communication to organize gender, power, and status in society. Feminine discourse assumes that femininity is expressed through oppressive, submissive, hesitant and apologetic language. Feminine discourse was employed by Dr. Ford on several occasions throughout her testimony and hearing. Though she alleged that Judge Kavanaugh sexually assaulted her, she repeatedly apologized for different reasons (e.g., not remembering, not understanding the question, stuttering).

As Kathlene (1994) explained, it is common for women to employ softer language through the use of qualifiers and apologetic language, to express and perform femininity. Dr. Ford began her opening testimony by providing a summary of who she was, why she was there, and details about the alleged abuse. She used verbal qualifiers and apologetic nuances if she could not recall specific details about the event. Dr. Ford stated:

I do not remember all of the details of how that gathering came together, but like many that summer, it was almost surely a spur-of-the-moment gathering. I truly wish I could be more helpful with more detailed answers to all of the questions that have and will be asked about how I got to the party and where it took place and so forth. I don't have all the answers, and I don't remember as much as I would like to. (*Blasey v. Kavanaugh*, 2018, 51:40 - 52:05).

Dr. Ford proceeded to explain that she was willing to work with the Senate, FBI, or whomever else necessary to prove her credibility. She also expressed that she wanted to engage directly with the committee. As Wood (2013) explained, women tend to want to create relationships with others and establish credibility through conversation and engagement. Dr. Ford said:

It is not my responsibility to determine whether Mr. Kavanaugh deserves to sit on the Supreme Court. My responsibility is to tell you the truth. I understand that a professional prosecutor has been hired to ask me questions, and I'm committed to doing my very best to answer them. I have never been questioned by a prosecutor, and I will do my best. At the same time, because the committee members will be judging my credibility, I do hope to be able to engage directly with each of you. (*Blasey v. Kavanaugh*, 2018, 1:05:55 - 1:06:29).

When asked about information that she could not recall, Dr. Ford made it clear that she did not have a clear answer and apologized for it. West and Zimmerman

(1987) stated that feminine discursive practice is often negotiated through qualifying language. As opposed to masculine discourse, where language is assertive, women tend to undermine themselves and soften their communication through diminishing words. Dr. Ford was asked about the specific date the assault happened, to which she responded:

I can't give the exact date. And I would like to be more helpful about the date, and if I knew when Mark Judge worked at the Potomac Safeway, then I would be able to be more helpful in that way. So I'm just using memories of when I got my driver's license. I was 15 at the time. And I — I did not drive home from that party or to that party, and once I did have my driver's license, I liked to drive myself. (*Blasey v. Kavanaugh*, 2018, 2:05:00 - 2:05:30).

Qualifying language diminishes a woman's voice and power in society, while subsequently granting power to men.

After Dr. Ford was asked a few questions from the senate, Dr. Ford's defense asked for a recess on her behalf. Chairman Charles "Chuck" Grassley stopped the hearing and asked her if she was ready to take a break. Dr. Ford responded that she wanted to take a break only if it was okay with him.

Application of gendered discourse would assume that, feeling that she had less power surrounded by male politicians, a combination of hesitant and qualifying language was needed on her part. Though Chairman Grassley acknowledged Dr. Ford wanted a break, they did not take one right away. Though he acknowledged

her request, based on his status and power, he did not grant her a break at her request, but at his. Chairman Grassley said:

Grassley: Now, Ms. Mitchell for Senator Graham. And then it's my understanding that — that that's where you'd like to take a break.

Ford: Does that work for you? Does that work for you, as well?

Grassley: Well, we — we're here to accommodate you...

Ford: Oh, thank you.

Grassley: ... not you accommodate us.

Ford: I — I — I'm used to being collegial, so.

(Blasey v. Kavanaugh, 2018, 1:29:54 - 1:30:13)

Dr. Ford utilized qualifying language as a way of organizing and performing gender, where women often diminish their desires and silence their voices.

Rachel Mitchell, Republican party representative, asked Dr. Ford whether she was offered to have the hearing take place in California. In other words, the Senate Judiciary members would fly from Washington to California to avoid having her get on a plane. Dr. Ford was asked this question because she reportedly has a fear of flying. Dr. Ford's defense objected to the question, arguing that was a subject of confidentiality between her and her counsel. However, Chairman Charles Grassley intervened and requested an answer from Dr. Ford and ignored her counsel's confidentially request, to which Dr. Ford answered by utilizing feminine discourse strategies of hesitant language and verbal qualifiers:

Ford: Can I say something to you — do you mind if I say something to you directly?

Grassley: Yes.

Ford: I just appreciate that you did offer that. I wasn't clear on what the offer was. If you were going to come out to see me, I would have happily hosted you and had you — had been happy to speak with you out there. I just did not — it wasn't clear to me that that was the case. (*Blasey v. Kavanaugh*, 2018, 2:39:31 - 2:40:30).

These instances during the hearing when Dr. Ford employed feminine styles of communication, are examples of gendered discourse, where femininity is performed and organized in a submissive manner. Women are socially and culturally expected to perform their gender through a soft demeanor and apologetic language, on the other hand, men are expected to assert power and dominance.

Masculine Discourse(s): Power and Dominance

Whether consciously or unconsciously, gendered discourse plays an important role in formal positions of power, where men are perceived as leaders and their arguments often viewed as persuasive and logical (Kelly & Duerst-Lahti, 1995). Kathlene (1994) stated that a combination of intimidating language and interruption are often asserted by men to dominate the conversation. She explained that interruption is considered an assertive, masculine trait. On the other hand, women who interrupt are judged negatively because they are seen

as aggressive. Thus, violating gender expectations. A combination of intimidating language and interruption was employed by Judge Kavanaugh and some male committee members towards women throughout the hearing.

In an effort to defend Dr. Ford from accusations, Senator Amy Klobuchar from Minnesota, shared a similar sexual harassment case (i.e., Anita Hill and Judge Clarence Thomas, 1991) where the victim was not given proper attention and investigation. However, her attempt to bring that case into the argument was silenced by Chairman Grassley. A few minutes later, Chairman Grassley halted Senator Klobuchar's concerns once again when she questioned why Mark Judge, friend of Judge Kavanaugh and alleged bystander, was not called to testify. Though Chairman Grassley dismissed her concerns by cutting the conversation short, Senator Amy Klobuchar used qualifying, feminine language. As Wood and Reich (2012) explained, men tend to practice dismissive and aggressive discourse to dominate the conversation and win arguments. Senator Klobuchar spoke to Chairman Grassley using qualifying language about the inconsistencies on the presented evidence by stating:

Klobuchar: But Mr. Chairman, you wouldn't allow the underlying witness who performed the polygraph test to testify, nor would you allow Mark Judge to testify. And so I would just like to point out — thank you for allowing this report in the record, but that is the reason that we don't have the underlying information for you.

Grassley: You got what you wanted, I think you'd be satisfied.

Klobuchar: I am satisfied with that. Thank you. (*Blasey v. Kavanaugh*, 2018, 2:27:30 - 2:27:52)

This example shows that though Senator Klobuchar fought for her point of view to be heard, she still diminished her tone by adding qualifying terms such as “thank you.” On the other hand, Chairman Grassley was stern and cut the conversation short, reinforcing masculine discourse.

Throughout the hearing, Judge Kavanaugh utilized defensive language when answering the committee’s questions; notably, he interrupted and used aggressive language more often when interacting with female committee members. As stated by Kimmel (2008), men are culturally expected to express and reproduce hypermasculine behaviors, especially around women to assert dominance. For example, when Senator Feinstein mentioned the importance of an FBI investigation on the case, Judge Kavanaugh raised his voice and continuously interrupted her. Additionally, he referred to the sexual assault allegations against him as a “joke.”

Feinstein: Well, the difficult thing is that it — the — these hearings are set and — set by the majority. But I’m talking about getting the evidence and having the evidence looked at. And I don’t understand — you know, we hear from the witnesses. But the FBI isn’t interviewing them and isn’t giving us any facts. So all we have...

Kavanaugh: You’re interviewing me.

Feinstein: ... is what they say.

Kavanaugh: You're interviewing me. You're — you're doing it, senator. I'm sorry to interrupt...

Feinstein: Well...

Kavanaugh: ... but you're doing it. That's — the — the — there's no conclusions reached.

Feinstein: ... And — and what you're saying, if — if I understand it, is that the allegations by Dr. Ford, Ms. Ramirez and Ms. Swetnick are — are wrong?

Kavanaugh: Yes, that — that is emphatically what I'm saying; emphatically. The Swetnick thing is a joke. That is a farce.

Feinstein: Would you like to say more about it?

Kavanaugh: No.

Feinstein: OK.

(LAUGHTER) (*Blasey v. Kavanaugh*, 2018, 6:15:00)

Interrupting and defensive language is often exerted by males with the ability to cut off a conversation to establish power and dominance (Kathlene, 1994). This behavior is often encouraged and dismissed in society with the argument that "boys will be boys." In other words, that is what males are supposed and expected to do. Often, hypermasculine behavior is applauded. Hypermasculinity refers to exaggerated masculine performance, overly sexually driven, aggressiveness and hostility (Shafer, Ortiz, Thompson, & Huemmer, 2018). In the last example provided, the committee breaks into laughter during

Senator Feinstein and Judge Kavanaugh's interaction. This is an example of applauding or encouraging "boys will be boys" behavior. Moreover, hypermasculinity is often more applauded amongst males (Gallas, 1997). In this case, the number of men in the courtroom overpowered the number of women.

Hegemonic Masculinity: "Boys Will be Boys"

"Bad boy" behavior is understood as normal and acceptable for males (Gallas, 1997). Gallas explained that "bad boy" behavior is often displayed as: disruptive, highly verbal, aggressive, and emotionally detached. Often, this behavior is justified in men by simply stating, "boys will be boys." Because boys are socially expected to behave in such manner, it is often not punishable or frowned upon. Additionally, Kimmel (2008) stated that another display of "boys will be boys" behavior is engaging in bro code etiquette. In other words, supporting one another over women (i.e., "having each other's back"). Supporting one another over supporting women, is an important factor in Guyland (Kimmel, 2008). Which consequently supports the idea that men and women perform their gender through cultural construct.

Bro code behavior was present during the hearing. Several senators sided with Judge Kavanaugh by overemphasizing they believed an injustice was made toward him. For example, some Senate Committee Members openly stated that Judge Kavanaugh's behavior was normal for a teenage male (e.g., drinking and partying). Lastly, the term "boys will be boys" was a topic of discussion during the

hearing, given that Judge Kavanaugh's high school yearbook and personal planner showed records of him drinking and partying.

Delaware Senator, Christopher Coons, asked Dr. Ford for her opinion on the infamous phrase "boys will be boys" after repeatedly receiving it as a reason why young men engage in questionable behavior. Thus, using it as a defense "mechanism of rationalization by members of the committee" (Coons, 2018) when attempted to defend Judge Kavanaugh. Rationalization as a defense mechanism is explained as an "excuse to justify mistakes and minimize guilt" (Cramer, 2006; Freud, 1936). In other words, attributing age and immaturity as reasons for misbehavior. Senator Coons asked Dr. Ford:

Coons: As you predicted, there was a wide range of responses to your coming forward. Some thousands of survivors have been motivated and inspired by your courage; others have been critical. And as I've reviewed the wide range of reactions, I've been really troubled by the excuse offered by too many, that this was a high school incident, and boys will be boys. To me, that's just far too low a standard for the conduct of boys and men in our country. If you would, I'd appreciate your reaction to the excuse that boys will be boys.

Ford: I can only speak for how it has impacted me greatly for the last 36 years, even though I was 15 years old at the time. And I think, you know, the younger you are when these things happen, it could possibly have

worse impact than when you're a full — when your brain is fully-developed, and you have better coping skills that you've developed.

Coons: You know, experts have written about how it's common for sexual assault survivors to remember some facts about the experience very sharply and very clearly, but not others, and that has to do with the survival mode that we go into in experiencing trauma. (*Blasey v. Kavanaugh*, 2018, 2:36:25 - 2:38:24)

“Boys will be boys” and bro code behavior are excuses to dismiss inappropriate behavior and remove accountability. Women, on the other hand, are expected to express and perform femininity through suppressive language. While boys' inappropriate behavior is applauded, girls' character and conduct is conditioned and disciplined from a young age (Gallas, 1997; Hartman, 2006).

During Judge Kavanaugh's hearing, Senator Orrin Hatch from Utah, believed that Judge Kavanaugh was not receiving fair treatment. Senator Hatch believed the committee was fair and respectful to Dr. Ford, but not to Judge Kavanaugh. He openly defended Judge Kavanaugh with the argument that “boys will be boys.” Additionally, Senator Hatch argued that prosecutors who represent porn stars usually run “facially implausible claims.” Senator Hatch stated:

Hatch: Porn star lawyers with facially implausible claims are driving the news cycle [...] Like Dr. Ford, Judge Kavanaugh deserves fair treatment. He was an immature high schooler. So were we all. That he wrote or said

stupid things sometimes does not make him a sexual predator. Immaturity does not equal criminality. (*Blasey v. Kavanaugh*, 2018, 7:47:12 - 7:47:25)

Senator Hatch's argument is an example of "boys will be boys" in Guyland. As Kimmel (2008) explained, these comments are often utilized to (1) excuse hypermasculine behavior by teaching society to be sensitive to male immaturity, and (2) place women as subordinates. It is important to note that Senator Hatch openly brought to argument porn star sexual assault cases as "facially implausible claims." Clearly diminishing a woman's credibility based on her profession.

Consequently, while defending and applauding "boys will be boys" behavior, female voices and feelings need to be disregarded. However, Kimmel (2008) stated that based on cultural and gender norms, women unconsciously understand that they live in Guyland and they play into their role. Women tend to conform and perform under hegemonic masculinity norms. For example, during recesses, when the general public had the opportunity to call and share their opinions on the case, a victim of sexual assault shared her own experience on air. She disclosed that her daughter was sexually assaulted, but even then, she did not believe Dr. Ford's allegations. The caller stated:

You don't destroy people's lives without evidence. I'm wondering what she chooses to accomplish. If I was going to do this, it would be if I saw he did records of hurting women on the bench and these kind of cases. Then I'd see the point of this. But if that's not the case, why? Why would you do

this if it's not to prevent him harming women on the bench in this particular type of instance of sexual abuse? (*Blasey v. Kavanaugh*, 2018, 3:35:12 - 3:35:40)

This is an example of a woman playing her role of “babe” in Guyland. As Kimmel (2008) stated, women usually understand their subordinate position in Guyland. Kimmel explained that women understand and play by the rules of bro code, “bros before hoes,” and hypermasculine behaviors. In this case, this woman undermined Dr. Ford’s allegations and conformed to Guyland culture. Some women play into the role of adopting feminine styles of communication and behavior that often leads to victim self-silencing. Often, when victims of sexual assault realize that males hold normative power and assumed credibility in society, they decide to stay silent.

Structural Silence: Silence Through a Gendered Lens

As Acheson (2008) explained, silence is not simply lack of speech, but “binded and composed cultural codes” (p. 538). In other words, what is left unsaid matters. The context in which silence is used provides a message (Lee, 2010). Because silence is inherently “lack of spoken words” (Munoz, 2014) it is often assumed that that is the only way in which silence is embodied. However, past research found that silence is often portrayed through evasion and omitting of language (Leto DeFrancisco, 1991). Silence is complex, as it is also performed through spoken language (Jaworski, 2000; Lee, 2010). Jaworski (2000) conceptualized this idea as “hidden silence.” Namely, silence looks differently

depending on whom it comes from. As Leto DeFrancisco (1991) and Ashcraft and Mumby (2004) explained, men and women tend to perform silence through language differently (e.g., defensive vs submissive), making silence gendered and culturally dependent.

The following section will provide specific examples of how and when silence was discursively present in the hearing. It is important to note that because silence is often performed through language, some examples may seem to be considered as a form of gendered discourse patterns; however, that is what makes silence complex. To understand how silence is performed, gender and culture need to be taken into consideration. The following section will be broken down into three sections: how silence was performed by Dr. Ford, how silence was performed by Judge Kavanaugh, and the structural consequences of silence reflected as victim blaming.

Feminine Silence(s): Oppressive and Obedient

Feminine silence is often socially perceived as oppressive, submissive, and taking as much physical space as possible (Allan et al., 2006, Gonzalez et al., 1990; Levinson, 1987). Feminine silence may be understood as (cis)women employing it, or any gender employing feminine silence performed as oppressive and submissive. This study was concerned with the performance of silence from women victims of sexual harassment. In this case, Dr. Ford was the alleged victim. This study aimed to focus on Dr. Ford's performance of silence. Constituent with past research that found that victims of sexual harassment to

not speak up against the abuse because of the fear of being blamed or not believed (Norberg, 2012; Suarez & Gadalla, 2010), Dr. Ford disclosed the following:

“I am here today not because I want to be. I am terrified. I am here today because I believe it is my civic duty to tell you what happened [...] I believed that if I came forward, my single voice would be drowned out by a chorus of powerful supporters [...] I have been accused of acting out of partisan political motives. Those who say that do not know me. I am an independent person and I am no one’s political pawn. My motivation in coming forward was to be helpful and to provide facts about how Mr. Kavanaugh’s actions have damaged my life, so that you could take into a serious consideration as you make your decision about how to proceed [...]” 49:20-1:06:04

The National Sexual Violence Resource Center (NSVRC.org) reported that it takes on average 20 years for victims of sexual harassment and assault to come forward. Dr. Ford came forward 36 years later. As previously stated, silence employed by victims of sexual harassment and assault often comes from a place of power (Anderson, 2001; Harris & Hanchey; 2014). Munoz (2014) described this type of silence as “a quiet state.”

Though Dr. Ford performed silence by not disclosing the abuse sooner, silence was not employed from her during the hearing. In other words, her silence was exercised for 36 years before the hearing, but not during. She

answered every question the Senate Judiciary committee had for her. Dr. Ford was asked why she decided to take a polygraph test, to which she responded, “I didn’t see any reason not to do it.” Dr. Ford utilized silence as nondisclosure (i.e., not coming forward sooner), but not as a communicative gesture during the hearing. For this reason, this is the only example of how and when silence was discursively present through the hearing from Dr. Ford. On the other hand, Judge Kavanaugh performed silence through language as opposed to a quiet state.

Masculine Silence(s): Power and Dominance

Clair (1997) stated that though silence is the absence of spoken language, it is still communicative in nature. Not receiving a verbal message is also communicative because its inherited feature of secrecy and omission allows for hidden context (Lee, 2010). Often, silence is considered a connotatively submissive and powerless concept; however, many times, silence is utilized to establish power and autonomy (Munoz, 2014). For many victims, silence is a form of establishing power (Mazzei, 2011). On the other hand, silence may also be employed by perpetrators, bystanders, or anyone else who is held under custody for sexual assault allegations (Kathlene, 1994; Levine et al., 2018). Leto DeFrancisco (1991) explained that silence may be performed through masculine language, where silence is performed as omission and evasiveness, and often, through aggressive language. Lastly, Sattel (1976) contributed to this argument by stating that men tend to employ “inexpressive male behaviors” (e.g., detached, unaffectionate, aggressive) as a way to consolidate power. It is

important to note that silence through a masculine lens may be viewed two ways. First, as a (cis)male body practicing silence. Two, any gender performing silence in a masculine way (i.e., through aggressive and defensive behaviors). This section will provide specific examples of when and how silence was performed by Judge Kavanaugh throughout the hearing as a (cis)male body utilizing masculine silence.

During the hearing, submitted evidence confirmed that Judge Kavanaugh was a heavy drinker during his teenage and young adult years. His high school yearbook described him as a heavy drinker and partier. Some of his former classmates remember him “blacked-out drunk and aggressive.” Some even mentioned remembering him vomiting from how intoxicated he would normally get. When Republican party representative, Rachel Mitchell, asked Judge Kavanaugh whether he ever consumed alcohol to the point of not remembering events, he simply stated he “enjoyed drinking beer.” As Bluth (2014) explained, silence is often performed as omission and evasiveness.

Mitchell: Did you ever tell — did anyone ever tell you about something that happened in your presence that you didn’t remember during a time that you had been drinking?

Kavanaugh: ... the — the — we drank beer, and you know, so — so did, I think, the vast majority of — of people our age at the time. But in any event, we drank beer, and — and still do. So whatever, you know.

(Blasey v. Kavanaugh, 2018, 6:21:00)

Besides the yearbook, a book authored by Mark Judge (i.e., the person Dr. Ford pointed as a bystander), was presented as evidence. The book, *Wasted: Tales of a Genx Drunk*, illustrates Mark Judge's life, while focusing on his teenage years surrounded by alcohol and drugs. In this book, a character by the name of Barthold Kavanaugh is described as a heavy drinker who tended to blackout when intoxicated. Senator of Vermont, Patrick Joseph Leahy, asked Judge Kavanaugh whether the character in the book was him and to what extent those claims were true. Judge Kavanaugh argued that Mark Judge had developed a serious drinking problem and that when he finally sought help and became sober, he wrote the book as a form of therapy. He added that some parts of the book were fictionalized. Senator Leahy asked again whether Barthold Kavanaugh was a representation of him during his youth. Judge Kavanaugh did not answer the question directly; he stated that question should be asked to Mark Judge. He also added that he found it disrespectful to bring Mark Judge's name into the case, because it seemed to him that the committee was "making fun of his addiction." Senator Leahy ended his interrogation by stating that all he wanted was a straight answer (i.e., yes or no) from Judge Kavanaugh, but could not get it. He stated:

Leahy: ... Judge Kavanaugh, I'm trying to get a straight answer from you under oath. Are you Bart (ph) Kavanaugh that he's referring to, yes or no?

That's it

(ph)...

Kavanaugh: You'd have to ask him.

(*Blasey v. Kavanaugh*, 2018, 6:44:24 - 6:46:08)

This interaction is an example of silence through omission and evasiveness, which in this case presents as a move to secure power through inexpression (Sattel, 1976). Men tend to engage in masculine language, where omission, aggressive and hostile language is utilized as a way of taking control of the conversation (Ashcraft & Mumby, 2004; Leto DeFrancisco, 1991). Thus, establishing a sense of superiority. Another example of this was when Senator Klobuchar asked Judge Kavanaugh about his alleged drinking problem:

Klobuchar: OK. Drinking is one thing, but the concern is about truthfulness, and in your written testimony, you said sometimes you had too many drinks. Was there ever a time when you drank so much that you couldn't remember what happened, or part of what happened the night before?

Kavanaugh: No, I — no. I remember what happened, and I think you've probably had beers, Senator, and — and so I...

Klobuchar: So you're saying there's never been a case where you drank so much that you didn't remember what happened the night before, or part of what happened.

Kavanaugh: It's — you're asking about, you know, blackout. I don't know. Have you?

Klobuchar: Could you answer the question, Judge? I just — so you — that's not happened. Is that your answer?

Kavanaugh: Yeah, and I'm curious if you have.

Klobuchar: I have no drinking problem, Judge.

Kavanaugh: Yeah, nor do I.

Klobuchar: OK, thank you.

This example illustrates patterns of masculine silence. As Holmes (2013) stated, silence as omission and evasion is often linked with aggressive behavior and language, which leads to inexpressive males behaviors (Sattel, 1976).

Senator from Rhode Island, Sheldon Whitehouse, revisited Judge Kavanaugh's yearbook and personal planner for evidence. Previously, the committee had asked about a page on his yearbook where he is mentioned and awarded by his peers as, "Beach Week Ralph Club — Biggest Contributor." Judge Kavanaugh stated that simply signified "heavy vomiting." When asked whether vomiting had anything to do with drinking, Judge Kavanaugh said "no." However, Senator Whitehouse pointed out that that term was found several times in Judge Kavanaugh's personal planner as well. He proceeded to ask him one more time if that had anything to do with drinking, to which Judge Kavanaugh not only gave an ambiguous answer--irrelevant to the question--but provided a defensive counter question to Senator Whitehouse:

Whitehouse: So the vomiting that you reference in the Ralph Club reference, related to the consumption of alcohol?

Kavanaugh: Senator, I was at the top of my class academically, busted my butt in school. Captain of the varsity basketball team. Got in Yale College. When I got into Yale College, got into Yale Law School. Worked my tail off.

Whitehouse: And did the word “ralph” you used in your yearbook...

(CROSSTALK)

Kavanaugh: I already — I already answered...

Whitehouse: ... refer (ph) to alcohol?

Kavanaugh: ... the question. If you're...

Whitehouse: Did it relate to alcohol? You haven't answered that.

Kavanaugh: I like beer. I like beer. I don't know if you do...

Whitehouse: OK.

Kavanaugh: ... do you like beer, Senator, or not?

Whitehouse: Um, next...

Kavanaugh: What do you like to drink?

Whitehouse: Next one is...

Kavanaugh: Senator, what do you like to drink?

As Leto DeFrancisco (1991) explained, men tend to silence women, shift the conversation, and maintain control by utilizing masculine language (i.e., speaking over others, interrupting, using aggressive language). However, as previously mentioned, masculine silence may be considered as both literal and figurative

language, where silence is employed and reinforced by (cis)males or by other genders performing silence through masculine behaviors.

Judge Kavanaugh not only employed silence through omission, but also silence was used as a form of restriction and control. As Houston and Kramarae (1991) explained, silence can be organized as a form of power through control:

The power to silence another is not simply the power to prevent her to talk; it is also the power to shape and control her talk, to restrict the things that she may talk about and the ways she is permitted to express them.

(p. 389)

During the hearing, the general public had the opportunity to call direct live hotlines to share their opinions and views on the case during recesses. Three lines were available based on political affiliations: republican, democratic, and independent. A woman called and disclosed the following story:

Hi. I am calling in concern of the calendar that he's keeping. I was sexually assaulted from the age of 4 to 10 years old by my stepdad, and I didn't tell because I was afraid, because he had a gun and he told me he would kill the whole family. He would abuse and beat my mom, and it was extremely traumatic. And when I became a teenager, I was held at gunpoint and kidnapped and raped. I believe her. Looking at him saying that he had a calendar, my stepdad had a file cabinet. He had five file cabinets in the house. From the '50s. And if he met you today, there was a

file on you. There was an index card that had what you had on and everything. I can corroborate everything that I am saying. He had these cards on everybody in his life. Everything in his job. Everybody. But when he committed suicide and we looked through those files, there was not one about the sexual assault on me. There was not one on the assault and the abuse that he traumatized our family and beat my mom. So it's not about the calendar. It's about the event. (*Blasey v. Kavanaugh*, 2018, 6:32:00)

Interestingly, the man in charge of taking the calls cut her line. Like Houston and Kramarae (1991) explained, this is an example of establishing power by preventing someone to speak up. Additionally, this is an example of silence through omission by deciding to not include the abuse in the journals. Another caller phoned in with the following concern. His call too, was cut. The caller explained:

Hi. I just wanted to echo a few things that another caller said. Which is, a devil's triangle is certainly not a drinking game. It's an encounter with two men and a woman. (*Blasey v. Kavanaugh*, 2018, 7:32:00)

The caller referred to Judge Kavanaugh's calendar entry "Devil's Triangle." During the hearing, Senator Whitehouse asked Judge Kavanaugh what his calendar entry "Devil's Triangle" meant. Judge Kavanaugh explained it was a drinking game. The caller said it was actually "an encounter with two men and a woman" and his call was cut. Though this caller was a male, he was also

silenced by disconnecting the call. That is, the act of silencing another is a masculine performance (Leto DeFrancisco, 1991).

Silence is interpreted differently depending on context and whom it comes from (Houston & Kramarae, 1991). For example, silence may represent: shame, secrecy, guilt, and power. Nonetheless, something is still being communicated; whether choosing to remain silent from the beginning or avoiding answering a question entirely, hidden context, meaning, and answers exists. However, who practices silence is perceived differently depending on their gender and power in society (Houston & Kramarae, 1991). In other words, their credibility and character are questioned. For example, when victims of sexual assault break their silence, they are often victim blamed.

Structural Silence: Victim Blaming

Victim blaming refers to the idea of making the victim of sexual harassment responsible for the attack (Harber, et. al, 1980; Lerner, 1980). In other words, the victim must have “done something” or “said something” to cause the assault (e.g., wearing revealing clothes, being intoxicated, flirty demeanor). Anderson et. al (2001) explained that victim blaming is often executed by people who ordinarily have no direct relationship to the victim, the perpetrator, or the event in general, but victim blame as a form of understanding and control.

As previously mentioned, during the hearing, the general public had the opportunity to call direct live hotlines to share their opinions and views on the case during recesses. Some callers sympathized and supported Dr. Ford. While

others took Judge Kavanaugh's side. Several callers were victims of sexual assault themselves and alluded victim blaming as the one of the reasons for their silence. Others engaged in victim blaming by attributing the fault to Dr. Ford. A major reason reported by callers why they did not believe Dr. Ford was her 36-year silence. Most attributed her silence to the claims as "fake news," trying to ruin Judge Kavanaugh's reputation, and described the hearing as a "circus" and "political pawn." Thus, placing the role of silence in Dr. Ford's case as a double bind.

A woman, victim of two sexual assaults, called to share her opinion on the hearing. She disclosed she believed Dr. Ford's allegations because her story was similar to hers. The woman explained that the assaults took place in the 1970s when she was in high school. She also explained why she kept silent. The woman attributed the blame to herself by stating: "I wasn't as blameless as Miss Ford. I was already kissing a boy at a party; kissing him... and he pushed me onto the floor and got on top of me." 4:51:54. This woman's statement is an example of victim blaming and self-silencing.

Based on previous research, we understand that one of the reasons why victims of sexual assault remain silent is because they feel responsible for the attack (Anderson et. al, 2001; Lerner, 1980). Moreover, victims attribute self-blame because society tends to shift the blame on the victims rather than perpetrators (Harber et. al, 2015). Interestingly, many callers disclosed their own experiences with sexual assault without being told to do so. In other words, these

phone lines were not promoted as a place or opportunity for victims to disclose; however, this case motivated many victims to come forward.

Based on the evidence presented during the hearing, the following themes were found: communication styles as gendered role expectations and gendered silence as culturally and gender dependent. Additionally, each theme is broken down into sub themes that are essentially structural consequences of each. The structural consequences for communication styles as gendered role expectations are broken down as sub themes as: feminine language and masculine language. As for gendered silence as culturally and gender dependent, the following sub theme will be discussed: gendered spaces.

CHAPTER FOUR

DISCUSSION

This study contributes both theoretically and practically to existing studies concerning cultural expectations of gender performance and language, and (en)gendering silence. Dr. Ford, Judge Kavanaugh, and senate committee members' performance in the courtroom reinforced what is culturally understood and expected as gendered behavior. Most importantly, this study aims to draw attention to the argument that silence is an inherent component of language; however, acknowledging that silence is gendered and its context is culturally dependent. Silence employed by Dr. Ford was perceived differently from the silence employed by Judge Kavanaugh, given their genders and social positions. Lastly, this study recognizes that spaces and structures either grant or remove power to certain bodies (i.e., men and women). In this case, the courtroom, being a male gendered space, granted power to Judge Kavanaugh and other male committee members. At the same time, this physical space eliminated power from Dr. Ford and other female committee members. The following will provide an in-depth discussion of the themes discovered in Dr. Ford and Judge Kavanaugh's sexual harassment court hearing. It is important to note that these themes live within one another under the same umbrella. These elements are heavily intertwined with one another and scarcely ever exist alone. To simply put, to understand the complexity of gendered silence, it is important to first recognize

gendered communication styles, while keeping in mind that spaces and structures influence any changes in language and behavior, leading to power or lack thereof.

Communication Styles: Gender Role Expectations

Throughout the hearing, Dr. Ford, Judge Kavanaugh, members of the senate, and the general public, utilized and conformed to societal expectations of gender. Though gender is performed through a multitude of physical ways (e.g., behavior and physical appearance), gender is often performed through language as a way of establishing, understanding, and organizing power. This study focuses on gender communication styles and contributes to existing research that supports the argument that men and women communicate differently due to their social gender role expectations (Hierro & Marquez, 1994; West & Zimmerman, 1987).

Feminine Language

Constituent to existing literature, the evidence in this study finds feminine language to be nurturing, passive, and qualifying (Mumby & Putnam; 1992). Most importantly, this study supports the idea that women tend to engage in feminine language in order to build rapport based on emotion and seek support through positive responsiveness (Hussey et al., 2015). Feminine language was employed by Dr. Ford and other female committee members. Qualifying language was a recurring feminine style of language during the hearing. First, before diving into any details, Dr. Ford opened her testimony by apologizing if she could not

remember or recall specific information. This example supports existing literature findings which claims apologetic language to be inherent to qualifying language (Allan et al., 2006). Second, also as a part of her opening testimony, Dr. Ford stated that she wanted to “engage directly” with the Senate Judiciary members. This statement from Dr. Ford supports the argument that women seek to build rapport when communicating. Third, when asked when the exact date of the alleged abuse was, Dr. Ford apologized because she did not remember the exact date and said, “I truly wish I could be more helpful with more detailed answers to all of the questions... the committee members will be judging my credibility.” By stating this, shows that Dr. Ford understood her voice and presence was less powerful than Judge Kavanaugh’s. Therefore, she utilized qualifying language to undermine herself. This example contributes to the argument that women constantly diminish their opinions, voice, and feelings through qualifying language, even when not actively trying to do so (Wood & Reich, 2012). Lastly, Dr. Ford practiced feminine language through qualifying words when requesting a break from the hearing. Dr. Ford told Chairman Grassley, “Does that work for you? I’m used to being collegial.” This interaction not only reinforces previous research findings that asserts that women often engage in qualifying words as a form of gender performance through language (Mumby & Putnam, 1992; Wood & Reich, 2012), but also, it proves that consequently, men gain power, which is often reflected in their communication style.

Masculine Language

This study affirms and contributes to three important pre-existing research findings regarding masculine language. First, previous research has found masculine language to be frequently associated as: aggressive, argumentative, interruptive, and defensive (Ashcraft & Mumby, 2004; Holmes, 2013; Leto De Francisco, 1991). Second, studies have found men's voices and opinions to be often socially perceived as factual (Roberts & Utych, 2020). Not only do men generally speak as a "matter of fact," but culturally, their arguments are often not as questioned as women are (Roberts & Utych, 2020). Third, (cis)males are automatically granted power simply because they are men (Connell, 1987; Wesson, 2008). This study finds and reinforces these claims based on masculine language and gender performance found throughout the hearing. It is important to note that these elements band together and often create a complex dialogue. To understand what is being communicated, word choice, tone, inflections and gender must be taken into account.

As stated, whether consciously or unconsciously, sex determines who holds more power. It is appointed at birth. Not to mention, a woman's value is associated with her virginal status (Lunceford, 2008). The amount of sexual engagement, whether voluntary or involuntary, gives women value in society (Minton et al., 1999; Young, 2015). More sexual engagement, means less value as a woman

A clear example of this paradox -- where a man's language is composed as aggressive and opinionated as a form of establishing power -- was during the hearing when Senator Hatch stated that porn star lawyers usually "run facially impossible claims." This statement illustrates his attempt to decrease a woman's value, voice, and power based on her profession and sexual activity through hegemonic masculine language. Further, it gives the man discursive power, showing that what he says is often regarded as facts and not opinions. For example, bringing into argument that, twenty women can come forward alleging sexual abuse from a man and hundreds will question the truthfulness of the claim; however, one man can claim a woman to be a "hoe" and thousands would believe it. This argument goes hand in hand with what was argued in the hearing: many believed and fought for Judge Kavanaugh's innocence over Dr. Ford's sexual harassment claim.

Throughout the hearing, time and time again, male Senate Judiciary committee members stood behind Judge Kavanaugh through the engagement of masculine language. Consequently, diminishing Dr. Ford's and other female committee members' voices. Additionally, Judge Kavanaugh defended his claims through the use of masculine language and female subordination. First, Chairman Grassley employed aggressive language and openly defended Judge Kavanaugh against the sexual harassment claim by hostilely shutting Senator Amy Klobuchar by stating, "You got what you wanted. I think you'd be satisfied." Second, Judge Kavanaugh and several other male committee members openly

stated that Dr. Ford's allegations were a "joke" and a "political pawn." This example contributes to existing research that finds masculine language to be performed and associated as factual (Roberts & Utych, 2020). Men were openly making assumptions that the abuse was untrue, because they did not have enough evidence to point out it ever happened. Interestingly enough, on the other side of the spectrum, Dr. Ford had to provide reliable evidence that her allegation was true. To simply put, her voice was not enough to deem the allegations as truthful, yet Judge Kavanaugh's assertions were enough for them to stand behind him. Third, Senator Hatch also defended Judge Kavanaugh against the allegations when several committee members pointed out that he was "overly defensive." Senator Hatch stated that Judge Kavanaugh was probably just young and made "dumb decisions," but that did not make him "a sexual predator" because "immaturity does not make him" or anyone guilty. By Senator Hatch defending this claim, this example supports existing literature explorations that finds masculine language to be often performed as: assertive, aggressive, defensive, and often perceived as factual (Ashcraft & Mumby, 2004; Holmes, 2013; Roberts & Utych, 2020). However, it is important to remember that while verbal assertions are communicative and contextually gendered, so is silence, which was a significant element in this study.

Gender(ed) Silence: Context and Culturally Dependent

Other disciplines (e.g., psychology and sociology) have studied the cause and effect of silence. This study focused on the performance of silence as a

communicative gesture. Initially, the objective of this study was to investigate how Dr. Ford discursively constructed the role of silence in testimony and in what ways did power influence Dr. Ford's desire to speak up. The purpose was to understand whether victim silence was understood as a form of power or lack thereof; however, as the study progressed, it was difficult to measure and make conclusions based on the evidence presented. In short, it was impossible to make affirmative claims based on Dr. Ford's testimony.

Dr. Ford came forward about the alleged assault 36 years later. According to the National Sexual Violence Resource Center (NSVRC.org), it takes on average 20 years for victims of sexual assault to come forward, and many times, some never break the silence. Preconceived views on silence and sexual harassment would suggest that Dr. Ford would resort to silence during the hearing. However, this study found that silence was communicated more by Judge Kavanaugh as opposed to Dr. Ford, which contributes to existing research by arguing that: silence is gendered and it is culturally and context dependent (Acheson, 2008). As research suggests, men often communicate through evasiveness and omission as a form of masculine power (Leto DeFrancisco, 1991; Levine et al., 2018). This study contends that, because evasiveness and omission are masculine cues, silence is also gendered. Though silence is essentially the absence of words, it is often performed as evasiveness and omission as a form of power control. In addition, this study agrees with

preexisting communication studies research that describes silence as a communicative gesture (Acheson, 2008; Munoz, 2014).

Judge Kavanaugh employed silence as evasiveness and omission through aggressive language. Generally speaking, silence is the absence of words; however, silence can be hidden and performed through communicative gestures such as omission and evasiveness. As research suggests, omission and evasiveness are often indicators of masculine power moves (Holmes, 2013; Leto DeFrancisco; 1991). Keeping this in mind, we can assume that silence through omission and evasiveness is a masculine performance. Therefore, gendering silence. Judge Kavanaugh repeatedly avoided to answer the committee's questions. He responded with counter questions, aggressive language, and/or stuttering. Some instances include: when asked if it was true he reportedly had a drinking problem, he simply responded with the statement, "I like beer." In another occasion, Judge Kavanaugh was asked whether what his high school peers reported about him was true, about him attending parties and getting aggressively drunk, he responded: "I'll say, look at my academic record... I worked very hard in my studies, and I also played basketball, I did sports and I also did socialize." These examples illustrate silence performed as evasiveness. Not only did Judge Kavanaugh employ silence through omission and evasiveness, but he also utilized aggressive language to defend his arguments. Though it is understood that people often communicate through aggressive language when frustrated or upset, this study examines aggressive language

through a gendered lens where socially, men tend to express themselves in a defensive manner. In several occasions, Judge Kavanaugh shifted and elevated answering questions through aggressive language and behaviors. For example, when asked by a female senator whether his alleged drinking problem affected his friendships, Judge Kavanaugh asked her instead, “What do you like to drink?” and “Have you ever blacked out?” These examples support the idea that through masculine language, which is inherent of male inexpressive behaviors (Sattel, 1976), silence is performed. Though something is still being verbally said, by looking into the context, nothing is really there.

Though data analysis found Judge Kavanaugh performed more silence than Dr. Ford during the hearing, it is important to point out the few things Dr. Ford had to say regarding her silence. When asked why she had not come forward sooner with sexual harassment allegations against Judge Kavanaugh, constituent with other victims’ testimonies, Dr. Ford alleged she was scared to come forward because she believed people would not believe her, especially because she did not have physical evidence. As speculated with many other sexual assault cases, many believe victims need to show visible signs (i.e., bruising, bleeding, scratches) of violence.

Gendered Spaces

Physical settings and context often establish additional inequalities amongst genders. Gendered spaces grant or take away authority to individuals. For example, predominantly, women hold more power in the kitchen, while men

hold more power in the living room. In this case, Judge Kavanaugh beheld more power over Dr. Ford in the courtroom. He took charge of the space by engaging in masculine language to dominate the communication exchange that occurred in the hearing. As previously stated, communication styles through gendered language creates inequalities of power in physical spaces and structures.

There was a clear disadvantage of power in the courtroom. The evidence confirms that it is normative for men to hold more power than women during legal proceedings due to the gendered space (Winsky Mattei, 1998). Men hold power in law related events and they consciously or unconsciously make use of their gendered power by asserting dominance. Judge Kavanaugh and some male committee members, persistently took control of the space by repeatedly talking over others, interrupting, and changing the conversation. Holding the floor more often is pivotal in gendered power as it is often a sign of winning arguments, which translates to holding power and control of not only the conversation, but also the physical space. Thus, placing women, “the feminine sex, at the greatest disadvantage, even though they have been invited to participate,” (Winsky Mattei, 1998, p. 445), because they are expected to remain silent, submissive, and non-interruptive. For instance, Dr. Ford was given the opportunity to share her story in front of the Judiciary Senate; however, there were imbalances between her hearing and Judge Kavanaugh’s hearing, creating a disparity of power. As previously mentioned, this study contributes to the argument that gender expression through language bestows more or less power to physical

spaces and structures, establishing the idea of a “gendered space.” Winsky Mattei (1998) stated:

Women’s access to the political debate is limited, because they are given proportionally less time to speak than male witnesses. Further, empirical measures indicate that the effectiveness of women’s testimony is undermined by senators’ responses. Although women utilize what is defined as masculine language to compete within a male-dominated institution, gendered expectations can prevent them from being treated as authoritative witnesses. (p. 440)

Dr. Ford’s invitation into the courtroom contributes to past research that argues that though women are invited to participate in a masculine space, they are still not being treated as equal to men in these structures (Kimmel, 2008).

This study also contributes to Kimmel’s (2008) Guyland argument which asserts that even when females are invited into Guyland, they must adhere to their role as either “bitch” or “babe” -- she is not one of the boys. Kimmel further describes Guyland as “a place, or rather, a bunch of places where guys gather to be guys with each other,” (p. 4) in this case, the courtroom invited bro code behavior and language. This study reinforced the preconceived notion that women do not quite belong in governmental or political environments. It further supports the idea of gender exclusion in society, where the concept of a “Man’s World” has not completely faded away. Yes, the fight for female equality has progressed throughout the years; however, there is still a lot of work to be done.

For instance, though Kamala Harris became the first female Vice President of the United States in 2021, the way she is expected to perform, the way people communicate with her, and people's perceptions of her competence, is heavily influenced by her gender in a predominantly masculine space.

CONCLUSION

In general, silence is often viewed as a submissive concept; however, data analysis suggested that silence is also used and performed as a way to establish power and control. This is because using one's voice requires strength, while silence is considered to be the absence of that. Silence is performed both as the absence of words and evasive language. Gender plays an important part in silence, as it is often performed differently between genders. Additionally, the context in which silence is used matters, as we must read between the lines to understand what silence is communicating.

Dr. Ford remained silent about the alleged attack for 36 years. Silence amongst victims of sexual assault constitutes power because it is a way of withholding information and preventing potential judgement. Victims of sexual assault often believe that the attack took away their choice and voice. Therefore, choosing not to tell anyone about the abuse is a way of taking back control. Some consider victim silence as a sign of lying. However, studies show that victims of sexual assault either block most insignificant details or decide not to disclose some information as a way of preserving power and autonomy. Moreover, silence has often been linked as a female communicative strategy, because men are encouraged to take space and actively use their voice, while women are often discouraged to use theirs. On the other hand, because men are socially expected to use their voice, be aggressive and argumentative, their

silence is usually not performed as the absence of spoken words, but through defensive language and evasiveness.

Limitations

There were a few limitations to this study; however, these limitations do not eliminate the validity of the study. First, the recorded hearing was utilized for this study. It would be interesting to see if being physically present would change observations or context of the findings. Second, it is important to point out that because political affiliations tend to create and form people's bias, an automatic perception of favorability may exist in readers regardless. To simply put, some people may experience difficulty detaching from their political views, opinions, and affiliations. This case was heavily revolved around politics. Some argue that both the democratic and republican party had their own political interests in mind based on how the case turned out. This study was not in favor of or against any political affiliation. It would be interesting to examine the effect of political affiliations in court hearings surrounding sexual harassment allegations. Third, it is unfeasible to truly know whether Dr. Ford or Judge Kavanaugh made the conscious choice to not disclose some information. They may have resorted to silence at some point during the hearing, but it is difficult to recognize and perceive those instances with certainty. Lastly, this study focused on how silence was discursively present and practiced throughout the testimony. In other words, this study was concerned with what was verbally said, as well as non-verbally

communicated. We cannot assume that silence warrants innocence or culpability.

Future Research

Dr. Ford's story motivated many victims of sexual assault to break their silence and come forward. As more and more victims shared their stories, more attention and discussion was brought to the relevance and structural concerns of sexual assault cases and or reporting. This developed as the #MeToo movement. Though the #MeToo movement received significant media attention, it lacked legitimate attention in research. Three years after the birth of the #MeToo movement, while it has now made its way into recognized studies and research, it is often still viewed as a social media, pop-culture issue. Further research and awareness needs to be addressed to emphasize the severity of this issue. Many people see the #MeToo movement as a way to grab attention and even "ruin" a man's life. In other words, many bystanders believe victims come forward with false allegations in order to ruin the man's reputation, seek monetary benefit, or gain other forms of advantages. It would be interesting to research and study sexual assault victim disclosure through a holistic and focus group method, by investigating how or why the #MeToo movement empowered them to speak up.

APPENDIX A

- a. <https://www.youtube.com/watch?v=7zVOkb3CdZ0&t=3964s>

The link to the entire court hearing utilized for this project. Streamed live on September 27, 2018.

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