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Gina Kaye Kelley
kell2485@pacificu.edu

Jim Moore
moorej@pacificu.edu

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The politics of pointing fingers: Party identification, gender performance, and the Kavanaugh sexual assault hearing

Gina Kelley
Pacific University, kell2485@pacificu.edu

Jim Moore, PhD
Pacific University, moorej@pacificu.edu

Abstract

Dr. Christine Blasey Ford and Supreme Court nominee Judge Brett Kavanaugh appeared before the Senate Judiciary Committee in September 2018 to testify about Ford's allegation of a previous sexual assault by Kavanaugh. This thesis asks and answers the question of what does this hearing reveal about the relationship between party identity and gender performance in male senators. Structural power and gender performativity built a theoretical context for this question, while pre-existing research on the intersection of nonverbal behavior, gender, and politics outlined a path to answering it. Fifty randomly selected clips from each testimony were coded for facial displays, gestures, and mirroring. Previous research would hypothesize that all men would employ the same behaviors, regardless of political affiliation; however, the results of this coding revealed that Republicans conformed to traditionally masculine behavior, while Democrats did not. These findings demonstrate the way in which party identity influences gender behavior.

Keywords

Gender, Nonverbal behavior, Party identification, Partisanship, U.S. supreme court

Peer Review

This work has undergone a double-blind review by a minimum of two faculty members from institutions of higher learning from around the world. The faculty reviewers have expertise in disciplines closely related to those represented by this work. If possible, the work was also reviewed by undergraduates in collaboration with the faculty reviewers.

The politics of pointing fingers

On July 9, 2018, U.S. President Donald Trump announced Judge Brett Kavanaugh of the U.S. Court of Appeals for the District of Columbia Circuit as his second Supreme Court nominee. The nomination of a conservative justice instantly sparked Democrats into opposition and resistance. The Senate Judiciary Committee held Kavanaugh's confirmation hearings for four days starting on September 4, during which he was questioned on his judicial philosophy and his positions on a wide breadth of issues such as presidential power and the right to abortion.¹ On September 16, Democrats found a previously unknown reason to protest the nomination: the *Washington Post* published the story of Dr. Christine Blasey Ford, who alleged that Kavanaugh had sexually assaulted her when they were both teenagers attending a house party.² Ford had previously disclosed her concerns in a letter to Dianne Feinstein (D-CA). Deborah Ramirez also reported misconduct against Kavanaugh, but she did not testify.³ By September 27, both Ford and Kavanaugh had appeared before the Senate Judiciary Committee and testified under oath regarding her allegations of sexual assault.⁴

The confirmation hearings that took place in early September are separate from the hearing that featured Kavanaugh's and Ford's testimonies. Thus, for the remainder of this research, the hearing investigating Ford's allegations will be referred to as a sexual assault hearing. This name was chosen for a couple reasons, including because C-SPAN titled the footage as "Kavanaugh Sexual Assault Hearing." While some media coverage referred to the hearing as the Kavanaugh-Ford Hearing,

some reports also deemed it a sexual assault hearing.⁵ At its core, this hearing was intended to deal solely with Ford's allegations of sexual assault. Finally, the use of that title does not reflect a confirmation or rejection of Ford's claims on behalf of the author.⁶

With this distinction in hand, it is critical to acknowledge the severity of Ford's allegations and the context around them. According to the Centers for Disease Control and Prevention (CDC), in the U.S. one in three women and one in four men will experience some form sexual violence. One in five women and one in thirty-eight men will experience an attempted or completed rape in their lifetime.⁷ Aside from the reality of everyday Americans who have and will experience this kind of violence, Ford's narrative and so many similar ones have emerged as a central aspect of the current political moment.

With the rise of the #MeToo Movement, men in the public eye, such as Bill Cosby and Harvey Weinstein, were and are facing allegations of serious sexual misconduct.⁸ While many of the men accused of this misconduct are members of the American film industry, the political sphere has not been left untouched. Women have claimed now-president Trump harassed, groped, and raped them, with their claims spanning decades.⁹ While Trump remains in office, Al Franken (D-MN) resigned from the U.S. Senate due to allegations of sexual misconduct.¹⁰ While unfortunately stories like Ford's are common in the current news cycle, that does not mean that her report is insignificant. Coinciding with this watershed moment for women, and survivors of all

¹ Bowden, "Timeline."

² Brown, "California professor."

³ Arnold, "Everything we know about Deborah Ramirez's allegations against Kavanaugh."

⁴ Bowden, "Timeline."

⁵ Klein, "The Ford-Kavanaugh sexual assault hearings, explained"; Ryan, "What's going in with the Kavanaugh sexual-assault hearing?"; Peterson & Kendall, "Brett Kavanaugh's sexual-assault hearing raises debate over standard of proof."

⁶ For more information regarding the validity of these allegations, see Pogrebin & Kelly, *The Education of Brett Kavanaugh* (Portfolio, 2019).

⁷ CDC, "Preventing sexual violence."

⁸ Bowley, "Bill Cosby assault case"; Vavra & Pandey, "The allegations against Harvey Weinstein and their fallout."

⁹ Itkowitz, et al., "Latest sexual assault allegation against Trump draws muted political reaction."

¹⁰ Mayer, "The case of Al Franken."

genders, Ford's experience encapsulates a defining aspect of the social and political context of these hearings.¹¹ While Ford's verbal assertion is impactful, this thesis set out to examine the sexual assault hearing without listening to her tell it. Instead of focusing on the verbal sparring featured in the hearing, this article isolates its scope to nonverbal behavior.

This study examined the ways in which power and gender unfolded in front of America's eyes through nonverbal behavior. While nonverbal behavior informs 55% of all communication, it is often forgotten in public discourse.¹² Behavioral science is relevant to unpacking this political event because "the nonverbal channel is rich in political information and is consequential for political decision making."¹³ Beyond just decision making, "visuals affect political decisions through cognitive and emotional routes."¹⁴ Looking at the intersection of gender, power, and nonverbal behavior and how it is displayed by male-identifying U.S. senators during this pivotal event allows for a thorough examination of this sexual assault hearing and its reflection of the current political moment.

This research is isolated to male-identifying senatorial performance, and a key aspect of analyzing that performance is their inherently political identity. American politics operates within a two-party system; modern politics is defined by increased polarization between Democrats and Republicans, and public perception tends to exaggerate the polarization gap, exacerbating the problem.¹⁵ Americans are increasingly valuing their political affiliation as a part of their identity.¹⁶ The Republican and Democratic senators who conducted the hearing brought both their gender and party identity to the table with them.

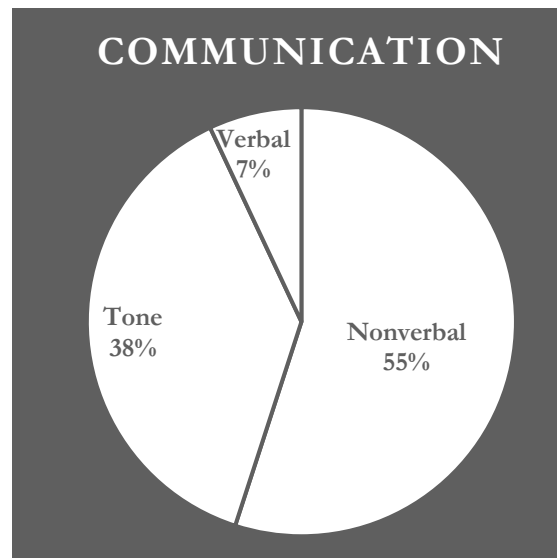


Figure 1. Percentage breakdown of communication contributors.

This study explores the way in which party identity and gender performance were visible during the Kavanaugh sexual assault hearing. What does this hearing reveal about the relationship between party identification and gender performance in male senators? To approach this question, this study applied concepts and methods from behavioral science to a new context in order to consider the complex intersections of power, gender norms, political science, and nonverbal behavior.

Literature Review

The blind spot. In the field of political science, gender research is relatively isolated to women, excluding men and the LGBTQIA+ community. This exclusion leaves political science with a critical blind spot.¹⁷ Gender is complicated and political science has yet to fully address this complexity. Gender is not synonymous with women, despite the common conflation. Furthermore, gender does

¹¹ Harris, "Christine Blasey Ford."

¹² Demir, "Using nonverbal communication in politics," 1.

¹³ Dumitrescu, "Using nonverbal communication in politics," 1658.

¹⁴ Dumitrescu, "Using nonverbal communication in politics," 1658.

¹⁵ Westfall, et al., "Perceiving political polarization in the U.S.," 145.

¹⁶ Martinovich, "Americans' partisan identities are stronger than race and ethnicity, Stanford scholar finds."

¹⁷ Bjarnegård & Murray, "Critical perspectives on men and masculinities in politics," 264–65.

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not describe physical anatomy, but instead provides a framework to understand the complexities of all individuals.¹⁸ Gender research within the social science discipline tends to

assume that “gender” issues are issues about women. Feminist thought has sometimes reinforced this tendency, because feminist research has focused on the lives of women. We must also examine men's gender practices, and the ways the gender order defines, positions, empowers and constrains men.¹⁹

Feminist and gender studies often search to understand how women navigate the patriarchal system, but in order to completely understand these oppressive systems, it is clear that men must also be studied. A 2018 article argues that

reframing the question of gender and representation permits the identification of new research agendas focusing explicitly on men's dominance in politics rather than women's marginalization or underrepresentation.²⁰

There exists extensive and imperative research on women's disenfranchisement from politics. This literature ranges from why women hesitate to run for public office to how they alter their behavior once they reach that office and everything in between.²¹ All of this research is valuable and sheds a needed light on the reality of women, but in shining that light researchers have too often left men in the dark.

Masculinity is the blind spot within gender and politics research. While the 2016 election sparked an increase in masculinity research around elections and voter perceptions, this research hopes to contribute to the “reframing of the question.”²² By limiting this discussion to the intersection of male senatorial behavior and political identification, this thesis contributes to correcting this blind spot.

Understanding gender. To examine gender, and not just women, this study turns to gender performativity. Gender performativity argues that gender has no “natural” existence but is made up of individual acts, and the repeated performance of those acts create and define gender.²³ Gender is thus understood through individual and societal behavior. The action of gender requires repetition, and that repetition is based on socially established norms and beliefs; therefore,

the effect of gender is produced, where specific bodily gestures, movements and styles (for example, hair style, the use of cosmetics, bodily posture, how one sits, stands, speaks and the accessories they wear), work to constitute the “illusion” of an “abiding gendered self.”²⁴

While gender is produced by action, that does not mean these actions (as understood to be expressions of gender) are conscious choices.

Every day, people express gender and gender conformity (or nonconformity) through action. With the implicit comprehension of gender norms, people categorize and code behavior, in part, through

¹⁸ As none of the participants in the hearing identify outside of the binary construction of gender, this paper will operate within that framework.

¹⁹ Connell, “Studying men and masculinity,” 44.

²⁰ Bjarnegård & Murray, “Critical perspectives on men,” 265.

²¹ For more on women running for office, see Fox & Lawless, “To run or not to run for office,” 644; Fox & Lawless, “Entering the Arena?,” 270.

²² Bjarnegård & Murray, “Critical perspectives on men,” 265; for examples on masculinity research around the 2016 election, see Carian & Sobotka, “Playing the Trump card,” 1–6; Smirnova, “Small hands, nasty women, and bad hombres,” 1–16.

²³ Gilbert, “Performing femininity,” 122; Butler, *Gender Trouble*.

²⁴ Gilbert, “Performing femininity,” 125.

its adherence to those norms; this categorizing and coding is not a conscious choice but more a result of socialized behaviors and subconscious understanding of social norms.²⁵ Gender norms and perceptions are influenced by “the repeated actions themselves; it is the acts that are internalized and determine what society understands to be norms.”²⁶ Gender performativity establishes that a continuous loop of reinforcement exists between behavior and gender norms. This demonstrates the complimentary and dependent relationship of gender and nonverbal behavior. Communication is often understood through these actions and their adherence, or lack thereof, to gender norms. Unpacking nonverbal behavior allows for a more thorough understanding of the complex power dynamic between gender norms and behavior.

Defining power. Gender norms have incredible power. Explorations of gender often discuss power disparity between the two binary conceptions of gender; however, there is more complexity in the relationship between gender and power than just disparity. Studying power

in political practices and public institutions provide[s] a crucial vantage point from which to consider power relations . . . [because their responsibilities] translate into significant influence over which social practices and institutions survive and flourish.²⁷

Under this assumption, dissecting the sexual assault hearing allows for an in-depth analysis of power and its connection to these ever-present gender norms.

Power is “the network of social boundaries that delimits, for all, fields of possible action.”²⁸ More than just delimiting, power’s “mechanisms consist in, for example,

laws, rules, symbols, norms, customs, social identities, and standards . . . they function as boundaries, and never simply instruments actors possess and use.”²⁹ It is imperative to understand that power cannot be understood only as X has power over Y, but instead as a vast network that affects everyone and is often outside the control of an individual.³⁰ This concept of a network describes power on the macro level as well. Structural power, acting as a massive network, shapes and connects institutions which in turn have a clear relationship to individuals.

If one shrinks this massive network of power down to the individual level, one can imagine a net around each individual; this net that surrounds everyone is flexible and adaptable to each person. The nets may allow someone to move forward in one direction, while preventing them from moving forward in another direction. For example, to understand the dynamic between a male supervisor and a female employee one should look to the culture of the company, the gender norms of society, and the race and socioeconomic status of both individuals; all aspects of the complex nets that are constantly around the supervisor and subordinate should be inspected in order to understand power in its full conception.

Including abstract, yet nevertheless influential, concepts like social norms in the definition of power allows for a more precise comprehension of the gender and political dynamics present in the hearings. Power is structural, and so restrains and enables people in different ways; gender, and other norms, are some of the things that can limit courses of action. That restriction, or lack of, can be understood by looking at the behavior of participants in institutional contexts.

²⁵ Lester, “Performing gender in the workplace,” 277–305.

²⁶ Gilbert, “Performing femininity,” 127.

²⁷ Hayward, *De-facing power* (Cambridge UP, 2000), 177.

²⁸ Hayward, *De-facing power*, 177.

²⁹ Bates, “Re-Structuring Power,” 359.

³⁰ For an example, Dahl, “The concept of power,” 201–15.

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Congress and masculinity. Congress is a powerful institution and a gendered structure.³¹ The power of Congress, and more specifically senators, is apparent. As of 2020, 57 women have served as U.S. senators, with 26 (nearly half) of them currently serving.³² It is clear that the Senate is a male-dominated space, creating increased difficulty for women operating within that space. There is extensive research discussing the ways in which women face structural and societal barriers in running for office; there is also additional research that catalogs the ways in which women in powerful positions adapt their behaviors to that of men.³³ The research on male behavior and gender norms in Congress is especially lacking, contributing to this masculinity blind spot.

While little literature exists on gender norms affecting men in Congress specifically, there is research discussing the adverse effects of gender norms on men in society at large. Well-known “western” stereotypes around men and masculinity are often oriented around being a bread-winner, being strong emotionally and physically, and emphasize heterosexuality. Consistent studies show that young men and women use “gay-related name-calling . . . as a response to the violation of gender norms.”³⁴ In fact, the same study found that, above all other reasoning, “gay-related name-calling among boys is more frequently used as a way of regulating unwanted expressions of masculinity.”³⁵

Another study proposes that, contrary to previous understandings of male self-harm, “the invisibility of male self-injury results from the structures of normative gender that define

‘mental illness,’ vulnerability, and distress behaviors through traditional masculinity and femininity.”³⁶ These socially-oriented studies make clear that gender norms hold real (and detrimental) power over men just as they hold incredible power over women. Polling data confirms that men feel pressure to conform to traditional performances of masculinity.³⁷ Pew Research reports that, “more than eight-in-ten say men face pressure to be emotionally strong, with 41% saying men face a lot of pressure in this area.”³⁸ Men are constantly restrained and constricted from their possible paths of opportunity due to how society expects them to behave; these norms are not left at the door to the Senate floor, but are ever-present and inform senatorial actions that affect everyone.

Supreme Court confirmation hearings.

Confirmation hearings of Supreme Court justices are crucial political events.³⁹ The process ties together all three branches of government, and scholars agree that these events, and the justices themselves, are significant due to their lifetime appointments and the direct impact their decisions have on everyday Americans.⁴⁰ These hearings heighten the intensity of the Senate’s role, as critical nominations can have large impacts on the ideological composition of the Court. While there is consensus on their significance, there is some debate as to whether William Rehnquist’s 1971 nomination (and second nomination to chief justice in 1986) or Robert Bork’s 1987 nomination initiated the heightened intensity around Supreme Court nominations. Some scholars hypothesize that

³¹ While currently discussing research on Congress as a whole, the research conducted for this thesis only examined senatorial behavior.

³² U.S. Senate, “Art and History: Women in the Senate.”

³³ For more on female behavior in Congress, see Kathlene, “Power and influence in state legislative policymaking,” 560–76; Jones, “Talk ‘like a man,’” 630–32; Wasike, “Gender, nonverbal communication, and televised debates,” 252.

³⁴ Slaatten & Gabrys, “Gay-related name-calling as a response to the violation of gender norms,” 30; See also Franklin, “Antigay behaviors among young adults,”

339–62; Jewell & Morrison, “‘But there’s a million jokes about everybody,’” 2094–112.

³⁵ Slaatten & Gabrys, “Gay-related name-calling as a response to the violation of gender norms,” 30.

³⁶ Inckle, “Strong and silent,” 3.

³⁷ Parker, et al., “On gender differences, no consensus on nature versus nurture.”

³⁸ Parker, et al., “On gender differences, no consensus on nature versus nurture.”

³⁹ Hayward, *De-facing power*, 177; Watson & Stookey, *Shaping America* (HarperCollins, 1995), 17.

⁴⁰ Watson & Stookey, *Shaping America*, 17.

Bork's failed confirmation eliminated the Senate's standard approach to confirmations and made the Supreme Court confirmation process the ideological battleground that it is today.⁴¹ Others argue that Rehnquist's nomination in 1971 marks the real "beginning of a substantive change in the Senate confirmation criteria" as his confirmation saw a large increase in judicial philosophy questioning.⁴² Regardless, it appears that between 1971 and 1987, the Senate changed its confirmation criteria, politicizing it and making ideology paramount to the decision.⁴³ This ideological emphasis has remained the de facto practice of the Senate, adding to the seismic political events that Supreme Court nominations are today.

2018 was not the first time sexual misconduct allegations were raised against a Supreme Court nominee. In 1991, Anita Hill reported that Clarence Thomas had sexually harassed her when he was her superior at the Equal Employment Opportunity Commission (EEOC). This study will not compare the Thomas and Kavanaugh hearings for a couple of reasons. The centrality of race in Thomas' hearing makes it incredibly difficult to succinctly compare to Kavanaugh's hearing. Additionally, Hill and Ford testified in distinct political eras. In 1991, Hill testified in front of a committee comprised of only white men. She testified the year prior to the Year of the Women (with some arguing her testimony contributed to the record-breaking 1992 election results).⁴⁴ Twenty-seven years later, Ford testified within the context of the #MeToo Movement. During her testimony, every white male Republican senator yielded their time to a female prosecutor, and the Democratic side of the committee featured

members of color and women. While the death threats and disapproval directed at Ford should not be minimized, the support she received vastly outweighed the reception of Hill.⁴⁵ With this perspective in mind, it is essential to define exactly what nonverbal behavior is and how it relates to the complex relationships discussed so far.

Nonverbal behavior and gender. Nonverbal communication is defined as

the sending and/or receiving of information and influence through one's immediate environment, appearance, and nonverbal behavior. Unlike verbal communication, nonverbal communication is always "on" in social settings, with the sending and receiving sides operating simultaneously.⁴⁶

Nonverbal behaviors are simply physical actions, which make up a large part of nonverbal communication. Beyond the concept of being "on," some argue that "visual processing is central to building synaptic connections in the brain and ultimately forms the basis of extended consciousness."⁴⁷ While this is counterintuitive to the political and philosophical concept of a "rationally engaged public that relies on reason and deliberation to make informed decisions," it is apparent that a large part of processing and comprehension stems from the subconscious coding and decoding of nonverbal behavior.⁴⁸ Basic definitions aside, there is some precedent when looking to behavioral science and its relationship to gender.

A majority of foundational behavioral science research regarding gender was

⁴¹ Prior to Rehnquist and Bork, Supreme Court nominees were vetted by Congress for their professional qualifications with their ideological positions (which were often unclear) largely disregarded.

⁴² Ogundele & Keith, "reexamining the impact of the Bork nomination to the Supreme Court," 404, 411.

⁴³ Epstein, et al., "The changing dynamics of senate voting on Supreme Court nominees," 302.

⁴⁴ Bouchard & Taylor, "Flashback: The Anita Hill hearings compared to today."

⁴⁵ Montanaro, "Poll."

⁴⁶ Patterson, "Nonverbal Communication."

⁴⁷ Bucy & Grabe, "Taking television seriously," 654.

⁴⁸ Bucy & Grabe, "Taking television seriously," 654.

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conducted in the 1970s and 1980s and is based on male/female workplace interactions. Some of the most significant work in the field shows statistical correlation between men and social superiors having the same dominant and/or aggressive nonverbal behaviors. In contrast, women and social inferiors both employ submissive communicators.⁴⁹ Some studies focused on more specific behavioral differences between men and women, with one study finding that “women are likelier than men to smile, as well as to communicate fear and sadness via facial expressions, whereas men are better at facially expressing anger.”⁵⁰

While a common nonverbal behavior is mirroring, it is more common in women due to the fact that they display a wider range of emotions nonverbally. *Mirroring*, also known as mimicking or imitation, is the practice of matching the physical behaviors of those physically close.⁵¹ Research on mirroring is constantly revealing new insights and often acts as an intersection between neuroscience and behavioral science. One 2012 study found that female mirroring is dependent on the situation, instead of just an involuntary response as previously thought.⁵² Mirroring is also heightened during times of vulnerability regardless of gender.⁵³ This research often looks at full-body nonverbal behaviors; some of these studies focus on spatial proximity and likelihood to initiate physical contact.⁵⁴ A respected study in the field concludes that nonverbal behaviors reinforce social hierarchy and the continuation of male dominance over women.⁵⁵ The findings of this research laid down the basis of a popular theory which

claims that patriarchal values, and even sexism, are reinforced by nonverbal behavior and communication.⁵⁶

Today, more debate exists on gender and nonverbal communication. Some of the research reinforces these beliefs, finding that “dominant postures have long been associated with men, and other literature shows that the display of such male-centric cues might be disadvantageous to women during debates.”⁵⁷ There is more significant debate today on public opinion of atypical gender behaviors.⁵⁸ Some studies have found that women are penalized for employing too many traditionally masculine behaviors, but they can also be penalized for displaying too femininely; this is often referred to as a double-bind.⁵⁹ As the number of women in elected office has increased, there is some work indicating that these stereotypes are declining. One study found that “female leaders are now expected to display strong leadership behavior and female politicians lacking these traits face voter prejudice in that they are deemed less likeable and influential.”⁶⁰ There is a possibility that these traditional or even stereotypical gender behaviors are beginning to change, but the consequences of this possible upheaval of gender norms are still unknown. Authoritative voices in nonverbal behavior understand its intimate connection to gender and power.

This research guides to the conclusion the women and men behave differently from each other based on their gender identity. Generally, within the same society, men will behave one way and women another way. Despite this assessment, it is intuitive that there

⁴⁹ Henley, *Body politics*, 181, 187.

⁵⁰ Wallbott, “Big girls don’t frown, big boys don’t cry,” 100.

⁵¹ Hofman, et al., “Fairness modulates non-conscious facial mimicry in women,” 3537.

⁵² Hofman, et al., “Fairness modulates non-conscious facial mimicry in women,” 3537.

⁵³ Kouzakova, et al., “Lack of behavioral imitation in human interactions enhances salivary cortisol levels,” 421–61.

⁵⁴ Henley, *Body politics*, 181.

⁵⁵ Henley, *Body politics*, 198.

⁵⁶ Henley, *Body politics*, 198; Hall, “Nonverbal behavior, status, and gender,” 390.

⁵⁷ Wasike, “Gender, nonverbal communication, and televised debates,” 262; Everitt, et al., “Candidate gender, behavioral style, and willingness to vote,” 1740.

⁵⁸ Everitt, et al., “Candidate gender, behavioral style, and willingness to vote,” 1743.

⁵⁹ Everitt, et al., “Candidate gender, behavioral style, and willingness to vote,” 1743.

⁶⁰ Everitt, et al., “Candidate gender, behavioral style, and willingness to vote,” 1744; Bongiorno, et al., “If you’re going to be a leader, at least act like it!” 217–34.

are a variety of variables that contribute to how each individual understands what gender means to them. Different conceptions of gender norms should lead to different gender performance. This research argues that factors can influence the way gender is performed nonverbally. Political identification is one of the variables that this research argues influences nonverbal behavior due to its intimate relationship with gender identity.

Party identification. The question this research considers is what does the senatorial performance during the Kavanaugh sexual assault hearing reveal about the relationship between masculine performance and party identification. As previously noted, polling data demonstrates that a majority of men feel pressure around their masculinity, but this research investigates how men with opposing political beliefs navigate that pressure differently.⁶¹ Unlike gender, political affiliation is often categorized as a secondary, or even tertiary identity because it is mutable.

Party identification is distinct from voting preferences, and an individual vote cannot be conflated with party identification. Party identification is

a long-term, affective, psychological identification with one's preferred political party. Social identity theory argues that these partisan ties are similar to identifications with a social class, religious denomination, or other social group.⁶²

This is confirmed in a 2017 Stanford study which found that Americans hold a strong attachment to their party identity, and the strength of that attachment surpasses race, religion, language, and other social identifiers.⁶³

⁶¹ Parker, et al., "On gender differences, no consensus on nature versus nurture."

⁶² Dalton, "Party identification," 1.

⁶³ Martinovich, "Americans' partisan identities are stronger than race."

⁶⁴ Martinovich, "Americans' partisan identities are stronger than race."

The study hypothesized three possible reasons for this attachment, the first two being increased political polarization and the saliency of party identity with the final reason being the idea that party identity is "a deliberate decision for an individual, it's viewed as a choice that more accurately reflects who that person truly is."⁶⁴

A 2016 study summarizes that "Party identification is an early-socialized, enduring, affective, psychological identification" and party identification "structures a person's view of the political world, provides cues for judging the political candidates and issues, shapes voting choice, influences participation in elections, and promotes stability in electoral systems."⁶⁵ The importance of party identification in a democracy is apparent. Democratic institutions function within the framework of partisanship; it is just as important on an individual level. Party identification develops in early life learning. Children learn and adopt the party loyalties of their parents, often developing partisan connections during elementary school.⁶⁶ This socialization process is "similar to the development of many other social identities such as religious denomination or class. By adolescence, party leanings—if not loyalties—are often common."⁶⁷

While the socialization process of this identity may be similar to other identities, a 2018 study found "evidence that identity and politics operate in the opposite direction too—people shift the non-political parts of their identity, including ethnicity and religion, to align better with being a Democrat or a Republican."⁶⁸ For example, when discussing their identity, Democrats are more likely to emphasize their ethnicity or gender while Republicans are more likely to highlight their

⁶⁵ Dalton, "Party identification," 1.

⁶⁶ Dalton, "Party identification," 5.

⁶⁷ Dalton, "Party identification," 6.

⁶⁸ Bacon Jr., "Americans are shifting the rest of their identity to match their politics."

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religion and nationality. The study made sure to clarify that while it is still more likely that one's immutable identities guide party affiliation, it still concluded that "increasingly, the political party you belong to represents a big part of your identity and is not just a reflection of your political views. It may even be your most important identity."⁶⁹ Party identification is a key aspect of American identity and influences other facets of identity.

Polling research has shown that Republicans and Democrats have different opinions on the role of gender. Democrats are more likely to see positives in changing gender roles and are more likely to disapprove of the current status quo of gender equality in the country than Republicans.⁷⁰ These differences appear generally reflective of party politics, with Republicans publicly having more conservative views on gender than their left-leaning counterparts. This disparity is reflected in polling on masculinity. Of those who stated that society values masculinity, 78% of Republicans (and Republican-leaning

independents) felt that this is a good thing while only 49% of Democrats felt the same.⁷¹

This polling data demonstrates the ways in which Republicans and Democrats perceive the role of gender norms in the U.S., as well as their normative opinions of gender. This is not a shocking conclusion when thinking about general conceptions about political affiliation; however, this research proposes that this expansive generalization is applicable on the individual level. Woven into structural networks of power and individual power nets is a thread that combines political identification and gender performance. Upon further inspection, this research posits that the connection between party identity, gender norms, and nonverbal behavior is much more significant than previously thought.

Hypotheses

With this understanding of nonverbal communication and its connection to the previously discussed literature, it must be applied to the question at hand: what is the relationship between gender performance and

Republican Majority Members	Democratic Minority Members
Chuck Grassley, Iowa, Chairman	Dianne Feinstein, California, Ranking Member
Orrin Hatch, Utah	Patrick Leahy, Vermont
Lindsey Graham, South Carolina	Dick Durbin, Illinois
John Cornyn, Texas	Sheldon Whitehouse, Rhode Island
Mike Lee, Utah	Amy Klobuchar, Minnesota
Ted Cruz, Texas	Chris Coons, Delaware
Ben Sasse, Nebraska	Richard Blumenthal, Connecticut
Jeff Flake, Arizona	Mazie Hirono, Hawai'i
Mike Crapo, Idaho	Cory Booker, New Jersey
John Kennedy, Louisiana	Kamala Harris, California
Thom Tillis, North Carolina	

Table 1. All members of Senate Judiciary Committee at the time of the sexual assault hearing. Not all members were included in the sample.

⁶⁹ Bacon Jr., "Americans are shifting the rest of their identity to match their politics."

⁷⁰ Horowitz, et al., "Wide partisan gaps in U.S. over how far the country has come on gender equality."

⁷¹ Horowitz, et al., "Wide partisan gaps in U.S. over how far the country has come on gender equality."

party affiliation in male senators? Looking at the theories surrounding gender, power, and nonverbal behavior resulted in a few key hypotheses regarding the results of this study. Before discussing the specific hypotheses, there are broader theoretical expectations. Figure 2 demonstrates that at the broadest level, it is logical to assume Republicans and Democrats will display different behavior. This difference would be expected under normal circumstances, but these differences will become more salient within the unique context of this sexual assault hearing.

Hypothesis 1: Ford's testimony will elicit more mirroring behaviors. This is a typical behavior that should appear in both hearings; however, there should be an increase in mirroring behaviors during Ford's testimony for a couple of reasons. One is that she is recounting a traumatic experience. She is the more sympathetic testifier, which should strengthen mirroring reactions in the participants.⁷² Secondly, she is a woman, which increases the likelihood of mirroring behavior. It may also be more common during Ford's testimony because the Republican senators did not participate, and their desire to have Kavanaugh on the Court makes Ford's allegations inconvenient at the very least.⁷³ This is relevant to the analysis of male senatorial behavior because only Democrats chose to participate in her testimony. The different environments created by each testimony and the behaviors of the senators in those settings are the core of this investigation.

Hypothesis 2: Democrats will behave atypically during Ford's Testimony. When discussing typical or atypical behavior, this will refer to the conformity to traditional gender behavior as defined and researched in behavioral science. The expectation of atypical behavior from Democrats means the

expectation that Democrats will display feminine behaviors. Some of those reasons are the same as the mirroring hypothesis; the sympathy factor in interacting with Ford makes it more likely that the Democratic senators will not display aggression. Furthermore, Democratic men, due to their more progressive gender norms, will likely be more comfortable straying from traditionally masculine behavior, especially within this explicitly gendered context. Contributing to the already existing gender dynamics is the political chess game at play. The Democrats did not want to confirm Kavanaugh to the Court prior to Ford's allegations, and now with her allegations, it makes political sense to make Ford seem as believable and credible as possible. Politically speaking, Ford and the Democrats are on the same side which will increase the visual demonstration of sympathy from the senators.

Hypothesis 3: Democrats will display gender-typical behavior during Kavanaugh's testimony. While Ford's testimony may demand an atypical approach, Kavanaugh's testimony is a hypermasculine arena. Matching the environment set by Kavanaugh, combined with the participation of the Republican side of the committee, Democratic men will employ traditionally masculine behaviors. While thus far this thesis has emphasized the likelihood of the Democrats to challenge traditional norms, it is imperative to remember how powerful these norms can be, especially in this particular setting. This setting does not lend itself to traditionally feminine behavior and will demand a masculine performance. As previously noted, the Democrats oppose Kavanaugh's confirmation making this the moment for them to publicly demonstrate their disapproval.

⁷² Montanaro, "Poll."

⁷³ Hofman, et al., "Facial mimicry in women," 3536; Kouzakova, et al., "Lack of behavioral imitation in

human interactions enhances salivary cortisol levels," 421.

Hypothesis 5: Republican senators will display gender-typical behavior. Republican senators should display gender-typical behavior for a couple of reasons. The Republican side of the committee is entirely male whereas the Democratic side has female members. This more exclusively masculine environment might increase the adherence to traditionally masculine behavior.⁷⁴ Their party affiliation adds to that likelihood with their conservative ideology emphasizing tradition and traditional gender norms.⁷⁵ The Republican senators were also on the defensive during the Democratic campaign against Kavanaugh (even prior to Ford's allegations), possibly pushing them to employ more agonistic behaviors during Kavanaugh's Testimony. As they did not interact with Ford, with the exception of Chairman Grassley (R-IA), there is nothing to be predicted about their behavior in that setting. Any conclusions drawn in regard to Republican senatorial behavior are limited by the fact that they limited themselves and, in their calculated political strategy, essentially withheld data from this research. The role of Rachel Mitchell (the female prosecutor) and the impact of this political move will be discussed at greater length in the Findings.

With these hypotheses and theories surrounding the intersections power, gender, and behavior during the sexual assault hearing, now it is critical to explain how the research question was answered.

Methodology

In order to answer this question of the relationship between party affiliation and

gender performance during the Kavanaugh sexual assault hearing, this research will look solely at nonverbal communication during the testimonies (and subsequent questioning) of Ford and Kavanaugh. This research based its organization on the methodology employed by a previous study that examined nonverbal behavior in political contexts.⁷⁶ When looking at the intersection of behavioral science and political science, the most established intersection between these two fields is analysis of presidential debates, followed by predicting voter behavior.⁷⁷ Much of this research emphasizes facial expressions, blink rate, gestures, tics, volume, and tone in order to explain how viewers and voters came to the conclusions that they did.⁷⁸ This work has led to interesting developments in how political scientists understand implicit voting decisions and allowed for deeper analysis than just surface-level attractiveness.

A notable example codes and compares the behaviors in the 1960 Nixon–Kennedy debate and the first 2012 Obama–Romney debate, with the goal of confirming “winning” and “losing” behavior in political debate.⁷⁹ The study concluded that then-President Barack Obama and former-president Richard Nixon both demonstrated fearful and evasive nonverbal behavior which led to a “forfeiture of social dominance on the debate stage, a dynamic recognized not only by media observers but millions of viewers at home and beyond, including those consequential undecided voters whose support is still in play.”⁸⁰ Building on this work, research has expanded around different intersections, including gender. A 2019 study looking at

⁷⁴ Wallbott, “Big girls don’t frown, big boys don’t cry,” 100.

⁷⁵ Lublin & Brewer, “The continuing dominance of traditional gender roles in southern elections,” 379; Healy & Malhotra, “Childhood socialization and political attitudes,” 1023.

⁷⁶ Wasike, “Gender, nonverbal communication, and televised debates,” 257.

⁷⁷ Dumitrescu, “Nonverbal Communication in Politics,” 1658.

⁷⁸ While aspects like tone and volume are important aspects of nonverbal communication and do impact how people understand one another, this study isolates its research to facial displays and gestures. This is done in part for parsimony as well as to narrow the scope of the study. For insights into the impact of tone, see Sacks, *The man who mistook his wife for a hat and other clinical tales* (Simon & Schuster, 1998), 80–84.

⁷⁹ Bucy, “The look of losing, then and now,” 1773.

⁸⁰ Bucy, “The look of losing, then and now,” 1773.

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1 hour, 28 minutes, 30 secs	Mitchell	Prosecutor	F	N/A	Evasion	Dominant
1 hour, 28 minutes, 30 secs	Ford	Testifier	F	N/A	Evasion	N/A
1 hour, 32 minutes, 0 seconds	Mitchell	Prosecutor	F	N/A	Evasion	Dominant
1 hour, 32 minutes, 0 seconds	Whitehouse	Member	M	D-RI	Reassurance	Dominant
1 hour, 32 minutes, 0 seconds	Ford	Testifier	F	N/A	Evasion	N/A
1 hour, 35 minutes, 0 secs	Whitehouse	Member	M	D-RI	Reassurance	N/A
1 hour, 35 minutes, 0 secs	Ford	Testifier	F	N/A	Reassurance	N/A
1 hour, 59 minutes, 0 secs	Coons	Member	M	D-D	Reassurance	Dominant

Table 1. Sample selection of coding sheet

Hilary Clinton and Trump's 2016 town hall debate argued that Clinton's "nonverbal behavior largely transcended gender norms due to its alignment with traditionally masculine behaviors."⁸¹ Adding more nuance and detail, the case study claims that "Clinton, by far, displayed far more expansive postures than Trump."⁸² In reference to Trump, the study found that he "displayed more hostility than Clinton . . . [specifically] exposed lower teeth, and hostile glares."⁸³ These studies encapsulate the conclusions and approach that behavioral science brings to the political sphere.

When developing the best methodology to best answer the proposed question, the work just examined laid a clear foundation; however, the logistics of the hearings brought forward some key factors to consider. The hearings are structured and formal which eliminates the application of full body communication analysis. It is important to note that the hearings take place with all participants sitting behind tables or desks so only their upper torsos, arms, and heads are visible. With these parameters in mind, it was clear this research needed to narrow its scope in order to apply the most relevant research. Therefore, this research focuses primarily on facial expressions and secondly on distinctive, unambiguous gestures. In order to do this most effectively, all footage, taken from C-SPAN, was watched with no sound in order to

eliminate any influence from verbal communication. The hearings are easily divided between the testimonies of Ford and Kavanaugh respectively. Kavanaugh's testimony lasted 3 hours and 27 seconds and Ford's lasted 3 hours, 4 minutes, 27 seconds.⁸⁴

The first step in going through the testimonies was to determine usable footage. Any clip that does not show a speaking participant, or shows more than three participants in the same shot will be discarded in order to ensure the most precise and accurate coding as possible. There are also times during the hearings in which the participants are reading various letters, pieces of evidence, etc. While Ford and Kavanaugh reading their opening statements will be included as usable footage due to their length and impact, any thirty-second clip which only shows a committee member looking down and reading will be discarded as unusable due to the inability to clearly see and code the facial expression of the reader. While this study is analyzing the nonverbal behavior of male senators, female participants will be coded since they interact with male participants and nonverbal behavior is communicative in nature.

After eliminating all unusable footage, there still existed a large amount of footage. For the sake of parsimony and efficiency, the amount of coded footage will be limited further by coding a randomized sample.⁸⁵ Fifty

⁸¹ Wasike, "Gender, nonverbal communication, and televised debates," 256.

⁸² Wasike, "Gender, nonverbal communication, and televised debates," 262.

⁸³ Wasike, "Gender, nonverbal communication, and televised debates," 262.

⁸⁴ "Videos: Kavanaugh Confirmation Hearing," C-SPAN.

⁸⁵ See Wasike, "Gender, nonverbal communication, and televised debates," 257.

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random clips were selected from Ford and Kavanaugh's hearings respectively.⁸⁶ Additionally, much of the hearing is split screened between either testifier (Ford or Kavanaugh) and the questioner; during these times the clip was viewed twice and coded separately for each member of the exchange. Each speaker was identified by name, gender, party, and position/rank within the hearing.⁸⁷ These demographic notes allowed for a more thorough analysis of the power and gender dynamics.

Next, there are three main expressive displays employed by politicians, which is what each clip was coded for.⁸⁸ It is important to acknowledge that not all participants in these hearings are politicians, but they are all participating in a highly political and institutional process, hence the application of this methodology. The three main expressive displays that will be used to code the selected clips are "happiness/reassurance, anger/threat, and fear/evasion."⁸⁹ For the rest of this paper they will be identified simply as Reassurance, Anger, and Evasion.

Reassurance expressions have a few markers, including "smiles with a relaxed mouth position, showing of the upper teeth, nodding affirmatively, 'Crow's feet' wrinkles around the eyes, or an overall expression that was welcoming."⁹⁰ Reassurance can also include relaxed eyes and eyebrows, and a generally relaxed or attentive expression.⁹¹ Examples of this can be seen in Figure 3. The examples given here are slightly exaggerated and posed generic examples to help accentuate what the markers look like. Examples of these expressions during the hearing will be given, and discussed in the results. In the generic examples given, markers like their crow's feet, smiles, and attentive expressions are most noticeable.



Figure 3. Generic example of Reassurance facial display



Figure 4. Generic example of Anger facial display



Figure 5. Generic example of Evasion facial display

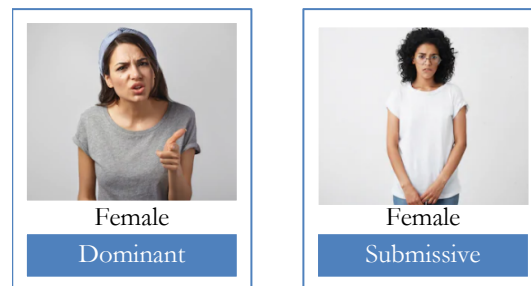


Figure 6. Generic examples of dominant and submissive gestures

⁸⁶ While previous research done in the field often looks at larger amounts of data due to the small scope of the research and the ability of one researcher the number fifty was determined adequate. Further research with more resources may find fruitful results in coding more of the usable footage.

⁸⁷ Examples of this coding system can be found in Table 3.

⁸⁸ Bucy, "The look of losing, then and now," 1779.

⁸⁹ Bucy, "The look of losing, then and now," 1779.

⁹⁰ Bucy, "The look of losing, then and now," 1785.

⁹¹ Bucy, "The look of losing, then and now," 1785

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Secondly, Anger expressions include “lowered eyebrows, showing of the lower teeth, frowning, a fixed stare signaling aggression, or an overall expression that was negative or hostile was detected.”⁹² Examples of Anger can be observed in Figure 4. In the examples given, the markers most amplified are lowered eyebrows, and fixed stares signaling aggression. The showing of lower teeth is most noticeable when talking.

Finally, Evasion expressions include “gaze avoidance, looking down, a momentarily surprised or shocked appearance, lip compression, lip bites, and hand to face movements.”⁹³ In Figure 5, lip compression, lip bites, and slightly shocked expressions are the most noticeable markers. As previously noted, not every example will look the same, but these markers will be the necessary criteria when coding the selected clips.

It is with these three emotional displays and their criteria in hand that each clip will be coded. These clips will be coded twice, independently from one another, to ensure consistency in the coding. Any clip that has two participants will be coded for mirroring. So, if both participants are coded as having the same facial display then it will be coded positively for mirroring.

After all of the clips have been coded for facial expressions, the same group of clips will be coded for gestures. Gestures are “all hand and arm [movements] . . . Gestures are the features that color and strengthen the given message, speech made.”⁹⁴ This research will not code every individual or minute gesture; instead coding is of the most noticeable and unambiguous ones into two main categories: Dominant or Submissive. While both of those words may have separate connotations, for the purpose of this research neither is meant to lean positive or negative but instead refer

directly to the amount of space the gestures take up in a room. Dominant gestures take up more space, examples of which are “finger pointing, wagging, or shaking; raising a fist; shaking one’s head in disagreement; negative expressions accompanied by prolonged stares; or, other behaviors signaling aggression.”⁹⁵

An example of this is seen in Figure 6, which shows a woman pointing a finger. In contrast, a submissive gesture is one that minimizes the amount of space one takes up. Examples of this kind of movement include “nodding knowingly to the camera, moderator, or other candidate; or, using an open palm when referencing the audience or opponent (rather than a closed fist or pointed finger.)”⁹⁶ Figure 6 also shows a woman holding her hands closely in front of herself, minimizing the space she takes up. As previously stated, not every clip will have a gesture nor will every clip have a clear dominant or submissive gesture like the ones described; those clips will just be coded as having no gesture. This coding, just like the facial expressions, will be done twice in order to ensure consistency.⁹⁷

With all of the steps established, the question of bias needs to be addressed. Some may argue that the coder’s own political beliefs or opinions on the hearings may hinder objective coding. However, the categories used are clearly outlined by well-established, pre-existing research. The explanations, identifying features, and compositions of the categories are widely understood and agreed upon in both behavioral and political science.

Secondly, the concern may arise that the coder is unqualified to analyze nonverbal behavior in this way. The easiest and most simple explanation is the fact that every person on a daily basis engages in this type of coding and analysis. A majority of communication and understanding happens through the ability to

⁹² Bucy, “The look of losing, then and now,” 1785.

⁹³ Bucy, “The look of losing, then and now,” 1785.

⁹⁴ Demir, “Using nonverbal communication in politics,” 4.

⁹⁵ Shah, et al., “Dual screening during presidential debates,” 1825.

⁹⁶ Shah, et al., “Dual screening during presidential debates,” 1825.

⁹⁷ The error rate for this study was 2%.

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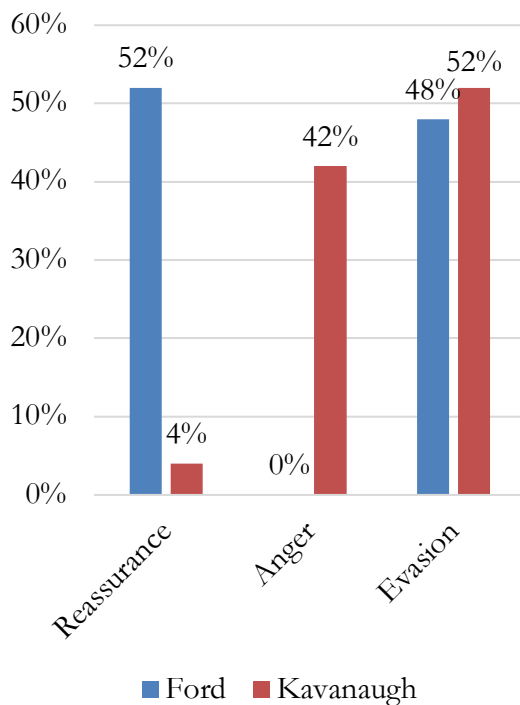


Figure 7. Percentage comparison of Ford and Kavanaugh's facial displays.

understand and categorize nonverbal communication. It is also incredibly difficult to incorrectly identify and code a smile as a threatening expression, or crying as a joyous one. While this is not explicitly quantitative or entirely objective research, the previous research faces the same difficulties as this research does. So, while this research distinguishes itself from the field in regard to application of methodology, it is much the same in its flaws.

Findings

The aim of this research was to understand the relationship between party identity and gender performance in male senators during this sexual assault hearing. Answering that question

⁹⁸ During the results discussion there will be analysis and description of “masculine” and “feminine” behaviors. Those words are used to match the traditional conception of gender and that of the language used in previous literature. The use of that language does not reflect a personal belief of the author’s that femininity and masculinity can be essentialized to traditional

required the collection of a small data set of clips followed by the coding of the nonverbal behavior present in those clips.⁹⁸ Due to the inherently communicative dynamic of nonverbal behavior and the hearing itself, Mitchell (the prosecutor hired by Republicans), Ford, and Kavanaugh were coded along with the senators themselves. Before discussing the results of the hypotheses and further analyzing senatorial behavior it is helpful to discuss the behavior of the testifiers themselves.

The testifiers. Ford and Kavanaugh act as specific contexts for senatorial behavior. If Ford and Kavanaugh are the contexts, it is helpful to first examine their individual behavior before discussing senatorial behavior. During Ford’s testimony she never displayed Anger. Her facial displays were split between Reassurance and Evasion with 52% belonging to Reassurance and 48% to Evasion. In high contrast, 4% of Kavanaugh’s displays were Reassurance. This is followed by Anger at 42% and Evasion at 54%.

The concurrently diverging and converging directions taken by Ford and Kavanaugh demonstrate the individual power networks previously discussed. It is clear that Kavanaugh felt capable of and comfortable with displaying Anger. This consistent display of Anger can be attributed to, first, his gender identity as a man, as men are more likely and more comfortable displaying anger than women are. Secondly, the hearing itself could have upset him, causing him to display that emotion.⁹⁹

In stark contrast, it is clear that Ford felt incapable or uncomfortable with the expression of Anger and displayed a significant amount of Reassurance, particularly for someone recounting a trauma. Her gender is a

understandings of gender presentation or gendered behaviors. See the discussed in the “Gender performativity” section in order to understand this research’s approach to the relationship between socialized gender norms and nonverbal behavior.

⁹⁹ Wallbott, “Big girls don’t frown, big boys don’t cry,” 100.

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large contributor to this behavior, as under traditional gender norms it is often unacceptable for women express the kind of aggression demonstrated by Kavanaugh. Therefore, despite this public retelling of a personal trauma Ford continually displays Reassurance. Another factor to the dominance of Reassurance could be attributed to a mirroring response to the participants asking her questions, who also displayed Reassurance consistently.

It is clear that if one applies the metaphor of power nets to this result, where Kavanaugh’s net had room to expand, Ford’s constricted, and vice versa. Both of their nets allowed them to step into Evasive facial displays. Perhaps this convergence originates from their shared position as a testifier being asked personal and invasive questions in front of the country. The ways in which each testifier navigated the intensity of the hearing through their nonverbal behavior provides a fascinating look into the intersection of gender, power, and nonverbal behavior.

Both testifiers displayed very few gestures, with Ford displaying one dominant gesture and no submissive and Kavanaugh displaying one of each.¹⁰⁰ It is also important to note who the other participants were during each testimony. During Ford’s testimony, all possible participants included the Democratic side of the Judiciary Committee, Grassley, Mitchell, and of course Ford herself. During Kavanaugh’s testimony the full committee participated, along with Mitchell, and himself. As previously noted, there is no data on how the Republicans behaved during Ford’s testimony as they abstained from questioning, instead employing Mitchell; this difficulty will be discussed at length later in the Findings.

Results. After this overview of the testifiers, the hypotheses can be addressed with more detail. The table below addresses each of the previously outlined four hypotheses, and the

rest of the results will walk through those results in detail. As outlined by Table 1, all hypotheses were confirmed; however, hypothesis four, regarding Republican gender-

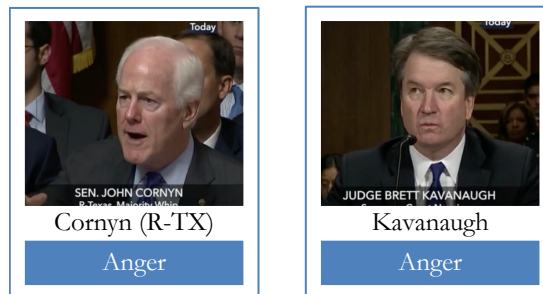


Figure 8. Cornyn (R-TX): Anger Facial Display. Kavanaugh: Anger Facial Display. Clip from Kavanaugh Testimony, Time Stamp: 1 hour, 37 minutes, and 30 seconds

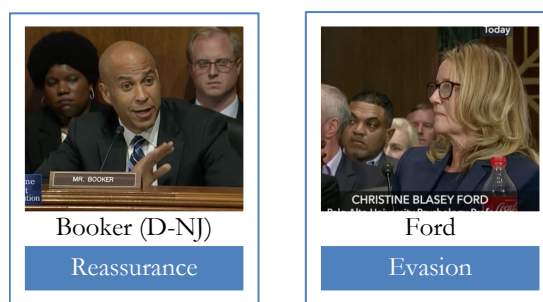


Figure 9. Booker (D-NJ): Reassurance Facial Display. Ford: Evasion Facial Display. Clip from Ford Testimony, Time Stamp: 2 hour, 36 minutes, and 0 seconds

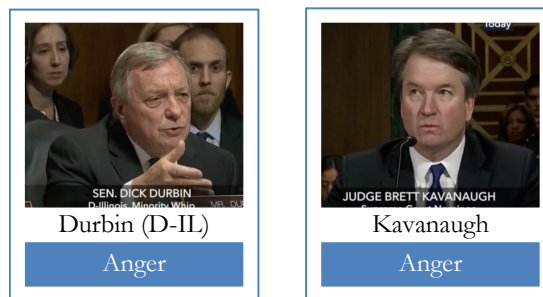


Figure 10. Durbin (D-IL): Anger Facial Display. Kavanaugh: Anger Facial Display. Clip from Kavanaugh Testimony, Time Stamp: 1 hour, 20 minutes, and 30 seconds

¹⁰⁰ This submissive gesture was the only submissive gesture coded in either testimony.

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typical behavior, had very little data due to their lack of participation during Ford's testimony. While these hypotheses were confirmed, the results of this research revealed many unexpected nuances in senatorial behavior and revealed the extent to which gender norms are being challenged and/or followed. The rest of the findings are dedicated to exploring these nuances and exploring specific ways in which the Senate Judiciary Committee physically navigated this political event.

Mirroring. Mirroring behavior was more common in Ford's testimony, with 60% of qualified clips demonstrating the behavior.¹⁰¹ In contrast, only 37% of Kavanaugh's qualified clips showed mirroring behaviors. This confirms the hypothesis and conforms to the literature. Democratic senators and Mitchell employed empathetic behavior when interacting with Ford, possibly indicating they found her to be a believable and sympathetic witness. If Republicans had chosen to speak to Ford, these statistics may be different. It is worthy to note that very few senators demonstrated mirroring behavior with Kavanaugh, and none of them mirrored Reassurance. Only 10% of facial displays from Republicans displayed Reassurance to Kavanaugh indicating that the atmosphere set by Kavanaugh was one of aggression. This concept of a nonverbal 'tone' or 'environment' reflects how mirroring behaviors can expand beyond the interactions of the two participants speaking. The results of this research revealed that, in essence, participants who agreed with one another (regardless of whether that agreement was expressed through Reassurance or Anger) all tended to match one another's nonverbal behavior. This unexpected conclusion demonstrates how influential

nonverbal behavior is, even when contained behind a desk.

An example of mirrored Anger is seen in Figure 8. This features an exchange between John Cornyn (R-TX) and Kavanaugh. Kavanaugh's markers include lowered eyebrows, an aggressive and fixed stare, and tense frown. Cornyn, the speaker in this clip, shows his lower teeth, lowers his eyebrows and expands his hand outward towards Kavanaugh and the room in a dominant gesture. Men are more comfortable displaying aggression than women, and traditional gender norms would dictate that men use this aggression to assert their masculinity. This interaction could either be a genuine competition of dominance or masculinity between the two men, but party allegiance reveals another possibility. These men are allies in this arena; Cornyn and the GOP want Kavanaugh confirmed to the Court, these are two men who share a conservative ideology and by extension a party identification.¹⁰² This interaction is less of a confrontation and more genuinely a physical manifestation of support in the only way these men are comfortable expressing themselves, particularly within a high intensity setting.

Democratic non-conformity. Democrats displayed atypical behavior exclusively during Ford's testimony. Reassurance displays were consistently deployed by Democrats demonstrating a unified approach to the hearing. Male Democrats displayed 100% Reassurance when speaking with Ford. An example of this behavior is seen in Figure 9. In the clip Cory Booker (D-NJ) smiles, nods affirmatively while speaking, and demonstrates an overall expression of attentiveness. His gesture is more submissive than dominant, mostly visible in the Figure by his open palm and relaxed hand. Booker's body language is

¹⁰¹ Clips coded for mirroring had to have only two participants. They were coded positively for mirroring if both participants had the same facial display.

¹⁰² This research regards Kavanaugh as a political actor with party allegiance; that implication is based on the

context of the hearing and not a reflection on all judges on the bench who preside over their cases and the constitution constantly striving for an apolitical and unbiased assessment.

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inviting and at ease. This is even more striking when examining Ford's own behavior during this clip. As seen in Figure 9 Ford is noticeably crying. This behavior coded as Evasion due to her avoidance of eye contact, shaking of head, and hand-to-face movements. This interaction between these two participants represents the kind of interaction predicted in the hypotheses. Ford's recounting of a traumatic event elicits empathetic responses. These kinds of empathetic responses are engrained by traditional gender norms as inherently feminine. These are behaviors men, according to behavioral science research, are uncomfortable displaying.

This public demonstration of feminine behaviors by these prominent Democratic men is an implicit defiance against traditional gender norms. It implies a level of comfortability with a separation between one's manhood and the use of feminine behaviors. This truly is a subversive objection of the structural power of gender norms. Behavioral science dictates that feminine behaviors are submissive, and yet these U.S. Senators are invoking them with apparent ease in a setting that demands the use of their power, not their submission. While Democrats may hold progressive normative ideas about the role of gender in society, this a broadcasted demonstration of men straying from traditional conceptions of masculine behavior. This is a significant finding and a fascinating consequence of Ford's testimony; however, this reversal of gender norms does not persist through Kavanaugh's testimony.

Democratic conformity. Democratic behavior during Kavanaugh's testimony is gender-typical behavior. They display traditionally masculine behaviors. As demonstrated in Figure 10, there is a striking parallel to Figure 8, which featured Cornyn and Kavanaugh. While in one setting Democratic men shed the signals of traditional masculinity, they swiftly reappeared. Durbin (D-IL), during this interaction with Kavanaugh, employs a dominant gesture, shakes his head negatively, shows his lower teeth, and maintains eye



Figure 11. Graham (R-SC): Anger Facial Display. Dominant Gesture. Clip from Kavanaugh Testimony, Time Stamp: 1 hour, 23 minutes, 30 seconds.



Figure 12. Grassley (R-IA) Anger Facial Display. Dominant Gesture. Clip from Kavanaugh Testimony, Time Stamp: 1 hours, 45 minutes, 30 seconds



Figure 12. Mitchell, Facial Display: Reassurance. Clip from Ford Testimony, Time Stamp: 52 mins, 0 seconds.

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contact with Kavanaugh while communicating with him.

One might attribute this reversal in behavior to the change in environment. First, the senators are now interacting with male testifier, instead of a female. Additionally, the Democratic senators all believe Ford, making Kavanaugh an undesired nominee because of his ideological position and his sexual misconduct. The dominance of Anger and Evasion matches the tone set by Kavanaugh's own behavior during his opening remarks; this behavior was consistent throughout the hearing.

This also reinforces the strength of gender norms and the intense structural power they have. Democratic senators, like Durbin, had previously felt they had the ability to stretch their power net and portray a non-traditional version of masculinity. The environment changed, and so did their nets. Kavanaugh's testimony altered the parameters leaving Democrats with the traditional iteration of masculinity.

Republican conformity. As predicted Republican senators did adhere to traditional gender norms. While their sample size is small due to the fact that they excluded themselves from Ford's testimony, they still lead with Anger at 70% followed by Evasion at 20% and Reassurance at 10%. These are traditionally masculine and agonic behaviors. A news-worthy example of Anger from the Republicans is seen in Figure 11.

Lindsay Graham (R-SC) in the clip demonstrates several of the markers for Anger. His eyebrows are lowered, his stare is fixed, and his lower teeth are visible. Additionally, he is also emitting the most directly aggressive and dominant gesture: finger pointing. Dominant gestures do not necessarily correlate to aggression; however, this image demonstrates the intensity these nonverbal behaviors can

carry. This overtly masculine posture is seen in other Republican members of the committee, such as Cruz (R-TX), and Sasse (R-NE). Chairman Grassley (R-IA) displays this gesture in Figure 12 from a clip during which he is speaking with another senator. The consistency with which these men behave reveals the intimate connection between them.

These are not casual or relaxed expressions of masculinity. During over six hours of hearings, the three hours that Republicans chose to participate in is an explosion of antagonism and alpha male behavior. While the data provided by Republicans is minimal, it speaks volumes. It reflects an aggressive commitment to traditional expressions of masculinity. The aim of this paper was to explore the relationship between party affiliation and gender performance. There is a clear behavioral disparity between Republicans and Democrats.

As has been previously noted, there is minimal data on Republican behavior because of their choice to hire prosecutor, Rachel Mitchell. The final findings section will explore the added complexity of Mitchell's participation.

The Mitchell question. The presence of Mitchell changes the dynamic of the hearing entirely, and by extension the results of this research. All Republican members of the committee yielded their questioning time with Ford to Mitchell, a prosecutor from Maricopa County, Arizona known for her work in the sex crimes unit.¹⁰³ While her primary aim was to ask Ford questions regarding her allegations, she asked Kavanaugh a few questions as well. She appeared in only two clips during Kavanaugh's questioning, yet she was coded as a participant thirteen times during Ford's testimony. During Ford's testimony Mitchell's facial display coded as 43% Reassurance, 43% Evasion, and 14% Anger; she only displayed

¹⁰³ Farzan, "Who is Rachel Mitchell, the Arizona prosecutor chosen to question Kavanaugh and his accuser?"

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Evasion during Kavanaugh's testimony. Figure 13 provides an example of Reassurance from Mitchell during an exchange between herself and Ford.

This raises the question of why the Republican's chose to hire Mitchell in the first place. There are a variety of responses to this question given by news outlets and political pundits alike. Some propose that the Reassurance displayed in Figure 13 is the reason; essentially that her decades of experience in questioning survivors of sexual violence makes her more qualified to ask Ford sensitive questions in such a public setting.¹⁰⁴

Others speculate it was an optics maneuver; the GOP wanted to avoid the visual of eleven white men questioning Ford, especially as it may heighten the connection to Hill's 1991 testimony.¹⁰⁵ If this was their intent, it was not entirely successful. Figure 14 contains a comparison of the 1991 and 2018 Senate Judiciary Committees; this photograph and others comparing other aspects of the hearing were frequent aspects of media coverage.¹⁰⁶

Grassley (R-IA), when announcing the appointment of Mitchell claimed that "The goal is to de-politicize the process and get to the truth, instead of grandstanding and giving senators an opportunity to launch their presidential campaigns.... I've taken this additional step to have questions asked by expert staff counsel to establish the most fair and respectful treatment of the witnesses possible."¹⁰⁷ However, they did not allow Mitchell to conduct the questioning of Kavanaugh. While Mitchell was present, she was permitted to ask very few questions and instead the Republicans conducted their own

questioning.¹⁰⁸ With this reality, it seems apparent that gender and public perception were a critical part of Republican decision-making.

Additionally, the nonverbal behavior of the Republican senators does not convey respect; it is decisively aggressive, bringing into question the validity of the previously claimed reason for Mitchell in the first place. It is not within the scope of this research to give a definitive answer as to how the GOP understood the power dynamics at play, but it is within the scope of this research to identify results and consequences of this choice made by the GOP.

The issues entangled in this section encapsulate the duality of the networks of structural power and individual power nets.¹⁰⁹ First, there is Mitchell herself, who is surrounded by her own net. This personal net that has allowed her to act as an investigator in a case of national significance; her identity, life, and experience are all woven into this net that has allowed this movement to occur. Simultaneously, she is entangled in the much stronger framework of the GOP and, more specifically, the Republican Senate Judiciary Committee members; her net is now intricately tied to this massive framework. The network overwhelms the net. Mitchell's behavior, and the behavior (or lack thereof) of the Republican Senators reveals the sheer force and influence of structural power. This power is exercised and embodied in the actions and behaviors of individuals. This consistent and interdependent relationship between networks and nets, the GOP and Mitchell, reflects the convoluted and influential ways power influences the sociopolitical world.

¹⁰⁴ VStracqualursi, "Woman representing Republicans at Kavanaugh hearing has a lengthy history prosecuting sex crimes."

¹⁰⁵ Wise, "Grassley taps Arizona prosecutor Rachel Mitchell to question Kavanaugh, Ford"; Bouchard & Taylor, "Flashback."

¹⁰⁶ Bouchard & Taylor, "Flashback"; Shamisam, "24 photos show how eerily similar Christine Blasey Ford's hearing was to Anita Hill's 27 years ago."

¹⁰⁷ U.S. Senate, "Grassley hires experienced prosecutor to question witnesses during Thursday's session of Kavanaugh confirmation hearing."

¹⁰⁸ Foran, "GOP senators abandon female outside counsel at Kavanaugh hearing."

¹⁰⁹ Hayward, *De-facing power*, 177.

Conclusion

This sexual assault hearing was an explosive demonstration of American politics. The hearing combined an incredible number of hot-button issues. It is not controversial to claim that the hearing itself featured elevated voices and sparked public outcry. This research cut through the noise by eliminating it.¹¹⁰ Moments and images from this hearing have risen to the forefront of American political memory: Graham's violent repudiation of the Democratic Party, Ford's calm but emotional testament, Kavanaugh's rebuttal featuring a noticeably shaky water glass, and the performance of Booker and Harris sparked presidential campaign rumors (which later were realized).¹¹¹ This hearing ignited a public conflict, with protestors on opposing sides dominating the Senate building. Despite being physically contained within a hearing room, the American public watched the testimonies, or at least the news coverage. The actions and words were not left unseen or unheard in the Senate

building, but instead have become part of the broader context of this specific political moment. These moments were indicative of the current political moment and have left their mark on American history.

Despite the broader impact of this hearing, the goal of this specific research was to explore the relationship between gender performance and party affiliation in male senators. While the similarities are notable, the divergence is thought-provoking. Democratic male senators perform masculinity differently than Republicans. Some might refute that statement, arguing that the Democrats simply presented femininity. Masculinity need not be defined by conventional or long-established norms, but masculinity is quite literally qualities or attributes having to do with being a man. The Democratic senators are not less masculine because they displayed traditionally feminine behaviors, but instead modified stereotypical conceptions of masculinity. This visible and dynamic demonstration of two distinct iterations of masculine performance



Figure 13. Top: Partial picture of 2018 Senate Judiciary Committee during Kavanaugh sexual assault hearing. Bottom: Partial picture of 1991 Senate Judiciary Committee during the Thomas-Hill hearings.

¹¹⁰ Villabolos, "Sen. Lindsey Graham engages in fiery rebuke of Democrats during Kavanaugh testimony"; Samuels, "SNL knocks Kavanaugh hearing."

¹¹¹ Klein, "The Ford-Kavanaugh sexual assault hearings."

reveal the deep-seeded and truly intimate connection between party identification and gender.

Masculinity is the key pillar of this research. This research began without this focus on masculinity; however, after conducting the research, the results revealed the saliency of masculinity. Feminist studies has historically operated from a defensive position in its exploration of women's oppression within the patriarchal system. It is time researchers went on offense. The way men behave within their power nets is just as critical to understanding and dismantling oppressive structures as women's behavior. The study of men does not take away from the research of women, and in order for each group to understand one another gender research must be as inclusive as possible. Men are not the default, and men are not a homogenous group. Scrutinizing what masculinity is and how it operates in influential institutions like Congress is pivotal to further research. Masculinity cannot be treated as the opposition, but as a symptom of the same system which everyone struggles to navigate.

Further research in this area should continue to emphasis masculinity as an area of study. Following the same vein as this research, nonverbal research on how the Senate Judiciary Committee performed during the confirmation hearings of any of the four female Supreme Court Justices could prove fruitful. Aside from male behavior, and in regards to the intersection of party affiliation and gender performance, the nonverbal behavior of female Democrats and Republicans should be compared. While there were no female Republican members of the Senate Judiciary Committee, preliminary data from this project shows Democratic women displayed atypical-gender behavior like their male counterparts. This comparison could provide detailed insights on the intersection between gender and partisanship.

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