

Brett Kavanaugh's Nomination and the Moral Context of Trauma Science

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The fraught process surrounding the recent nomination of Brett Kavanaugh to the US Supreme Court was a spectacular deployment of institutional power to suppress good faith allegations of sexual violence. Trauma survivors and their allies have been shaken by the public scorn and victim-blaming that occurred when a childhood acquaintance of Kavanaugh's, Christine Blasey Ford, alleged she had been sexually assaulted by him while they were at high school. Kavanaugh denied the allegation and US President Donald Trump firmly supported him. The matter only became more heated when, after Ford agreed to testify publicly to the Senate Judiciary Committee, two other women came forward with allegations of sexual assault and improper conduct by Kavanaugh.

The response of Kavanaugh and his supporters was replete with the rhetoric of denial. Kavanaugh variously characterized the allegations as part of a "coordinated effort" and "conspiracy" to destroy his reputation and prevent his nomination. President Trump agreed that the three women describing abuse by Kavanaugh were politically motivated. He went on to suggest that one woman "has nothing" on Kavanaugh because she "admits she was drunk" at the time of the alleged assault. Conservative media commentators speculated that Ford was suffering from "false memories" of rape, or had mistaken her actual attacker for Kavanaugh. Such language, reverberating from the White House and its spokespeople and advocates, represents a sustained campaign of institutional betrayal that only compounds the trauma of sexual assault (Smith & Freyd, 2013), consonant with other policy positions that have profoundly traumatised the vulnerable (Smidt & Freyd, 2018).

The proposition that allegations of sexual violence are motivated by animus or the product of confabulation or "false memories" has a long and shameful history (Campbell, 2003). Movements against sexual assault and child abuse have routinely been accused of hiding an ideological agenda, or creating the conditions for false allegations by confused women and children. The conflicts surrounding Kavanaugh's appointment have highlighted the persistence of a culture of disbelief. However, it is notable that the attempts by Kavanaugh's supporters to invoke pseudo-scientific explanations for Ford's allegation found considerably less purchase in the mass media than they might have in the past. Questions about the integrity of Ford's memory

were largely limited to right wing and conservative media, and were rejected in statements from the International Society for the Study of Trauma and Dissociation and the American Psychological Association. Progress against the institutionalized mechanics of denial and unaccountability is substantive although clearly incomplete (Brand & McEwen, 2016).

The most impactful evidence of Ford's credibility was undoubtedly provided by Ford herself. Her dignified and unwavering testimony to the Senate Judiciary Committee drew on her expertise as a psychology professor to carefully explain the science of memory. The persuasive nature of Ford's statement, and the accounts of other women who also alleged drunken assaults by Kavanaugh, did not prevent his appointment but it certainly stalled it. After Ford's testimony, a survey of over 1100 American adults found that 45% believed she was telling the truth, compared to 33% who believed Kavanaugh, with 22% unsure (Montanaro, 2018). This result was an improvement on the 32% of the public who believed her prior to her testimony. Ford's increased support indicates a significant shift in public attitudes since 1991, when Anita Hill testified that then-Supreme Court nominee Clarence Thomas had sexually harassed her. After Hill's testimony, less than a quarter of Americans believed her while 58% supported Thomas (Montanaro, 2018).

The response to Ford's testimony was so positive that Kavanaugh's appointment process was put on hold for one week as the FBI conducted a limited investigation into her claims. Predictably, this manifestly inadequate investigation did not corroborate Ford's allegation, providing justification for a slight majority of senators on the judiciary committee to confirm Kavanaugh. Trump subsequently mocked Ford in public and apologized to Kavanaugh for the "terrible pain" caused to him by her allegations. Despite an outpouring of support for her, Ford and her family were forced to leave their home for an undisclosed location, facing death threats.

The highly polarized response to Ford's allegation was, of course, a politically partisan phenomenon, reflecting deep divisions between the major parties and their supporters. However, I would suggest that it also highlighted a collision between two opposing ethical and moral visions. If ethics refers broadly to our conception of the 'good life', then morality refers to what we owe to others in our pursuit of that life. Driving much of Kavanaugh's support was the potential for a conservative majority on the Supreme Court with far-reaching ethical implications, particularly for opponents of abortion. Morally, Kavanaugh's supporters argued that he was due the presumption of innocence and protection from unfounded reputational damage. On the whole, they presented an ethical framework steeped in established juridical traditions, in which only criminally prosecuted allegations should obstruct the progression of a man of otherwise good standing.

Ford's supporters advanced an alternative ethical vision: a world in which people who speak up about betrayal and sexual violation are to be taken

seriously. To them, Ford deserved respect and a fair hearing in the venue of her choice, whether that was the media or a senate committee. She did not seek a criminal investigation of Kavanaugh and, on the whole, that choice was respected; the reasons why a girl or woman would not report sexual assault to the police seemed widely understood. The ethical consensus in which Ford's support was embedded represents a coherent worldview that has developed over time, linked indelibly to the feminist movement but also the efforts of the trauma field to legitimize testimony of sexual violence. And while Kavanaugh's appointment indicates the institutionalization of the first ethical perspective, at least within this US administration, the second vision endures and arguably is growing in visibility and appeal. The one year anniversary of the #MeToo movement has passed with unprecedented global attention to the power differentials that camouflage sexual violence and harassment, particularly by perpetrators of high status.

While the science of trauma and memory featured in the debate over Ford's allegations, it was far from the deciding factor. At the core of the conflict between Ford and Kavanaugh was not a disagreement over data and facts but rather two opposing moral systems: the first, a kind of legal positivism, in which only allegations tested in court are 'real', and the second, a socially situated understanding of the value of testimony of violence and abuse. It was ultimately these opposing frameworks that provided the organizing principles for the various facts available to the public and the judiciary committee, producing narratives that 'made sense' out of Ford's and Kavanaugh's accounts in very different ways. These frameworks are not neutral or objective but rather they are produced and promulgated by political groups and social movements as their members pursue, and defend, their understanding of the 'good life'.

Attacks on the credibility of trauma testimony and treatment have often called into question the scientific rigor of the trauma field, and these criticisms have been usefully answered by a sustained multi-pronged program of empirical research. Ford's careful explanation of the science of trauma and memory in her testimony to the judiciary committee was an important moment, highlighting just how far the trauma field has come since the 'memory wars' of the 1990s. Her detailed scientific exposition not only lent empirical substantiation to her account but it impressed upon the senators, and the viewing public, that she was a person of serious intent. However, she presented this scientific information as part of what was undoubtedly a particular ethical project of her own, born of a sense of responsibility to report relevant information about a person about to be appointed to a position of great power. I would suggest that it was the embeddedness of trauma science within Ford's impressive ethical commitment and bravery that made it so striking and persuasive.

In their history of trauma, Fassin and Rechtman (2009) argue that prevailing moral sentiments have powerfully shaped trauma science and practice over the last one hundred years. The ways in which trauma is understood, and the forms of inquiry that are permitted into it, reflect shared attitudes towards human tragedy and suffering. Given the recurrent attacks on trauma therapists and researchers, it is often tempting to hide ‘behind the data’; to characterize the study and treatment of trauma and dissociation as an area of scientific inquiry like any other, founded on testable hypothesis to be examined over time. However, such a flight into empiricism ignores the broader moral questions that can frame traumatized people as malingering or malicious in their allegations, and cast trauma professionals into suspicion. Moral debates delineate the boundaries within which trauma can be recognized and addressed, and ultimately determine whether our work will be impactful or undertaken at all. It is not terrain that should be ceded.

Whether we like it or not, to speak truthfully about the conditions and symptoms of trauma has an inescapably political aspect. Inequalities of power – whether of age, gender, race, class, ability or some other axis – are the medium within which trauma and dissociation grows. Our efforts to understand, treat and prevent trauma inevitably challenges the status quo and reveals its hypocrisies and secrets. The figure of Christine Blasey Ford standing against the wishes of the entire US political apparatus is as appropriate a metaphor as any for the position that many find themselves within when they articulate traumatic truths. We can feel isolated and exposed in a confrontation with treasured social institutions, powerful people or widespread but wrongheaded assumptions and beliefs. In that position, it is our moral convictions that sustain us, and draw other people to our side. The profound courage shown by Ford has left an impression that will remain long after the details of this historical moment have faded in memory. Courage is also, Smith and Freyd (2014) suggest, what enables us to “study what we wish did not exist”; that is, to inquire into the acts and impacts of trauma and listen to the voices of survivors who might otherwise go unheard.

While I hesitate to argue that we can read life lessons directly from research findings, it does appear to me that the overall direction of trauma research and treatment trends in a particular moral direction. If we seek to find opportunities for trauma survivors to recover and live well, and if we want to promote the conditions in which people are not traumatised in the first place, then we are necessarily advancing moral propositions about human happiness and flourishing. Research on trauma, recovery and psychological wellbeing consistently finds that human beings thrive when we are embedded in emotionally rich, mutual and equitable relationships. This conclusion furnishes us with a powerful and, I think, very appealing image of a good life – one characterized by dignity, equality, accountability, and shared recognition – that the trauma field should not hesitate in articulating

clearly. Political theorist Alford (2016) suggests that a key reason for the expanding public interest in trauma science is precisely because the concept of 'trauma' provides a rare acknowledgement of human relationality and vulnerability in a culture that is exhaustively individualistic and atomizing.

When a person like Christine Blasey Ford stands up to testify to a traumatic event, in opposition to incredibly powerful forces, we can recognize this as a courageous step in the fulfillment of a moral vision that we also have a stake in. The visceral and hate-filled response that has driven her, and her family, from their home is stark evidence of the cost paid by people who challenge the structures of traumatization. Such costs have, of course, been visited in the past on trauma therapists and researchers whose ethical and scientific convictions have also bought them into conflict with vested interests. However the tremendous support that rallied around Christine Blasey Ford, and that recognised and celebrated her bravery in stepping forward with her story, indicates a growing consensus that opposes traumatizing social formations and seeks an alternative. Trauma research and theory, I would argue, is well placed to elaborate on what those alternatives might be.

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