



## Three Theoretical Perspectives on the Kavanaugh Scandal

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## Introduction

The United States Supreme Court nomination is one of the greatest powers given to a sitting President because these nominees serve lifetime terms that allow them to make landmark decisions on cases that give precedence to other cases and provide a template to lower courts on how to handle specific cases. It is rare for a seat to open for this reason. During the current tenure of President Donald Trump, this has occurred two times. The first, whenever Justice Scalia was found dead while vacationing, actually took place under Obama's term, but senate leader Mitch McConnell delivered the news that the Senate would not allow Obama to make this important selection so close to the end of his term. So then the responsibility was allocated to Trump whenever he took the presidency and was sworn in the next year. His pick was Neil Gorsuch. (Phillips, 2018)

The second time came after the announcement of Justice Anthony Kennedy's retirement. His nomination this time around was Brett Kavanaugh. This was another run-of-the-mill nomination with no issues. Kavanaugh began the confirmation process, and then Christine Blasey Ford came forward with the claim that the nominee had tried to rape her in the early 1980s (Watkins, 2018). Since then, various publics have had their opinions projected and amplified by media; these have revolved around whether or not the incident occurred as well as women's rights and inability to report sexual assault effectively. Now, Kavanaugh's confirmation is halted and the parties will participate in a Senate Judiciary Hearing. In this paper, the actions from these groups that resulted from this revelation will be examined by utilizing different communication theories.

## **Situational Crisis Communication Theory**

Situational Crisis Communication Theory emphasizes the understanding of crises and then acting on them based on the reputational threat imposed by the crisis. The question posed is: How would this affect me or my company if it weren't handled? This is answered by examining initial crisis responsibility, examining the amount of blame the affected should take; crisis history; and prior relational reputation, how well it/they treated stakeholders in the past (Coombs, 2007).

The crisis at hand must have a publics-based solution so that the appropriate amount of responsibility can be claimed in a crisis. This has been an issue with this particularly divisive case, as different publics see Kavanaugh as being responsible at different levels for the allegation and the incident in question. Examples of these include the female/feminist perspective, that of the President, and the stance that Kavanaugh himself has adopted.

Different publics have a way of dealing with and interpreting the incident and justify their stances through various communication strategies. For example, most women currently view Kavanaugh as an offender due to these allegations and the recent movements to be more compassionate of sexual abuse survivors, making his case part of the intentional cluster. This is because he is being grouped with men who assault women, and men have historically treated women poorly, especially whenever they are reporting incidences of abuse. Feminists and like-minded groups also find that Kavanaugh acted recklessly and in a way that purposefully inflicted damage, making it a high-risk reputation situation (Coombs, 2007). So, this public has concluded that Kavanaugh, and men by extension, pose a large threat to them as stakeholders. This leads to direct opposition from them and results in immediate action.

Some women/feminists have even found themselves placing Kavanaugh in the victim cluster, claiming him to be a product of his environment (an “act of nature”, if you will). They admit that he is behaving inappropriately, but find him minimally responsible for his behavior due to his upbringing, which they claim affects most men and needs to be changed or pardoned. These apologists highly emphasize his lack of history with sexual assault and his contribution to endorsement as a Supreme Court nominee by women. This “boys will be boys” sentiment has seemingly been shared as a common attitude, making it a common adage to fall back on, but still falls under justification as a crisis response strategy. In contrast, President Trump has defended Kavanaugh repeatedly over these allegations and says that he does not believe them.

He finds Kavanaugh not to be responsible for his actions and makes moves to discredit stakeholders that claim he is behaving inappropriately, placing him in the victim cluster. In his opinion, the entire spectacle is but a rumor (denial). In his supporting actions, he moves to speak out against women who are incorrectly accusing men of sexual assault and similar crimes, highlighting his view as an authority figure and a professional endorser of Kavanaugh (scapegoat).

Kavanaugh has affixed himself in the victim cluster in the eyes of the sympathetic conservative media as well as those he directly affects because he also speaks actively as a victim of false accusation and refuses to accept any responsibility for this accusation (denial). His circle has even tried to assert that the accuser may have gotten him confused with another classmate (scapegoat). He touts his clean record and political female friends as proof that he is no threat.

For those who would find him in the intentional cluster, or possibly the accidental cluster, he seems very unappealing right now and has possibly lost favor due to his lack of acceptance and a plan to move past the incident. If he were to have moved past his denial and scapegoating, and apologetically accepted responsibility as a rebuild crisis response, he could move past the incident fairly unscathed as well as the face of an apologetic sexual abuse survivor campaign, but this is pure speculation since men in politics have never taken responsibility for sexual assault.

### **Social Judgement Theory**

Social judgment theory asserts that a person's position on issues, such as politics, is based on three things: their "anchor", or the place they already/normally position themselves, the alternatives (latitudes), known as acceptable, rejected, or noncommittal, and ego involvement, or how invested they are in the issue. This is all plotted on a line to understand their likelihood of being persuaded (Griffin et al., 2009).

In the case of Kavanaugh, it is important to think about society's overall understanding of sexual assault. Traditionally, misogyny and the patriarchal system of oppression have bred an understanding of "boys will be boys" mindsets and classified women's movements like #MeToo as extreme and, to some, unnecessary. Many women fail to come forward for these reasons. So whenever Christine Blasey Ford, a university professor, came forward with an accusation pointed at Supreme Court nominee Brett Kavanaugh, people's opinions on the matter were scattered. Those who believe Ford and are executing the current actions as an extension of the #MeToo movement probably have the lived experience of sexual assault or know someone who does. This is an indicator of high ego-involvement, and this is an issue that this group likely

faces often or finds themselves invested in. Their anchor probably indicates that they believe that men are very likely to assault women and that women are not likely to report the incident to the authorities, giving them a high lateral of acceptance on the issue of sexual assault and women who do not report their assault.

Many predominantly male publics find themselves up in arms over women's' accusations, claiming #NotAllMen and cases of false allegations. Their anchor is plotted in a latitude of high rejection, so they are least likely to believe Ford. They have high ego involvement in this issue as well, as they feel attacked and at risk for women coming forward and claiming assault or being grouped into unsavory characters. It's this understanding that has led them to discredit women's movements and begin their own and to back Kavanaugh in this case.

Those who fall on the latitude of noncommitment are few, as this is a subject adversely affecting two large, mostly gendered groups. This causes people to pick a side they most agree or identify with, creating extreme divisiveness in the community as a whole, but it is easier to assimilate with a viewpoint similar to one's own than to abandon their personal views and stakes. It also means that these publics are harder to persuade, so one side will likely ultimately fail to convince the other. That is to say it is not impossible, but still a possibly wasted effort, as doing so may accidentally incur the boomerang effect, where the persuading party drives the person being persuaded in the opposite direction. Attitude change is more likely to occur from a change in environment, where people may experience changes that cause them to see the issue differently and move their anchor closer to the latitude of acceptance.

## **Extended Parallel Processing Model**

This model is designed to evaluate a person's possible response to a fear appeal to understand possible outcomes. Since fear tactics have been used in public relations for as long as the practice has existed, it is important to understand the impact that fear can have on a public and how their reactions can fulfill objectives. The sexual assault allegations brought forth by Ford have introduced a fear stimulus for different publics; their fears and outcomes will likely be different even though they are drawn from the same occurrence (Witte, 1992).

The EPP model highlights four factors in predicting behavior. They are self-efficacy, the individual's perception of their competence; response efficacy, the individual's perception of the outcomes; susceptibility, the individual's perception of the threat's impact; and severity, the individual's perception of the threat's magnitude (Witte, 1992). It is based on these inputs that one can determine a likely outcome and influence decisions made by the target publics. The likely outcomes are danger control, where parties who feel as if these factors are high act to control the perceived threat; fear control, where those affected may feel high fear but have low self-efficacy; and a lack of response, where the severity and danger ranked low (Witte, 1992).

For example, the female/feminist public has gained self-efficacy in recent years with the loss of the last Presidential election giving rise to new "girl power" movements. The election itself presented a slew of new opportunities for women to show their self-proclaimed inner strength and display desires to overthrow the patriarchy. This accusation has awoken a fear of male retaliation and backlash for reporting sexual assault, and this has been perceived as a severe and pervasive threat to an entire public. In response, this public has created a new hashtag and received celebrity endorsement to support their beliefs, which greatly contrasts those of authority

figures in the media. Their fear is being used as fuel for this progression of similar movements, like #MeToo, which brings this public together for the common goal of danger control and to defeat the perceived enemy.

This, combined with other movements like #NotAllMen, have brought the high-powered male public together to combat their narrative with those of false accusations toward men and ignored male assault. They also have a high-ranking official on their side, President Donald Trump. He makes moves to speak out against women who are incorrectly accusing men of sexual assault and similar crimes in very public venues, engaging the male public's fear of being accused and the female public's fear of retaliation and backlash for reporting. In general, the male public has spoken out less than the female public, but this is probably due to the power structure being in their favor and having little actual perceived threat to the status quo. Their response would likely still be perceived as a danger control output.

In contrast, Brett Kavanaugh himself has exhibited a different output. His lack of response shows that he sees this accusation as no danger to himself or his position. He has made small moves to scapegoat another classmate and to exonerate himself to the media, but these actions are minimal compared to a fear-induced response.

## **Conclusion**

Communication theories are useful for public relations practitioners to examine specific events in the news as well as those only pertinent to themselves or clients. They can lead to sound strategies and well-balanced objectives. In this case, there are a few strategies that might look appealing based on the theoretical framework presented in this paper.



For example, someone who wishes to present a left-leaning perspective would likely gather that they should engage with the female-friendly/led hashtags on social media and possibly reach out to stakeholders in this category. If they are a conservative male figure or a company that serves that public, they should take no public stance, as they will alienate the female/feminist publics if they delegate resources or funds to male-only causes or take that stance in the media. These entities are less likely to face backlash in this political climate when they take no stance than if they take a strong stance in any direction.

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