

## **Table of Contents**

<b>1. INTRODUCTION</b>	<b>1</b>
<b>2. METHODOLOGY</b>	<b>3</b>
<b>3. THEORETICAL OUTLINE</b>	<b>4</b>
3.1. DISCOURSE	4
<b>4. RAPE CULTURE</b>	<b>8</b>
4.1. CLARIFICATION OF CONCEPTS	8
4.1.1. DISCOURSE AND FRAMING	8
4.1.2. RAPE	9
<b>4.2. FRAMING A RAPE CULTURE</b>	<b>11</b>
4.2.1. STEUBENVILLE RAPE CASE	11
4.2.2. BARD UNIVERSITY RAPE CASE	25
<b>4.3. CAUSES AND EFFECTS OF A RAPE CULTURE</b>	<b>33</b>
4.3.1. WHY DO WE BLAME VICTIMS OF SEXUAL ASSAULT?	34
4.3.2. WHEN DO WE ACTUALLY HAVE CONSENT?	38
4.3.3. RAPE CULTURE ON CAMPUS AND UNIVERSITIES RESPONSIBILITIES IN CASES OF SEXUAL VIOLENCE	41
<b>5. CONCLUSION</b>	<b>45</b>
<b>6. AREAS FOR FURTHER RESEARCH</b>	<b>47</b>
<b>7. WORKS CITED</b>	<b>48</b>
<b>8. BIBLIOGRAPHY</b>	<b>52</b>
<b>9. ABSTRACT</b>	<b>57</b>

## 1. Introduction

The debate on rape culture has been steadily growing more and more prominent after feminists in America coined the term during the 1970s, as an attempt to show the ways in which society blame the victims of sexual violence. The term, rape culture, is defined as an “(...) environment in which rape is prevalent and in which sexual violence against women is normalized and excused in the media and popular culture” (Marshall University, *Rape Culture*). The idea of a society that condone, or even promote, sexual violence may seem ridiculous, but the idea raises questions as to whether or not this can be said to be true.

The question is not whether rape has become more pronounced in our society, as it has, sadly, always been an unpleasant reality of human nature, especially in times of conflict but also occurring in everyday life (Zaleski, 4). A series of differentiated perspectives have modified the manner in which rape has been presented and understood in American culture, as Carine Mardorossian (2014) explains:

*“Rape is either sensationalized as an extraordinary occurrence or naturalized as part of our culture (...) The public is either outraged by its existence or desensitized to it. People can be deeply sympathetic to its victims or they are automatically suspicious of claims of sexual victimization”* (Mardorossian, 16).

The term rape culture in itself can be said to be the manifestation of how rape, and other sexual violence, has become a natural and unavoidable part of modern society, as by coining the term as such, we, in a sense, acknowledge that sexual violence is an accepted part of our culture.

The question one could ask is, do we actually focus on the realities of rape? One could argue that the debates do not necessarily discuss the actual situation of rape, but rather other factors that the debaters find important, such as gender, social standing or financial issues. One can question whether many of the different factions are relevant in this debate surrounding rape, and this lead me to wonder: What do we exactly talk about when we talk about rape?

Depending on the different factions, this discussion points to many different agendas, and, as such, can it be said that we, humans in general, neglect to acknowledge the atrocities committed through rape, by placing focus on something other than the actual situation? An additional aspect of the debate surrounding rape culture that could make one wonder is the tendency to blame the victim of sexual violence for his or her experiences.

One of the main arguments are that clothing and drinking allegedly plays a large role in whether or not one can actually say a rape has been committed. Why is it that we, as a culture, feel the need to blame the victim of a violent act?

Following this line of thought lead me to the subsequent thesis statement:

What factors play a role in the discussion of rape in American culture, and does these factors have relevance in relation to this issue? Does the society have a tendency to blame the victim of sexual violence and what could be the reason for this?

## 2. Methodology

During the implementation of this thesis, the paragraphs will be structured in a specific manner, in order to make the presentation more understandable and accessible. The theory and analysis paragraphs of the thesis will be combined, as that will make the connections between the two become clearer.

The purpose of this thesis is two-fold, as I wish to analyse two aspects of rape culture. Firstly, I wish to analyse how one could frame rape cases through the media and how these frames influence how the reader relates to the cases. Secondly, I wish to do a commentary analysis of the causes and effects different aspects of rape culture might have on our societies, and how these affect the way we understand and perceive rape and its consequences.

In regards to the main theory applied, namely, discourse, a section dedicated to a brief historical development of this theory will be separate from the main body of the thesis, as the point of this paragraph will be to inform the reader in short and precise terms of the historical developments of the theory, and this development does not necessarily have a relevance for the actual analysis. As there are many different branches within the main theory a more specific delimitation will be explained. Additionally, in the main body of the thesis a clarification of concepts will be provided in order to bring a clear understanding of how the different terms will be understood and used throughout.

The reason for implementing discourse analysis, more specifically framing, in this thesis is to bring a clearer view of how frames are utilised in the different articles, as well as looking into what kinds of frames that are used and how they influence the viewers and readers. The reason for implementing the causes and effects analysis in concurrence with the analysis concerning framing, is to bring an understanding and possible explanations as to why we think the way we do when it comes to rape.

In addition to the main theory several other theories will be applied in order to give a more in-depth analysis of the expected findings in the causes and effects analysis.

### 3. Theoretical Outline

In order to use discourse to analyse articles depicting rape it is first important to understand the origin of the theory. In the following paragraph a brief historical overview will be given, as well as a brief overview of some theorists' works.

#### 3.1. Discourse

Discourse and discourse analysis can be said to be both an old and a new discipline (van Dijk, 1). The origin of discourse and discourse analysis can be traced back 2000 years and has figured in the "(...) study of language, public speech, and literature" (ibid., 1). The largest historically recognised source of discourse is classical rhetoric, which dealt with the specific operations, organisation and performance of public speech and had a large focus on its persuasive effectiveness (ibid., 1). Throughout time, discourse has had several important reappearances, in the Middle Ages as well as in the seventeenth and eighteenth centuries, however, the practice of rhetoric discourse was replaced by the emergence of historical and comparative linguistics in the nineteenth century and structural analysis in the twentieth century (ibid., 1). Yet, despite the decline of rhetoric as an academic discipline, other disciplines evolved in relation to this decline, which ultimately led to the rise of discourse analysis.

Discourse in itself can be defined simply as communication of thought by words, or any unit of connected speech or writing longer than a sentence (*Discourse*, Dictionary.com), however, other definitions provide a more specific or broad depiction as in the case of Mikhail Bakhtin. According to Bakhtin, the practice of discourse could be understood in terms of a "(...) *dialogic interaction*" (Jabri, 89), and more specifically, Bakhtin believed discourse to be

*"(...) language in its concrete living totality, and not language as the specific object of linguistics, something arrived at through a completely legitimate and necessary abstraction from various aspects of the concrete life of the world. But precisely these aspects in the life of the world that linguistics makes abstracts are, for our purposes, of primary importance"* (ibid., 89).

As Bakhtin explains, discourse is then to be seen as language in itself as an entity, and not just the foci of linguistics to be separated into different sections. Jones, in his book *Discourse Analysis* (2012), argues that there can be said to be three different approaches to discourse depending on how one understand the term.

The first approach to discourse is what Jones described as the *formal approach*. The formal approach is understood as “(...) language above the level of the clause or sentence” (Jones, 36), and in this approach the aim is to understand the conventions and rules that control the different ways clauses and sentences are connected in order to create texts (ibid., 36). The second approach is described as the *functional approach*, which is defined as language in use (ibid., 36). The aim of the approach is to question how “(...) people use language to do things such as make requests, issue warnings and apologise in different kinds of situations and how we interpret what other people are trying to do when they speak or write” (ibid., 36). The third approach to discourse, according to Jones, is described as the *social approach*. Social approach is considered to be discourse as a social practice, as the understanding that the way language is used is

“(...) tied up with the way we construct different social identities and relationships and participate in different kinds of groups and institutions. It is tied up with issues of what we believe to be right and wrong, who has power over whom, and what we have to do and say to ‘fit in’ to our societies” (ibid., 36).

When looking at the previous different definitions of the term discourse, it is possible to see some similarities, as it becomes clear that the term discourse has strong roots in the understanding of language, both written and spoken. Discourse then becomes the entity that we can base our understanding of language and communication on, and thus we endeavour to further our understanding by analysing separate pieces of this entity. It can then be said that discourse in itself is language is an entity – communication in any form be it spoken, written, through images or body language. Discourse analysis becomes the separate sections derived from this entity, which we can interpret meaning from. One possible way of analysing sections of discourse, which will be utilised in this thesis, is through the theory of framing.

Framing is understood as both the practice of producing meaning and constructing a context in different situations, and interpreting meaning and context in the different situations. Any word can be used to evoke a frame, and, according to George Lakoff, people think in frames. In order to communicate productively with anyone, one has to make the language used fit a certain frame (Lakoff, 4). Additionally, Charles Fillmore describes frames as “(...) any system of concepts related in such a way that to understand any one of them you have to understand the whole structure in which it fits” (Fillmore, 111).

This explanation by Fillmore can be compared to Lakoff's, as both agree that one has to understand the context of the conversation in order to use and understand frames correctly, and, in order to understand the correct meaning and context, one has to understand the whole structure of language and its use.

One of the first to address the theory of framing and frame analysis could possibly be Erving Goffman. He, along with other sociologists, thought of framing as a process through which different societies produce meaning (Fisher, 1). In 1974 Goffman proposed what he called 'frame analysis', a process which brought a new dimension to the study of visual images and cultural representations (2). Goffman argued that every culture creates what he called 'primary frameworks', which reduce "(...) what would otherwise be a meaningless aspect of the scene into something that is meaningful" (ibid., 2), which means primary frameworks offer a conceptual structure through which one can interpret information. Goffman further argued that primary frameworks could be divided into two subcategories, namely, natural and social frameworks. Natural frameworks, being the physical experiences thought to be brought by natural determinants out of peoples control, and social frameworks, being the "(...) wilful exertions of 'an intelligence, a live agency, the chief one being the human being'" (ibid., 3). The theory of framing started by Goffman gave way for others to further develop this theory, as seen in the case of, e.g., Kristin Minister, as Minister further developed on frame analysis in relation to gender (ibid., 4).

Other theorists such as Snow and Benford further built on Goffman's writings in relation to which factors contribute to the success or failure of social movements (ibid, 5). Snow and Benford believed that earlier social movement theories had too static a view of participation, and they criticised these theories for "(...) focusing on factors which give rise to grievances at the expense of studying the processes by which people define and understand grievances" (ibid., 5). Instead Snow and Benford worked with the idea that social movements not only frame the world which they are a part of, but also help frame the world's social issues, as, according to Snow and Benford, "The way a movement frames a problem plays a significant part in the propensity of the movement to shape public policy" (ibid., 5). In that sense, Snow and Benford believed that the way in which these social movements frame social issues play a large role in their success or failure in reaching out to others, as the frames they use are the "(...) conceptual scaffolding" (Snow & Benford, 1988, qtd. in Fisher, 6), which these movements create in order to construct their own ideologies, or to modify the existing ones.

Another theorist, Teun van Dijk, explains in his theory that language contains discursive structures, which “(...) reduce the potential meanings of words and grammatical structures to allow the formation of coherent text” (van Dijk, 1985, qtd. in Fisher, 15). These discursive structures, van Dijk argued, are structured to perform four tasks:

*“(...) 1) enabling the receiver of a language message to select some elements for interpretation and to delete others as not relevant to the global meaning of that message; 2) enabling receivers to organise elements of messages hierarchically, and to mark those elements requiring ‘strong’ or ‘weak’ deletion or selection; 3) allowing receivers to generalise the meaning of the message; and 4) equipping receivers to derive a global fact from the message”* (van Dijk, 1980, qtd. in Fisher, 15)

The reason these discursive structures can reach the fourth task is, according to van Dijk, because they contain frames throughout, and these frames are used by both receiver and sender of language to define “(...) the basic elements of a category, of objects, concepts, or action-event sequences” (Fisher, 15).

Donati and Triandafyllidou further elaborated on the theory of discourse and framing, as they believed frames form parts of, what they describe, the discursive universe in which people interact with each other. They explain the development and purpose of frames as

*“People learn frames as they learn to fluently use a language and as they learn the narrative structures and ideologies present in the cultures which use that language. When people encounter new information or a new experience, they make sense of the information or experience by fitting it into an existing frame (...) though, at the same time, people will also tend to selectively perceive information, focusing on details which most readily fit into the frames they know”* (ibid., 22)

Donati further observes that frames function as an instrument for defining reality, as opposed to an instrument of describing reality (Donati, 1992, qtd. in Fisher, 23). In that sense, framing becomes the way in which any one person can define reality according to their point of view, or according to what kind of message they wish to present, instead of describing reality completely and as a whole truth. It then becomes the difference between a subjective truth as opposed to an objective truth.



## **4. Rape Culture**

The following paragraphs will be divided into three main paragraphs. The first paragraph will detail a clarification of the concepts used throughout the analyses, as well as state my understanding of the terms and concepts, and how I will use them. As the analysis is two-fold, the following two paragraphs will be divided into one analysis depicting how a rape cases can be framed, and another commentary analysis depicting possible causes and effects of the themes found in the previous analysis.

### **4.1. Clarification of concepts**

#### **4.1.1. Discourse and Framing**

In its most basic form, discourse can be said to be the study of language and other forms of communication. I understand discourse as a whole entity, that we, in order to try to understand, divide into smaller section, which we then can analyse and gain meaning from. By dividing this entity into smaller sections for analysis, it is important to remember that we only gain a small part of the larger picture – in other terms, we only gain a small part of the meaning hidden in language. Depending on what kind of investigation one wishes to pursue, there are different approaches to language to consider, as previously mentioned (section 3.1.).

In relation to framing, I understand the term to mean words used to fit into or create a specific context in the reader's mind, or in the mind of the one spoken to, as well as a way for people to understand and interpret different social situations. For example, one could look at how the defendant and accused are portrayed in a court of law. Here the lawyers will use adjectives to explain and portray both the victim and the defendant, e.g., this man viciously assaulted this other man, or this decent man could never hurt anyone. This is an example of how I understand framing as by using these adjectives, images are created in the minds of others, and these adjectives can be used to sway people, one way or another.

In this thesis, discourse, and more specifically framing, will be used to investigate which context the articles create or fit into, as well as look into how these articles could affect the reader to different opinions or understandings of the different cases. Additionally, my use of framing in this thesis will tie into all three aspects described by Jones. My use of framing further ties into Goffman's understanding of social frameworks, as social frameworks is the idea of humans constructing reality.

#### 4.1.2. Rape

According to the dictionary rape can be defined as the “(...) unlawful sexual intercourse or any other sexual penetration of the vagina, anus, or mouth of another person, with or without force, by a sex organ, other body part, or foreign object, without the consent of the victim” (*Rape*, Dictionary.com). As a point of origin for my understanding of the term rape, I believe this definition to be valid, as I believe it to be a very thorough understanding and description. Another definition of rape proposed by the Inter-Agency Standing Committee Task Force on Gender and Humanitarian Assistance is described as

*“(...) any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic a person’s sexuality, using coercion, threats of harm or physical force, by any person regardless of relationship to the victim, in any setting, including but not limited to home and work”* (qtd. Bastick et al., 2007 in Zaleski, 5).

This definition is even more thorough as it incorporates both known and unknown assailants, as well as sexual harassment in the form of comments and unwanted sexual contact. One aspect of this definition that I find faulty however, is the aspect of ‘unwanted sexual comments or advances’. I do not believe that one can place sexual harassment on equal footing with rape, or, as this definition does, describe sexual harassment as rape. I believe there is a clear distinction between the two, and defining both as rape confuses the message that the organisation is trying to send. Sexual harassment is clearly wrong, but I do not believe that one can place sexual comments or advances in the same category as rape. Another aspect, I found especially interesting with this proposal, is the need to mention the assailants’ relationship with their victims and the locations of the attacks. The reason for this distinction, however, becomes clear, as there is a distinction between what is referred to as ‘real rape’ and ‘simple rape’ in the legal system (Horvath and Brown, 7). The term ‘real rape’ originates from Susan Estrich’s book *Real Rape: How the Legal System Victimises Women Who Say No* (1987) and it is the belief that a genuine rape is when “(...) the victim and rapist are strangers; the assault occurs in an outdoors location; the victim shows active visible resistance; and the rapist uses or threatens to force the victim” (Horvath and Brown, 7). The term ‘simple rape’, however, refers to the more commonly seen variety of rape and is seen as the unclear or disputed sex between two people who know each other beforehand (ibid., 7).

It has been proven that there are substantial differences in how these cases and victims are treated, depending of which 'type' of rape the assault is classified as (ibid., 7). My understanding of the term 'rape' can then be said to be closely linked to the proposal by the Inter-Agency Standing Committee Task Force on Gender and Humanitarian Assistance as I believe this to be the most thorough definition which takes all possibilities into consideration, though I dissociate myself from the definition of sexual comments or advances as being rape.

Throughout this thesis any mention of rape is to be considered defined from the previously mentioned definition, as that is from this definition that I base my understanding.

#### **4.1.2.1. Consent**

The relevance of defining consent, and in the case of this thesis sexual consent, is paramount as some of the cases have questionable instances where consent is unclear. Therefore I find it important to explain my understanding of the term, as I will interpret the cases presented from my point of view. My understanding of the term consent is based on the Rape, Abuse & Incest National Network (RAINN), as I believe their definition to be precise and specific. According to RAINN the definition of consent is "(...) an agreement between participants to engage in sexual activity" (Rape, Abuse & Incest National Network, n.d.).

My understanding of consent is very straightforward, as I believe it to be a clear communication between people of both their wishes to engage in sexual activity with one another, and each person has the opportunity at any given time to change their minds and refuse any continuation of said activities. Additionally, I believe that if one person is for one reason or another unconscious or nearly unconscious, then that person is unable to give consent.

Throughout the thesis, any discussion of consent will be based on this understanding.

#### **4.1.2.2. Victim Blaming or Victim Shaming**

The legal definition of the term, victim blaming, is "(...) a devaluing act where the victim of a crime, an accident, or any type of abusive treatment is held wholly or partially responsible for the wrongful conduct committed against them" (US Legal Inc., *Victim Blaming*). Traditionally, this term has been applied especially in cases of sexual violence and domestic abuse. The term covers, in my understanding, the cases where victims of sexual violence has been blamed for their involvement in the situation and their responsibility in relation to, e.g., the clothes they wore, if they drank alcohol or if they participated in conversation with the assailant beforehand.

The term was partly popularised by the SlutWalk movement as a response to a sexual assault case in Canada in 2011 (Urban Dictionary, *Victim Shaming*).

My understanding and use of the term victim blaming will be based on the previously mentioned definitions.

## **4.2. Framing a rape culture**

### **4.2.1. Steubenville rape case**

On August 11<sup>th</sup> 2012 two boys from Steubenville raped a 16-year-old girl from a neighbouring town. The case brought massive attention to the issue of consent but also the hero worship given to football players, and the use of social media in everyday life. On the night of the attack the girl was at several different parties celebrating the Steubenville football team, and was in the company of Trent Mays and Ma'lik Richmond. The details of the night are unsure, as the girl does not remember much of what happened, as she was unconscious because of alcohol. The following morning the girl woke up in a basement, naked and could not find her underwear, in the company of Richmond, Mays and a third unidentified boy (Simpson, 2013). Throughout the day following the parties, the girl found pictures, messages and films depicting and discussing what had happened to her the previous night, and eventually her family reported the crime to the police.

Through the investigation of several mobile phones and iPads, the police and investigators were able to create a fuller picture and description of what had happened that night. As the victim was incapacitated by alcohol, she was transported to several different places by the boys; they undressed her, photographed her naked and sexually assaulted her. One of the boys, Trent Mays, tried to orally rape her, which failed, and the other, Ma'lik Richmond, digitally penetrated the victim, while exposing her breasts and had the process photographed by others in the room. Trent Mays further ejaculated on the victims chest and stomach, and send a text message, including a photograph, to one of his peers (Gwynne, 2013). In addition to the actions done to the girl by the two boys, other young people of Steubenville participated in violating the girl (Oppel, 2013), as they helped distribute pictures and videos of her in several vulnerable positions, both dressed and undressed, and a video was released where a boy named Michael Nodianos jokes about what happened to the girl (Baker, 2013). One of the pictures that were sent between the teenagers of Steubenville features Mays and Richmond holding the girl from her wrists and ankles, while she is unconscious.

Both Trent Mays and Ma'lik Richmond was found guilty of raping the 16-year-old victim. Mays was sentenced with at least two years in the state juvenile system, and Richmond was sentenced to one year. The reason for Mays' sentence to be twice as long as Richmond's' was "(...) because he was found to be delinquent beyond reasonable doubt (...) not just of rape but also of distributing a nude image of a minor" (Oppel, 2013).

#### **4.2.1.1. Framing the Steubenville Rape Case**

In order to provide an analysis of the Steubenville rape case I have chosen four articles that I feel provide different points of view on the case and issues presented therein. It bears worth mentioning that four articles cannot provide a complete picture of all issues raised in relation to this case, instead the use of these four articles have the purpose of giving a small look into how one could frame a rape case.

As explained earlier (section 3.1. and 4.1.1.) the frame of the articles is what create the context, and affects the mood of the reader in relation to the information given. The images created, and the feelings the language inspires in these frames, are what affects the reader of said articles, and thus it is possible for the authors to persuade the readers into sharing their opinions and understandings of their chosen subjects. Additionally, as mentioned in section 3.1., there are three approaches to discourse one should keep in mind when analysing any given form of discourse; namely, a formal approach, a functional approach and a social approach, and when applying these approaches to a text or conversation the complexity of said text or conversation becomes more apparent.

The article *Steubenville's Former NAACP President Says Rape Victim Was Drunk and Willing* (2013), written by Charles Poladian, is an example of how the three different approaches to discourse analysis can be applied. The manner in which the author utilises the element of framing is interesting in the article's depiction of an interview with the former NAACP president Royal Mayo.

When looking at the article from a formal point of view, the generic framework relating to newspaper articles is established immediately for the reader. Generic frameworks are "(...) based on the expectations we have about different kinds of texts, the kinds of information we expect to encounter in texts of different kinds and the order in which we expect that information to be presented" (Jones, 43). As most have seen newspaper articles before, the reader has certain expectations to the text's structure, in order for it to fit into this generic framework. It should be mentioned that because all the chosen articles share the same preliminary structure, I will only go in depth with a structural analysis of one article instead of repeating myself throughout the thesis.

The structure of this article fits well into this generic framework, from the headline's short summation of the article's main points, to the different paragraphs dedicated to further elaborating on both the main points of the discussed subject, to other details and peoples reaction to said subject. The headline summarises clearly and concisely to the reader what the article is going to discuss, and whom the article is going to feature. Through an interpretation of this headline, one could argue that it can be divided into three sections that all play a large role in the framing of this case. The first section is 'Steubenville's Former NAACP President', which refers to Royal Mayo, who is featured throughout the article. By mentioning his former title he becomes associated with NAACP and their values immediately, as opposed to presenting him as a man from Steubenville presenting his claims about the infamous rape case. In relation to the Steubenville rape case, the former occupation of Mayo should be redundant, and yet when it is presented in this manner it becomes important. As NAACP (National Association for the Advancement of Colored People) is associated with specific values and beliefs, the association of Royal Mayo to this organisation becomes important in relation to this case, when he publicly comments on the issues related to it. By associating Mayo with NAACP in the headline, the author frames Mayo's claims with the values of NAACP in the readers mind. The second section is when the headline refers to the 16-year-old as a 'rape victim'. As the argument, made by Mayo throughout the article, is that the girl was willing and wanted to have sex with the boys, framing her as a rape victim becomes counterproductive to that statement. 'Rape victim' implies that she did not want to have sex with the boys and thus was raped, rather than willing as Mayo claims. This discrepancy becomes even clearer in the third section of the headline, namely 'drunk and willing'. Placing both 'rape victim' and 'drunk and willing' in the same sentence creates a great discrepancy in the interpretation of the sentence, thus the sentence actually frames Mayo rather than the girl, and also suggests to the reader what the authors opinion on the matter is. The author could have referred to the girl as 'the 16-year-old', which would have connected better with Mayo's claim, but by creating this discrepancy the author proposes his opinion on the matter immediately in the sentence.

The second expectation the article has to fulfil in order to fit into the generic framework surrounding newspaper articles is the content of the following paragraph, and how this content is structured. The first paragraph following the headline provides the reader with a brief overview of the case in question, as well as the main issues the article will discuss, namely, the conviction of the two boys, what they are convicted of, and Mayo's claims that, according to the author, clashes "(...) with the official account of the case" (Poladian, 2013).

The second paragraph further elaborates on these issues and provides the reader with background information concerning some of Mayo's claims, such as racial discrimination within the Steubenville Police Department, or the role of the football coach and the sense of entitlement the players allegedly felt (ibid.). By looking at the article from a formal approach to discourse analysis, it is then possible to see how the language becomes more than just random sentences, but gains a very specific purpose through the use of a certain structure, and by conforming to the generic framework of how to structure an article, the reader then becomes able to understand and interpret the information provided.

Throughout the article Mayo describes how he believes the young woman was responsible for what happened to her and that she was not a victim. The author's opinion on the matter becomes clear in the first sentence of his article, as he describes Mayo's opinions and statements as "(...) shocking comments (...) places the blame for the rape case that has shocked the nation on the 16-year-old victim" (ibid.). By repeating the word 'shocking' the author impress upon the reader how to relate to these comments, and thus cement his own opinion. Mayo believes that the blame for what happened should be placed on the 16-year-old girl, as he explains, "(...) she was drunk and wanted to go out with one of the football players" (ibid.). The author further refers to Mayo as telling a 'sordid tale' of life in Steubenville and racial issues (ibid.), and with his use of 'sordid' he clearly expresses his own opinion on Mayo's arguments, as well as implying that Mayo believes Ma'lik Richmond has been judged based on the colour of his skin, rather than his actions. By doing this Mayo moves the focus on Richmond participating in the rape of the girl, to a discussion of race issues. In this, it can be said that Mayo really tries to frame the case of Ma'lik Richmond as a boy exposed to injustice and misunderstandings, and by doing this he tries to remove focus from the actual case to another issue. The author continues to describe how Mayo is not alone in his allegations that the girl was not raped, but instead had consensual sex with the two boys, and Mayo also criticises the lack of follow-up on what he describes as "(...) compelling evidence and additional suspects" (ibid.). The use of 'compelling' in this case creates the uncertainty in the reader of what to think of this case and suggests that the two boys has been judged based on lacking evidence. By doing this Mayo successfully questions what is believed to be the truth and tries to convince others of his perceived truth. Mayo continuously argues why the case was not judged correctly to create doubt in the readers mind as to whether or not the whole case is legitimate. The manner in which the author describes Mayo's statements is objective, in the sense that he does not comment on the manner in which Mayo made the arguments.

That, in itself, can create an uncertainty in the reader, as one becomes unsure as to what to believe. Even though the author does not explicitly comment on Mayo's allegations and arguments, he does bring counterarguments to all of Mayo's claims. This is seen when Mayo argues that the witnesses could not describe Mays and Richmond actions conclusively, by explaining an example of a witness statement "Now, he said, 'It appeared that he did something,' 'It looked like' (...) He never said, 'I was definite, and I'm 100 percent sure'" (ibid.). Here the author brings a counterargument and refers to the 12 minute video (section 4.2.1.) featuring a group of boys on the night of the rape discussing what had happened, "But eyewitnesses recalled Mays and Richmond being around the victim, and a voice in the background of the Nodianos tape can be heard saying, "Trent and Ma'lik raped someone.'" (ibid.). In relation to the author's use of counterarguments to Mayo's claims, one could look into the functional approach to a text, and what the author is trying to do with his article. Through his use of counterarguments and the manner in which he uses them, he is trying to prove Mayo's claims to be incorrect. He continuously argues the opposite side of Mayo's claims, and by doing that he undermines these claims in a rational and objective manner. This, in itself, creates a frame in the readers mind of the author being rational and of Mayo slighting the circumstances of the case and focusing on an unrelated issue, which makes Mayo less credible. By that, one can argue that the author's purpose with this article is to prove Mayo's claims false, and create doubt in the reader's mind as to whether or not these claims even can be made, and because of this the reader should believe in what the author presents as facts.

By being studiously objective while quoting Mayo, and bringing counterarguments in the same manner, Poladian comes across as more secure in his rendition of the case, which makes him seem trustworthy, and in addition he 'allows' Mayo to bring his own frames forward throughout the article. That in itself creates a frame in the readers mind, as Poladian's objectivity, instead of outrage or anger, leads one's thoughts to objectivity and thus the feeling of being able to get the true facts of the case. The objectivity portrayed by Poladian throughout the article cannot be denied, yet one could argue that this objectivity is, in the end, his subjective opinion, or at the very least his objective comments and counterarguments are biased, as his opinion on Mayo's arguments are made clear in the very first sentences of the article. As Poladian in the beginning referred to Mayo and his arguments as 'shocking', he had, at that moment, framed his opinion on this matter in the readers mind and implied what the reader should think of Mayo's arguments.

This, in turn, leads to the final approach to discourse analysis, namely the social approach and what kind of person Poladian tries to portray himself as throughout the article.



Additionally, one can also look into what kinds of beliefs or values Poladian tries to promote. Firstly, Poladian, throughout the article, tries to portray himself as a rational person through his use of counterarguments based on facts from the case, and previous history of the town, as opposed to how Mayo is portrayed with claims only based on Mayo's own personal knowledge of the people he refers to, and based on his own beliefs, e.g., the issue of racial discrimination. This creates a discrepancy between the portrayal of both sides where Poladian's opinions and facts become stronger than Mayo's. Secondly, Poladian, in a roundabout way, confronts the issue of victim blaming in response to Mayo's claims that the girl wanted to be with the boys, and how Mayo carelessly dismiss her experiences and the severity of the boys' involvement. By confronting the issue in this way, Poladian speaks to two Discourses, namely the 'Discourse of equality', signalled by his focus on the actual circumstances of the case rather than on either the boys or the girl private lives before the case, and the 'Discourse against victim blaming', signalled by his systematic counter argumentation against every claim made by Mayo that could suggest placing blame on the victim. By using these two Discourses, Poladian firmly places himself in correlation with these values and proposes to the reader to do the same.

Throughout the article written by Poladian the reader is presented with two sides on whether or not the victim can be said to be responsible for the actions of that night, which is a heavily debated issue. Whether or not the victim can be said to have any responsibility for their assault will be brought up in the causes and effects analysis later in this thesis.

The use of frames to persuade the reader of a certain opinion or value can be seen in the article *Only 'Yes' Means Yes: What Steubenville's Rape Trial Reminds Us About Sexual Consent*, by Valenti and Friedman (2013). In this article the authors present how sexual consent has been brought up in debates, after the actions of the two teenage boys was brought to light in their trial in Steubenville. Especially through their use of adjectives and imagery, the authors try to convince the reader that he or she should be enraged by the "(...) outrageous arguments" (Valenti & Friedman, 2013) provided in the case in relation to the issue of sexual consent. By the use of the word 'outrageous' the authors provide the reader with the image of something grievously unjust or extremely offensive, and thus has already through some of the first words used in the article informed the reader of how they should relate and respond to the issue of how consent is seen in this case. The reason for the authors' use of 'outrageous' in relation to the issue of consent is when they criticise the general public's view of how consent is given, as they believe the understanding of the term is faulty (ibid.).

It is in this instance that the functional approach to discourse becomes clear as the authors' purpose with the text is shown to the reader. The authors demonstrate, through their criticism, how they believe the current view on sexual consent is flawed and in the end contributes to a misogynistic view. By presenting facts to the reader about the consequences of this view, the authors clearly present their purpose with the text and through this the authors try to convince the reader to change this view.

The authors state that the "(...) absence of a "no" is not the same thing as the presence of a "yes"" (ibid.) and further elaborates that even though, according to the law, a woman does not have to say no for her assault to be considered a rape, the cultural view on the matter is different, and unfortunately often colours the legal view, as seen in the case of a University of Montana football player (ibid.). The manner in which the authors present the disparity between the legal view and the cultural view on consent is reminiscent of the core framing tasks proposed in David Snow and Robert Benford's writings. In Fisher's article *Locating Frames in the Discursive Universe* (1997) Snow and Benford's writings are outlined, where the four framing core techniques are explained. The first technique proposed by Snow and Benford is what they called diagnostic framing, which is explained as "(...) clearly defining a problem and assigning blame for the problem to an agent or agencies" (Snow and Benford, 1988, qtd. in Fisher, 6). This is precisely what Valenti and Friedman does. In this instance, they point out the problem of how consent is viewed in a cultural perspective, by giving the example of how the case, according to one of the boys attorneys Walter Madison, cannot be considered a rape because the victim did not "(...) affirmatively say no" (Valenti & Friedman, 2013). Further, they place blame on the general public, as they conform to this view on sexual consent by explaining, "(...) until American culture and law frames sexual consent as proactively, enthusiastically given, there will be no justice for rape victims" (ibid.). Through this argumentation Valenti and Friedman clearly frame their issue, and further assign blame for this view on sexual consent onto both the legal system, in the form of the defense attorney, and the American public as they conform to this view. The cultural view proposes, according to the authors, that if a woman does not explicitly express an objection to a sexual interaction, they give their consent to said interaction. In the authors' criticism of this view, another frame comes into play, as the authors question the reader:

*"But this kind of logic doesn't fly in real life sexual interactions. Are all women really to be considered willing sexual participants unless otherwise stated? If we flirt with someone, or even kiss them, does that give them permission to do whatever else they want to our bodies until we strenuously*

*object? Is this the kind of world we want for women – or for sex, for that matter?” (ibid.)*

By stating the questions in this manner, the authors subtly imply that the reader indeed does believe that this understanding of sexual consent is correct, as the way they phrase the questions makes it seem as if even the possibility of raising these questions is ridiculous. The phrases can be argued to come across as sarcastic. This sarcasm conveys on one hand an agreement on the woman's side to sexual intercourse if she flirts with or kisses a man, and it is ridiculous to suggest the opposite. On the other hand one could argue that the questions are posed in a manner that seems incredulous, as if the authors question why it should even be necessary to pose these questions. The authors imply that it should be obvious that it is, in fact, not the case that consent can be construed in this manner, and therefore the reader should agree with them that this is wrong. The attempt to convince the reader of sharing the authors' own opinion becomes clear here as they confront the reader with a very black and white picture of the two factions at work, and try to speak to the reader's sense of right and wrong. They further continue their point by both asking and telling the reader in a manner that seems to imply common sense "(...) don't we all want to make sure we're only having sex with people who are actually interested? Ensuring enthusiastic consent requires only the most basic respect we all owe our partners in the first place" (ibid.). The unsaid 'obviously' becomes clear in this paragraph, and through their words it becomes clear to the reader that this is indeed the way one should think and act according to the authors. The authors also use sarcasm to further their point as they explain that sex can only be consensual if there is a clear and freely given 'yes' to a sexual situation, and that idea may seem "(...) radical to the uninitiated" (ibid.). Again through their use of both sarcasm, and implied common sense, the authors skilfully manipulate the viewer into sharing their understanding of sexual consent and condemn the actions of those who do not. Moreover, this way of addressing the reader further fits into the four core frames discussed by Snow and Benford, as the second core frame, prognostic framing, is explained as "(...) offering solutions, and proposing specific strategies, tactics, and objectives by which these solutions may be achieved" (Snow & Benford, 1988, qtd. in Fisher, 6). The authors propose a solution to the issue of consent by stating that "Ensuring enthusiastic consent requires only the most basic respect we all owe our partners in the first place: paying attention to how they're doing, and asking them if we can't tell" (Valenti & Friedman, 2013). Through this proposal the authors clearly state their solution to the issue of doubtful consent, and further do so in a manner that implies an 'obviously' attached in the end of the sentence.

They further propose the manner in which it becomes possible to achieve said solution, namely, asking your partner clearly if they desire to continue. They further prove their point by stating “Without an affirmative consent model, rapists will continue to go free based on outrageous arguments about whether or not their victim didn’t want it enough. Current research demonstrates that most rapists already know they don’t have consent” (ibid.). Through this, Valenti and Friedman clearly propose their solution of affirmative consent, which by asking ones partner whether they want sex, removes any situation where consent could be doubted. In relation to the Steubenville case, the authors scathingly describe how the defense of the two boys argued that

*“Despite widely circulated pictures of the young woman’s limp body being dragged by the two accused (...) she was conscious enough to say “no” because after the alleged assault she was able to give someone a passcode to unlock her phone. Remembering a habitually used four-digit number is not a “yes”” (ibid.).*

The authors’ opinion of this defense becomes clear as the words they use convey incredulousness, and through the adjective ‘limp’ they imply that the girl was unconscious and non-responsive to the actions of the boys, and, by implying this, the authors demonstrate how they are of the opinion that the boys have committed this crime. Moreover, the authors convey their anger and sceptical point of view on the idea of consent present in American culture, as they explain that both the legal system and general culture is “(...) seriously broken” (ibid.), creating a clear image in the readers mind of something broken beyond recognition, when someone referred to as a ‘dead girl’ by her peers could be considered a willing participant in a sexual interaction (ibid.). The article has a clear agenda throughout, as it becomes clear for the reader what to think and what not to think. The authors’ disgust with the way the justice system and general culture’s view on consent becomes clear, and through this disgust they paint a very black and white picture of which ‘section’ they wish the readers to side with. In the end of the article, the Valenti and Friedman applies the third core frame, namely motivational framing. Motivational framing is described as “(...) rallying the troops behind the cause” (Snow & Benford, 1988, qtd. in Fisher, 6), and this can be seen clearly in the article as the authors speaks to the readers sense of justice and responsibility by stating

*“We’ve already made strides in reframing the way we think – and prosecute – sexual assault. It was just last year – after many years of work by activists – that the FBI changed its archaic definition of rape from “forcible” assault of a woman to penetration (of any gender) without consent. It may take*

*some doing on all our parts to make this next shift, but if we're serious about preventing the next Steubenville, it's time to get serious about affirmative consent. Only a "yes" can mean yes" (Valenti & Friedman, 2013).*

One could interpret this motivational speech as to containing three parts in their argument: (1) an achievement to instil pride in the reader, (2) a request and caution to instil a drive to do one's part in order to do better, and (3) a motivational slogan that one can fall back to and is easily remembered and repeated. Firstly, they state how Americans, as a united union, has already achieved progress on the subject of sexual violence through the change of definition of sexual assault by a major law enforcement agency. This instils a sense of empowerment and achievement in the mind of the reader. Secondly, speaking directly to the reader's sense of right and wrong, as to avoid another situation like the Steubenville case, we have to work together and take equal part in the responsibility this places on all, and finally, a short motivational slogan, 'Only a 'yes' can mean yes', that the readers will be able to take with them and be able to easily remember. By doing this, the authors, in my opinion, motivate the reader successfully and manages to convince them of the validity and rightness of their claims and actions. The fourth and final core frame that the authors make use of in this article is what Snow and Benford refers to as frame resonance, namely, in order to have success one "(...) must appeal to the existing values and beliefs of their target population" (Snow & Benford, 1988, qtd. in Fisher, 6). Throughout the article, the authors appeal greatly to the American people's sense of justice as that can be said to be one of the cornerstones of American culture. One can see this in the way they continuously question the reader throughout the article and make the case seem more real in the readers mind, as they give examples that relate to one's own life. By doing this, the article becomes more effective as the reader becomes emotionally involved, and through that can be persuaded more easily to the authors' agenda, thus the authors achieve what, according to Benford, the goal of framing is, namely, "(...) the process by which 'ordinary people make sense of public issues'" (Benford, 1994, qtd. in Fisher, 5).

When talking about how the authors appeal to the readers values and belief, it is most fitting to also discuss the text through a social approach to discourse, specifically, how the authors portray themselves, as well their own beliefs and values present in their text. Throughout the article, the authors portray themselves as the righteous defenders of the vulnerable victims of a misplaced view on sexual consent, as they openly attack both the legal view on consent and the cultural view.

They portray themselves as being incredulous to the views shown and actions taken in the Steubenville rape case, and they further portray a sense of shame that they are part of a culture that essentially protects the rapist rather than the rape victim. The values and beliefs portrayed by the authors in the article leads to two clear Discourses, namely a legal Discourse and a gender equality Discourse. The legal Discourse is signalled by the authors' description of which legal rules apply in rape cases and the definition of rape provided by the FBI, as well as the authors' criticism of these regulations and their own proposal in cases of doubtful sexual consent. The gender equality Discourse permeate the article in the portrayal of the view on both men and women's rights in rape cases, as well as how the authors specifically portray the view on a woman's body and men's rights to this body. Additionally, in the gender equality Discourse, the authors depict how the victims are not the equals of the perpetrators in cases of sexual assault as they suffer the consequences of victim blaming.

Throughout the article *Only 'Yes' Means Yes: What Steubenville's Rape Trial Reminds Us About Sexual Consent*, the reader is presented with both the cultural view and legal view of sexual consent in American culture, and the authors view of how sexual consent should be viewed. The issue of sexual consent will be brought up further in an analysis later in the thesis.

In the first article, written by Poladian, the focus was on how the victim could be said to be responsible for her assault, according to Royal Mayo. In addition to this, other articles focuses more on the public's response to the case and speculation as to what the assault would mean for the boys who committed the crime, furthering the tendency of victim blaming. The news station CNN focused on the consequences for the boys when they were convicted of raping the 16-year-old girl, and the response to CNN's comments can be seen in both David Edwards article *CNN grieves that guilty verdict ruined 'promising' lives of Steubenville rapists* (2013), and in the article by Mallory Ortberg, *CNN Reports On The 'Promising Future' of the Steubenville Rapists, Who Are 'Very Good Students'* (2013). In both articles the frames created by the authors gives the reader an unmistakable feeling of their anger of how CNN had approached the Steubenville case, as well as show their derision to CNN's priorities in the case. This point can be seen made in a comment, made in Edwards' article, where he describes how CNN are "(...) lamenting that the "promising" lives of the rapists had been ruined, but spent very little time focusing on how the 16-year-old victim would have to live with what was done to her" (Edwards, 2013). Here Edwards clearly projects his opinion on the matter through his choice of words.

Firstly his use of ‘lamenting’ suggests a deep sorrow for the boys, and in this situation ‘lamenting’ is a very powerful word to be used as the word often is used in situations where people, e.g., are mourning the loss of a family member. By using a word such as this, Edwards conveys how CNN focuses too heavily on the boys’ future, and suggests that they grieve on behalf of the boys. Secondly, the use of ‘rapists’ immediately following the use of ‘lamenting’ cement the author’s derision for CNN, as the word is harsh in comparison and further cement the difference in state between the two boys and the victim, the girl. This also creates a dual state of mind in the reader, as one can easily know that a rapist is bad and a victim is someone one should feel sorry for. By having CNN lament the two ‘rapists’ the author immediately makes the reader suspicious of CNN and the validity of their lament. The use of this dual relationship between good and bad fits into the idea of a social approach to discourse, which speaks to the readers understanding of right and wrong, and shows the author’s ability to construct language that becomes a very well thought out social identity presented to the reader. Thirdly, Edwards shows, through his comment about CNN’s lack of focus on the girl and the impact this case has on her life, how CNN almost casually neglect this aspect. By making this comment, and stating his point in this manner, Edwards shows how he believes this to be negligent of CNN, and how the boys and their future is unimportant in relation to this case. In addition to this point, in the article by Ortberg, the scorn felt by the author in the face of the focus CNN has on the boys future becomes even more pronounced, as Ortberg criticises comments made by the journalists about the sex offender registry, in which the boys required to register. The journalist explains,

*“The most severe thing with these young men is being labelled as registered sex offenders. That label is now placed on them by Ohio law ... that will haunt them for the rest of their lives (...) When they move into a new neighborhood and somebody goes on the Internet, where these things are posted, neighbors will know that they are registered sex offenders”* (Ortberg, 2013),

to which Ortberg brings a very sarcastic and humoristic description into why this should not be an issue that the journalists should concern themselves with. The use of sarcasm and humour is clearly seen when Ortberg comments,

*“Yes, that is how the sex offender registry works. (...) For readers interested in learning more about how not to be labelled as registered sex offenders, a good first step is not to rape unconscious women, no matter how good your grades are”* (ibid.).

The use of sarcasm successfully projects Ortberg's point, as she clearly states that if one cannot handle the consequences of doing something wrong, one should not do something wrong to begin with. She further verbalizes the points made by the CNN journalists that no matter what you do in your free time, "(...) star football players" (ibid.), and no matter how you perform in school, "(...) very good students" (ibid.), it becomes irrelevant in the face of committing a crime, and should not be taken into consideration, as she states that whether one's ability to perform calculus or play football becomes redundant in the court of law. It is possible to glean the authors' purpose with the articles when looking at them from a functional approach. What the authors' are trying to accomplish with the article is essentially to bring CNN's integrity into question, as they are shown 'grieving' for the boys and their future in spite of the boys' wrong actions. What the authors' then try to do is to portray CNN as the ones in the wrong because of their focus on the boys, and that their priorities are erroneous. The authors' purpose with their articles becomes clear when looking at their use of quotes and the manner in which they use said quotes. In Edwards case, the use of quotes are often utilised instead of his own text, as can be seen in the sentence "Harlow explained that it had been "incredibly difficult" to watch "as these two young men – who had such promising futures, star football players, very good students – literally watch as they believed their life fell apart"" (Edwards, 2013). Edwards combine his own words with quotes, taken from the CNN journalists, to portray the case and if one was to look at his use of quotes in relation to the frame he creates in the headline *CNN grieves that guilty verdict ruined 'promising' lives of Steubenville rapists* – that CNN are in the wrong for grieving for the rapists – the use of quotes can be interpreted to show Edwards' disbelief in CNN's angle instead of just objectively stating the journalist's words. Ortberg's use of quotes falls into a technique explained by Jones, as this technique can be used to create "(...) a distance between the author and the words he or she is quoting and sometimes implying a certain scepticism towards those words" (Jones, 98). By using the statements made by the CNN journalists against them, Ortberg further demonstrates her arguments by installing scepticism and sarcasm in her statements, as to sway the reader to her incredulousness with the journalists. Ortberg's use of quotes are utilised in such a manner that they all continuously support her own opinion of the case and of CNN's priorities, and she tear apart the journalists' statements by sarcastically providing her own claims, as if they should be obvious to both the journalists and the reader.



Where the CNN journalists tries to portray the two boys in a good light, Ortberg counter argue that the good attributes of the boys are redundant in this matter, and that the reason for the journalists' attempt to portray the boys differently than she believes they should stems from an attempt at an interesting angle and nothing more, to which she explains "(...) That isn't how rape trials ought to be discussed by professional journalists" (ibid.). Through this comment, Ortberg clearly states that CNN has lost its professionalism. By ignoring the victim of the case, and by portraying the boys as "(...) dynamic, sympathetic, complicated male figures" (ibid.), the CNN journalists purposely overlook the consequences of this case for the young girl, and, in a sense, attempts to make others feel sorry for the boys instead of condemning them for their actions. In relation to CNN's portrayal of the boys, one could discuss how the authors portray themselves in their articles, and what their purpose of this portrayal could be, through a social approach. Both authors portray themselves as, first and foremost, against CNN's portrayal of the two boys and strongly express their disagreement with said portrayal. By expressing their disagreement with CNN and by bringing their own counterarguments and disapproval, the authors portray themselves in a Discourse solely focused on the fight against victim blaming – as removing responsibility from the perpetrators and trying to make them seem as sympathetic and complicated in the manner CNN does, one could argue that they try to remove the blame from them, which automatically places the blame on the victim. By doing this CNN, according to my interpretation, feed into the tradition of victim blaming surrounding rape cases. By portraying themselves as effectively against CNN and their angle on the Steubenville case, the authors project themselves as defenders of the victim and the consequences this assault has and will continue to have for her life.

Throughout the articles *CNN grieves that guilty verdict ruined 'promising' lives of Steubenville rapists* (2013) by Edwards, and *CNN Reports On The 'Promising Future' of the Steubenville Rapists, Who Are 'Very Good Students'* (2013) by Ortberg, the reader is presented with a presentation of CNN's point of view on the case, as well as the authors' derision and counterarguments to this point of view. The two articles present an example of a public's reaction to a rape case and how the debate surrounding both victim and perpetrator can play out in the public sphere. This issue of the public's reaction to a rape case will be brought up later in the causes and effects analysis.

#### 4.2.2. Bard University rape case

On February 8 2015 a Bard University student, Sam Ketchum, allegedly followed a female Bard student to her home after she attended a party off campus, and sexually assaulted her. Ketchum is accused of having sexual intercourse with the young woman without her consent (Pineiro-Zucker, 2015). The woman reported the sexual assault to Bard University immediately, yet the police was not notified of the crime until April 16 when the girl, through her attorney, filed a report at the Sheriff's Office. Following the attorney's report, the police arrested Bard University student Sam Ketchum and charged him with felony rape for his assault on his fellow student, to which he pleaded not guilty.

Following in the wake of this case, allegations against the University has been made, as they did not adhere to their own code of conduct in relation to sexual assault. The University conducted its own investigation and determined that Ketchum had violated the school's sexual assault policy, yet the University allowed the student to continue to stay on campus and follow his classes. According to Bard University's own policy on sexual assault, it is explicitly stated that violations of this policy "(...) would be met with a minimum sanction of suspension" (Kingkade, 2015a). This policy was not followed in the case of Ketchum's assault, even though the University ruled that there had been a violation. By not adhering to their own policy, Bard University can be considered to be in violation with Title IX civil rights law, i.e., Title IX "(...) prohibits discrimination on the basis of sex in any education program or activity that receives federal funding" (End Rape On Campus, n.d.). In Title IX, discrimination on the basis of sex includes sexual assault and rape that are "(...) so severe, pervasive, and objectively offensive that it effectively bars the victim's access to an educational opportunity or benefit" (ibid.).

The young woman tried to commit suicide due to her anxiety of accidentally encountering Ketchum on campus (Kingkade, 2015a), as the possibility of meeting him was quite large in a small student body of 2,300 students. After the young woman recovered from her attempted suicide she consented to a police investigation and filed her report through her attorney. The case has been adjourned until June 25, after a hearing in Red Hook Town Court (Purcell, 2015).

#### 4.2.2.1. Framing the Bard University rape case

For the purpose of analysing the framing of the Bard University rape case, I have chosen three articles that I believe touch upon some of the issues found in this case. In relation to the analysis of the following articles, I will refer to my earlier statement mentioned in section 4.2.1.1., as it is worth repeating that the use of these three articles cannot provide a complete image of all facets of this case, instead they provide an insight into how one could frame a rape case.

An article that can be said to, very thoroughly, question an institution's responsibility in relation to sexual assault, and failure to live up to this responsibility, is the article *In One Woman's Sexual Assault Case, Police Succeeded Where Her College Failed*, written by Tyler Kingkade (2015). Throughout this article, Kingkade describes the case from the young woman's point of view, and the obstacles she met when she tried to report her rape. He paints a picture of the young women, whom he refers to as Allison, as a helpless victim of both her assailant and of her University, which she trusted to help her in a situation like this. He presents this point when he describes how the University failed Allison during their assessment of the case, by referring to a letter sent to her:

*"It delivered the devastating news: The student who Allison claimed had raped her several weeks earlier would be allowed to stay on campus and take classes, even though Bard had determined that he had violated the school's sexual assault policy"* (Kingkade, 2015a).

By making this statement, Kingkade does two things; firstly he creates a certain frame of mind in the reader by appealing to our sense of justice, and secondly, he expresses his own sense of horror and incredulousness to Bard's decision. The reader's sense of justice is evoked, in this instance, as he presents the young woman as being thoroughly wronged by her University as they allow her assailant to continue being in her presence, despite them having found him guilty. This comes across as a clear betrayal of this woman's most basic rights, and that is what appeals to the reader's sense of justice. Kingkade's own opinion on the matter can be found in his use of the word 'devastating'. The use of 'devastating' suggest the image of something utterly destroyed and laid to waste, and through this the author describes both how he and the reader should feel by knowing this has happened. The author's incredulousness is further stressed through his focus on two such contradictory claims, namely, the assailant has been found guilty, but he is allowed to continue coming to the institution.

Kingkade continues to frame the University as having played a part in the stress the young woman had felt, as he portrays their decision as being detrimental to her continued stay on campus: "Bard's determination meant Allison would most certainly encounter her assailant" (ibid.). By explaining the University's decision in this manner, Kingkade can be said to frame the University in the same manner as the assailant himself, as through this statement the University is shown to contribute to the woman's discomfort.

Kingkade's article portrays Bard University in a very unflattering light, yet at the same time it praises the police's involvement and how different the police have handled the case. By doing so Kingkade frames the police in a manner that presents them as the champions and protectors of the exploited Allison. This can be seen when Kingkade explains the swiftness with which the police reacted when "(...) Allison agreed to a police investigation. A week later, on April 24, the Dutchess County Sheriff's Department arrested the student" (ibid.). This swiftness presents the police in a very pleasing manner, and can be said to create a sense of trust in the police force in the reader's mind, as the police are shown to be actually doing something compared to the University and such lives up to the reader's sense of justice.

The frames Kingkade presents both for the University and for the police ties into how one could look at the article from a functional approach. When looking at what the author is trying to accomplish with his article it is possible to see through his frames that he does not believe the University to have its students best interests at heart. This point is made through his explanation of what the University should and can do in cases such as this "(...) since a college can discipline a student after finding a "preponderance of evidence" that a sexual assault has occurred" (ibid.), but in this case this did not happen as he explains that Allison's "(...) college failed to follow its own discipline policy and initially discouraged her from going to police" (ibid.). By explaining the situation in this manner the author places doubt in the reader's mind as to what the University's agenda was, and whether they had a nefarious ulterior motive. This doubt is what portray the author's opinion on the matter and further underline his purpose with the article. Additionally, this point also portrays how one could argue that the University feeds into a rape culture as they are portrayed as to a degree protecting Allison's assailant and essentially accepts the rape but tries to silence the victim.

Kingkade expresses his anger at the University when he presents the ruling in Allison's case:

*"The worst part came on March 20, when Allison received a letter from Bard saying it had determined that Ketchum had violated sexual assault policy. His punishment consisted of an order not to contact Allison, mandated counseling on alcohol use and "effective consent," and social probation – meaning any additional conduct violations at Bard would "result in more severe sanctioning" (ibid.)*

Kingkade's use of 'worst' can be said to express his exasperation with the situation, as well as the word suggests that the situation has steadily evolved into what it is now and it could not be worse than it is. This expresses Kingkade's anger at the University and by expressing it as such, he portrays the University as being incompetent in their handling of this case. Moreover, Kingkade explains why the University's actions are incompetent as he explains that the University's sexual assault policy very explicitly states that if one student sexually assaults another it would be "(...) met with a minimum sanction of suspension" (ibid.). This, however, did not happen in Allison's case, and the author, by expressing these contradictory actions, portrays his incredulosity with Bard's actions and that further proves what he tries to accomplish with this article, namely Bard does not have the rape victim's best interests at heart since they protect the assailant. In relation to Kingkade's harsh framing of Bard University, he frames the police force as being much more reliable in comparison which can be understood as the author's own ulterior motive. His purpose throughout the article can be said to sow doubt about the University's ability to handle rape cases in relation to how the police would handle such cases. Kingkade's framing of both the University and the defense of the assailant as being in the wrong is furthered when he explains the inconsistencies in the assailant's defense, as the lawyer representing Ketchum said "(...) Bard never found his client guilty of engaging in "non-consensual sex"" (ibid.). Kingkade counters this point as he explains the University in its sanction letter determined that such a situation had taken place and that their policy had been violated. Kingkade uses a former police sergeant's words to present his point, namely "(...) she doesn't understand how a college could concede that someone committed nonconsensual sexual intercourse, yet hand down only probation as a punishment" (ibid.). By presenting the actions of the University in this manner, Kingkade's framing creates anger in the mind of the reader for the injustice done to the woman, and a feeling that one cannot comprehend how the University would not punish the assailant in a fitting manner.

Allison, the young woman presented in the article, is also framed in a very specific manner throughout the article. The manner in which the author presents the case from her point of view, and the manner in which he explains this view, creates a clear frame of her as being just one person up against a powerful institution, as well as up against social estrangement because of her assault. Furthermore, she suffers social estrangement simply from the University's determination to let the assailant stay on the same campus as her. The way Kingkade portrays his frames of Allison brings the tale of David and Goliath to mind, namely, the small person up against something so large that it seems impossible to overcome. Allison's frame becomes very effective in relation to how Kingkade frames the University's actions, as it clearly portrays to the reader who they should feel sorry for and support in this case, as well as furthers Kingkade's agenda to doubt the University's abilities to handle cases such as this. In a case presented in the manner Kingkade does, one could look further into how he presents the facts of the case and how he presents reality. According to Donati, mentioned in section 3.1., frames function as an instrument for defining one's reality. The important distinction being that we use frames to define how we see reality, rather than using frames to describe reality. By applying this distinction to Kingkade's article one can then question whether he applies his frames to describe his understanding and definition of reality, rather than describing reality as it is. Throughout the article, he creates three large frames in which he defines his reality, namely 1) the University to a degree protects Allison's assailant, 2) Allison is caught in a battle against a much more powerful opponent, a battle she cannot win, and 3) the police are the heroes of this story as they try to protect and save Allison. One can then question whether or not this is the actual truth of this case, as these frames present the author's point of view, which in and of itself cannot be completely objective. Kingkade's frames present his state of mind and to a certain degree one could argue that they present his prejudices and mistrust in universities' abilities to handle rape cases, rather than showing that this is actually the case. The information provided by Kingkade underlines his own claims and conclusions. In that sense, one could argue that what Kingkade portrays in his article is his, and Allison's, subjective truth of what happened in this case, rather than an objective truth as their information is colored by their experiences, and the reader is not presented with the University's side of the matter. Since the case has not yet been decided in court it is not possible either to ascertain all of the facts of the case.

Throughout the article *In One Woman's Sexual Assault Case, Police Succeeded Where Her College Failed*, Kingkade assigns blame for Allison's continued suffering after she was sexually assaulted to Bard University.

He furthermore explains how the University failed to protect and help the young woman in the months after her assault. The author frames both the University and the police department as either active or passive participants in the solution to this case, and either praises or condemns the manner in which the case has been handled. Whether or not the school can be said to have a responsibility in how these cases are handled will be brought up later in the cause and effect analysis.

Depending on how the facts of a case are presented the view on the people involved can change, and the use of quotations can further suggest either guilt or innocence. In the articles *Upstate New York College Student, 22, Accused of Raping Fellow Student*, written by Jen Maxfield (2015), and *Lawyer hopes polygraph will lead to Bard rape case's dismissal*, written by Amanda Purcell (2015), the reader is presented with two different stances on the Bard University rape case. Both articles describe the case through the parties' words, namely, the victim, the accused's lawyer and Bard University's spokesperson. The heavy use of quotations makes it difficult to precisely ascertain the authors' own opinion on the matter, but when looking at what the authors have chosen to focus on through their quotes their opinion can be gleaned.

In the article by Maxfield, reported in cooperation with NBC News New York, the quotes used, when depicting the University's claims of how victims of sexual assault are informed of the process of reporting the crime to the police, and how they "(...) offer to help them to actually do that" (Maxfield, 2015), frames the University as having done wrong. This can be seen as the author chose to have this quote followed by the comments of the victim's friends on how the University failed the woman and how the woman felt "(...) absolutely discouraged from going to the police" (ibid.). By placing these two quotes together, the author manages to sow doubt in the reader's mind concerning how Bard University in reality handled the case, and thus frames the University as having done wrong. As Jones explains, the effect of direct quotes can "(...) be to validate the words of the other person by implying that what they said or wrote is so important and profound that it is worth repeating word for word" (Jones, 98). In the case of Maxfield's use of quotes this interpretation can be made in the sense that the words spoken by Bard University's spokesperson are very important in relation to the claims made by the victim's friends, as they counter the claims made by the spokesperson and thus create mistrust and confusion as to what is true. By presenting the claims made by both Bard University and the victim's friends, the reader becomes inclined to side with the victim, as the University in this manner seems untrustworthy, which is further impressed on the reader when the author quote one friend stating that the victim "(...) feels absolutely unsafe and she feels the school has failed her in almost every way" (Maxfield, 2015).

By having this statement presented in this manner, the University, in a sense, is presented as an offender on the same level as the actual assailant. Through this presentation of the University's claims the author utilises another aspect of using direct quotes, according to Jones, as the author "(...) creates a distance between the author and the words he or she is quoting and sometimes implying a certain scepticism towards these words" (Jones, 98). The author implies scepticism towards the Universities claims, and the reader can be said to be persuaded by this scepticism, as one is left with the uneasy feeling of not knowing whether to trust the right actions have been taken. Through the use of both paraphrase and direct quotes the author, throughout the article, removes the reader's focus from whether Ketchum raped the woman, to whether the University has lived up to its responsibility in this case. The article then becomes a frame for expressing mistrust in the University rather than trying to determine guilt in the case of a sexual assault.

The article by Purcell, however, presents another focus, as the article focuses on how the defense of the accused believes that the case can be dropped based on a polygraph test. The author uses quotes throughout the article to present the accused's lawyer's claim; that the case should be dropped as "(...) according to the polygraph test's results, "no deception was detected" when Ketchum answered, "Yes," when asked whether he stopped having sexual contact with the alleged victim after she asked him to" (Purcell, 2015). The argument of a polygraph test could make the reader more inclined to believe the lawyer's claims, as even though polygraphs can be cheated, it still instils a sense of trustworthiness. This sense of trustworthiness creates a frame of Ketchum being innocent, and furthermore taking responsibility as he stopped when the woman asked him to. By proving that Ketchum is willing to submit to such a test the lawyer, through the manner he is quoted, persuades the reader to be more inclined to believe in Ketchum's innocence. Additionally, the use of 'alleged victim' in this sentence furthers the frame of Ketchum's possible innocence as the word 'alleged' can present two meanings, namely, it can mean that the woman is declared to be a victim or it could mean that it is doubtful that she is a victim. In this case, one could interpret the use of alleged to be the second meaning in relation to the lawyer's statement. Another quote of importance in the article is when the lawyer describes the purpose of the polygraph test, as he explains that even though "(...) polygraphs are not admissible in court as evidence, there is precedent that allows a judge to make a motion to dismiss "in the interest of justice"" (ibid.). Through this statement, the lawyer, and in continuation hereof the author, frame Ketchum as an innocent, as by stating 'in the interest of justice' suggests that an injustice has been done to Ketchum.



That presents the reader with a frame that suggests Ketchum can be presumed to be innocent of the charges. The accused's lawyer creates an interesting frame when he refers to the circumstances of the report of sexual assault to the police. The frame the lawyer creates of the young woman can be seen when he states, "Thus, it was only after this Title IX finding, which did not indicate a rape that the complainant went to the police with her uncorroborated allegation without physical evidence that might have existed" (Maxfield, 2015). This statement is also found in Purcell's article where the lawyer is quoted saying "It was only after the Title IX finding, which did not indicate a rape, "that the accuser went to the police"" (Purcell, 2015). The use of quotes in both articles is interesting for two reasons. Firstly, the frame that the lawyer creates of the victim suggests to the reader that there is something suspicious about the victim reporting the crime only after the Title IX findings. The use of the word 'only' signify the lawyers distrust of her actions, and by referring to her report as 'uncorroborated allegation' he further cements in the reader's mind an uncertainty as he minimizes the significance of her report, and by doing that he makes her seem less credible. Secondly, in Purcell's article, the use of both paraphrase and quotation is significant, as Jones explains the combination of paraphrase and quotation, using quotation marks only for specific phrases or words "(...) is most often done when authors want to highlight particular parts of what has been said" (Jones, 99). By only directly quoting part of the lawyer's words Purcell highlight that 'the accuser went to the police', and when read in combination with the paraphrase, the lawyer's words can be taken to suggest that she only did this because of her disappointment in the Title IX findings, not because her case is actually valid.

When looking at both articles from a functional approach it is possible to gleam what the authors are trying to do with their articles to an extent. As the case is not yet finished it is still impossible to tell whether the rape took place or not, but through the authors' focus on specific aspects of the case it is possible to interpret their standpoint. In Maxfield's article, the author expresses, through the use of quotes and through the clear focus of the article, how Bard University has failed the young woman in this case. To an extent the article does not focus overly much on the aspect of the actual rape, but rather how the school has handled a rape case and how the school failed in this matter. By doing this Maxfield could have essentially spoken about any other rape case, as the focus is primarily on a university's responsibility in cases such as this. However, by suggesting that the University could not handle this case correctly, suggests that the author believes that rape has taken place.

To that extent it can be said that what Maxfield is trying to do is to create mistrust in universities' abilities to handle rape cases as Bard University is presented as an example of how unable to do this they are. In Purcell's article the author can be said to present the case from Ketchum's point of view, and especially the idea of the suspect having taken a polygraph test makes the reader more inclined to believe him to be telling the truth, even though we know that polygraphs can be cheated. By presenting the case through the words of the defense of the accused, and yet have it presented in a manner that seems objective the author can be said to try to defend Ketchum and place the woman in an unflattering light.

Throughout both articles *Upstate New York College Student, 22, Accused of Raping Fellow Student*, written by Jen Maxfield (2015), and *Lawyer hopes polygraph will lead to Bard rape case's dismissal*, written by Amanda Purcell (2015), the authors can be said to present the Bard University rape case from two different points of view, as one article assigns all blame to the University while portraying the woman as a hapless victim of a much larger institution, while the other tries to defend the accused and suggest that he is not guilty. The manner in which framing is present in both articles is not through the authors' own words, instead they are to be found in the authors' use of quotation and paraphrase.

Throughout the analysis several aspects of what can be described as parts of a rape culture was touched upon. Main aspects that were found can be labelled as 1) the tendency to place blame or responsibility for the sexual assault on the victim, 2) the debate concerning what constitutes consent to sexual interactions, 3) the public's possible reaction to a rape case, and 4) the debate on whether an institution can be held responsible for both handling rape cases but also for furthering a rape culture through their inaction. All of these issues can be said to present different factions of the overall debate on rape.

### **4.3. Causes and effects of a rape culture**

For the purpose of this analysis the issues found in the previous section, have been divided into three themes based on these findings. All of the findings from the previous analysis can be said to interact and have an influence on each other, however, for the purpose of this analysis I have chosen to combine the factions of victim blaming and the public's reaction to rape cases, as I believe these to be in direct connection, as opposed to the others which can stand alone.

This analysis will be based on causes and effects of the tendencies of a rape culture in correlation with the previous analysis' findings.

The reason for this is that I want to investigate why these issues appear in society, how it affect the way we look at these situations, and what the consequences can be said to be for this outlook.

#### **4.3.1. Why do we blame victims of sexual assault?**

In the Steubenville rape case, as explained in section 4.2.1.1., Mayo brought several claims which he believed proved that the girl could not be described as a victim of sexual assault, and that she in fact wanted to have sex with the two boys. He focused especially on the fact that the girl was drunk, implying that she was allowed to bring alcohol from home, and that she actually wanted to be with one of the football players. The amount of focus Mayo has on the element of alcohol in this case, I believe, has to do with the element of victim blaming. As I explained in section 4.1.2.2., victim blaming can be described as the “(...) cases where victims of sexual violence has been blamed for their involvement in the situation and their responsibility for, e.g., the clothes they wore, if they drank alcohol or if they participated in conversation with the assailant beforehand”, and as such one can describe Mayo’s claims as furthering the tendency of victim blaming. This tendency, to blame a victim for their sexual assault, fits into what Bohner et al. describes as a larger system of rape myths, which contain “(...) problematic assumptions about the likely behaviour of perpetrators and victims” (17). Through the manner in which Mayo describes the girl and her actions of the night of the assault, one could argue that he meets the standard set for rape myths, namely, 1) he blames the victim for her assault, 2) he expresses a disbelief in whether this can be called a rape as he claims she wanted it, 3) he tries to exonerate at least one of the boys and implies that the boy has been judged based on the colour of his skin rather than his actions, and finally 4) through his focus on the girl’s use of alcohol he implies that she belongs to a certain type of female that are the only ones getting raped (Bohner et al., 19).

Even though Bohner et al. makes a distinction between these four myths, it does not mean that they mutually rule each other out, nor does it imply that they are all present at the same time, rather it can be seen as a theoretical distinction that does not necessarily function in the practical world. From Bohner et al.’s definition of these four steps, it is only the first one that can be said to be directly linked to victim blaming from their point of view, however, one could argue that the three following points all relate and subsume themselves under the first point, as they directly contribute to victim blaming. Thus the first point can be perceived to be the overall myth in this sense, with the following three points as secondary occurrences that can be found in rape cases.

The acceptance of rape myths can be considered a cognitive schema, i.e., “(...) broad knowledge structures that people use to assist the processing of incoming information (...) Processing of information becomes selective, with attention being focused on a potential match between incoming information and the schema-related information stored in memory” (ibid., 23). In relation to the Steubenville case and Mayo’s claims, those that accept rape myths process the information they have been given relative to the schemas they have, and select certain pieces of information, e.g., that the girl was drunk or that she may have wanted to go out with one of the boys, which through this interpretation brings them to believe that the victim can be considered responsible for what happened. By this reasoning one could then argue that because the girl was drunk, she made herself belong to the certain type of women who are raped, and thus it becomes her fault. Studies have shown that these beliefs permeate both the general public and the criminal justice system (ibid., 18), which in turn makes it very difficult to break with this line of thinking, as it is firmly cemented in our culture. On the other hand, if one does not accept rape myths, then the interpretation changes as one would then argue that anyone could risk getting raped, and that it does not matter whether she was drunk or if she wanted to go out with one of the boys, her actions on that night cannot excuse what the boys did. With rape myths being an ingrained tendency of society, one could argue that the myths play a self-perpetuating role in both the explanation what rape is and how we judge rape cases. Sinclair and Bourne (1998) argue that we have what they describe as a cycle of blame framework in relation to rape cases, as “(...) the same rape myths that limit convictions may in turn be strengthened by not-guilty verdicts” (ibid., 27). By having this cycle of blame framework in relation to how we perceive and judge rape cases, we create a self-perpetuating series of event, where we, through these actions, endorse rape myths as being true, and by ‘proving’ them true by non-guilty verdicts we again perpetuate that they are correct, and thus the process continues. The tendency to victim blame in the Steubenville case was not presented solely through Mayo’s comments as, as explained in the previous analysis, large television stations such as CNN also fed into this tendency by focusing on the consequences the verdict would have for the boys, and how their lives would be ruined by this case. However, CNN and other news stations were not the only ones who reacted with victim blaming. On social media several people voiced their outrage and one especially presents several point from Bohner et al.’s definition of rape myths: “So you got drunk at a party and two people take advantage of you, that’s not rape you’re just a loose drunk slut” (Wade, 2013).

In this quote one can see the person blaming the victim for the crime, portrays not just a disbelief in whether or not this was a rape, but state clearly that it was not, further exonerates the perpetrators by claiming they did not rape the girl, and finally presenting the girl's use of alcohol as the reason for her rape, thus claiming that the girl put herself in that position and made herself vulnerable. This quote stands as an example of many more such statements made on social media by ordinary Americans, and by that one could argue that the sentiment is widely held by the general public.

The above-mentioned lines of thought thus bring us back to one of the main questions posed in this thesis; what is the reason for victim blaming? That people accept rape myths as part of their schema may be because of an encompassing cognitive drive in our mind-set, namely, the idea of a moral world. According to Lerner (1980), the idea of a moral world is the "(...) tendency to perceive the world as a fair place, where people generally get what they deserve and where bad things happen only to bad people" (Bohner et al., 27). This mind-set offers people the false sense of security that if they are good and take all possible precautions, then they cannot be harmed, and if one does get harmed, then it must be because they did something bad to deserve it. However, if this mind-set is confronted with information that describes an innocent getting hurt, e.g., sexually assaulted, one way of understanding this information in a way that protect this mind-set, is to blame the victim for the assault. By doing this the person will be able to "(...) restore cognitive consistency" (ibid., 27) and further be able to create scenarios that would explain how the rape victim got what she deserved. In the case of the Steubenville rape, this reason becomes the girl's intoxication. She was drunk and went with the boys to the parties where she became unconscious due to intoxication, thus she deserved what happened to her, because she did not take the proper precautions and by that put herself in that position. By that logic, the manner in which the information is interpreted, it becomes compatible with the moral world belief and rape myths, which allow people to create evidence that support their mind-set. One can then argue that the use of victim blaming, and rape myths in general, becomes a safeguard as it protects our sense of security and protects us from the realities of the risk of rape.

Rape myths can be considered to further gender inequality, as these myths function in such a manner they "(...) keep females in line" (Riddell, 390), and through that the male continues to be dominant. The manner in which women are 'kept in line' is through the fear of getting raped, and if they adhere to the myths then that fear becomes lesser, because then one would not put herself in a position to be raped, however, if she gets raped then she must have put herself in that position and thus the rape becomes her fault.

The problem with this understanding is that men's responsibility in rape cases are neglected, and the sole liability for the rape to happen rests on women. In that sense, victim blaming disregards the man's involvement and focuses solely on what the woman could have done 'differently' so that it did not happen to her. In relation to the Sinclair and Bourne's cycle of blame hypothesis, tests were done on both men and women to see whether one could prove the hypothesis to be true. The purpose of the tests was to investigate whether a non-guilty verdict would reinforce rape myth acceptance and endorsement. The hypothesis was supported by the men's answers to the test, as "(...) their RMA [Rape Myth Acceptance] scores were higher after a non-guilty verdict and lower after a guilty verdict" (Bohner et al., 27), but the women's test scores were the complete opposite as "(...) a non-guilty verdict lowered RMA and a guilty verdict increased RMA" (Bohner et al., 27). The explanation for this could be because of the different risks men and women face in relation to rape. Even though one can argue that both genders can risk getting raped, women present the largest percentage of rape cases, and traditionally when one thinks of rape cases, one thinks of a man raping a woman, therefore the schema created for rapes can be assumed to represent this distinction. For women, the rape myths are in direct correlation with their self-categorisation, as their level of rape myth acceptance regulate whether they perceive themselves to be at risk. If women were to accept rape myths as true then they would "(...) believe that rape only happens to a *certain type of woman* (...) whom they perceive as dissimilar from themselves" (ibid., 28), whereas if they do not accept these myths as true they would perceive everyone, including themselves, at risk. As a result, studies show that rape myths can serve as a 'security blanket' for women, that allow them to feel less vulnerable to sexual assault, which ultimately can become dangerous to them, as it could be a possibility that they would not believe it necessary to learn how defend themselves. On the other hand, those that reject these myths might be more realistic in their outlook, however, this can install a greater feeling of vulnerability and lack of trust.

For men, the research of rape myths has been focused on behavioural functions (ibid., 31), as it has been assumed that men "(...) harbour aggressive sexual tendencies" (ibid., 31). For men the acceptance and confirmation of rape myths could serve as a way to justify these inclinations as well as turn them into reality, as the commonness of rape has been proven to be linked with the use of rape myths to "(...) neutralise or trivialise rape and sexual violence" (ibid., 31). Several studies have shown that the acceptance and endorsement of rape myths for men has served as a way for them to neutralise, or justify their tendency to participate in sexual aggression, and that enables the man to avoid looking at his own actions as a crime.

#### 4.3.2. When do we actually have consent?

In both the Steubenville case and in the Bard University case consent became a prominent topic of the debates. In the Steubenville case, it was a matter of whether the victim was too highly intoxicated or unconscious to be able to give consent, and in the Bard University case, it seemed to be a misunderstanding between the two parts, as the man claimed to have stopped all sexual activity when he realised she did not want to continue. However, both of these cases represent an problem existing in the construction of how we perceive sexual violence as a issue of communication, where consent or lack of consent is considered to be either inadequately communicated or not understood correctly. This issue is what has been “(...) at the heart of debaters about the nature of sexual negotiation, what ‘counts’ as rape, and how to eradicate sexual violence” (Frith, 99). According to Frith, two prominent theories on the issue of miscommunication in sexual interaction have tried to explain what specifically happens in these situations, and the reason why consent can be such a disputed subject. The first theory Frith describes is called script theory, which “(...) asserts that culturally prescribed ‘scripts’ for sexual interactions ascribe the role of the sexual initiator and pursuer to men and sexual gatekeeper to women” (99). The second theory, miscommunication theory, suggests that sexual assaults such as acquaintance rape happens because of poor communication between men and women, where the woman fail to adequately express her refusal and the man misunderstand her refusal (ibid., 99-100).

Sexual scripts propose that sexual activities happens in a very specific series of stages, and in order to identify each of these stages people create a ‘list’ of what sexual activities would fit into each stage and when to expect them. Moreover, men and women traditionally have different roles in these scripts, which for men include “(...) actively seeking out multiple sexual partners, uncontrollable sexuality once aroused, seeking sex as a source of pleasure for its own sake and actively initiating sexual activity” (ibid., 101). The traditional sexual scripts for women contrast greatly with the scripts for men, as women’s scripts comprise of a greater desire for love and affection than sex, passivity in the search of a partner, greater focus on male pleasure than female and “(...) acting as sexual gatekeepers by restricting or resisting sexual activities” (ibid., 101). The problems with these traditional script arises when what one believes to be expected and ones actual desires conflict, and one could argue that these scripts essentially furthers rape culture, as Frith describes,

*“The belief that sexual encounters follow a predictable sequence ending inevitably in sexual intercourse, coupled with the idea that men should initiate sexual activity and should overcome women’s reluctance, has been used to account for why some men may feel justified in using verbal coercion and physical force to obtain sex” (ibid., 101).*

The problems one faces in situations like these is because of the scripted roles men and women faces, the act of seduction and the crime of rape can start out as the same, in the sense that the first stages contain the same actions, such as kissing or flirting. One could argue that the problem begins when we come to the point where the woman’s sexual refusal is ignored as a symbolic refusal, rather than an actual refusal based on the double standard in which “(...) women should avoid actively seeking out sexual contact” (ibid., 101). The man may interpret this as this symbolic refusal and simply try harder to convince her of having sex with him to the point of blatantly ignoring this refusal, because of his script stating him to be more aggressively and actively seeking sex. The problem scripts thus create is that on one hand we use these scripts to portray our expectations of sexual encounter, both to ourselves but also to others, and on the other hand these scripts can also be said to limit us to these predetermined stages and expectations to fulfil them whether one would want to stop halfway through or not.

Misinterpretation theory states that rape is the product of a miscommunication between the two partners, as she might not express her refusal clearly or assertively enough, while he fails to interpret both her verbal and nonverbal refusal correctly. Gendered sexual scripts are “(...) widely used to explain why these misunderstandings occur [and research focusing on men] argue either that men see a more sexually oriented world than do women, or that they misperceive women’s refusal as ‘token’” (ibid., 102 – 103). According to research, when women drink alcohol, wear revealing clothing or when the man has paid for the date, can lead men to perceive the women’s actions as sexual interest, which in turn if she rejects to engage in any sexual activity can create a greater disagreement (ibid., 103). This point can be seen in relation to the Steubenville case, as the girl went to the parties with the boys and drank heavily throughout the night. This could be interpreted, from the boys’ point of view, as an agreement and interest in sexual interactions. Research focusing on women claim that “(...) women often fail to say no clearly and unambiguously. Women themselves often report difficulty in refusing unwanted sex” (ibid., 103). The reason for this difficulty is ascribed to the focus on passivity and submissiveness through gender role socialisation, which in turn train women “(...) to be ineffective communicators” (ibid., 103).



Alcohol consumption is also described as having the effect of impairing women's capability to distinguish sexual advances, and, because of alcohol's effect on both their cognitive functions and motor functioning skills, the use of alcohol will greatly limit their ability to either verbally or physically fight against a sexual assault (ibid., 103). That alcohol affects the drinker in this manner can also be put in relation to the Steubenville case. The girl had been drinking heavily throughout the night and had several blackouts that ended with her being unconscious and first able to regain full consciousness the day after. Because of her alcohol use of that night, she was held responsible for what happened, which according to Lovett and Horvath (2009) is not an uncommon occurrence in rape cases where alcohol is involved (128). An opinion poll done by ICM in 2005 further proves this notion where "(...) one-third of respondents agreed that women who act flirtatiously or are drunk should be held partly or fully responsible if they were sexually assaulted" (ibid., 128). In relation to the issue of consent when alcohol is involved the cognitive processes are heavily impaired, and often in cases of drinking, the victim may lose consciousness. In cases where the victim is unconscious or heavily influenced by alcohol, he or she will be unable to give consent to any sexual interaction, and, as Lovett and Horvath explains, "The commission of sexual assaults in these circumstances suggests a clear disregard for the victim as an equal party to sexual activity and a sense of entitlement on the part of the perpetrator to achieve sexual gratification at any cost" (ibid., 154).

The issue of consent in the case of an unconscious victim has recently been brought to court in Oklahoma, a case that greatly resembles the Steubenville case on several points. A 16-year-old girl was badly intoxicated after having been drinking with a group of friends (Redden, 2016). A 17-year-old boy volunteered to bring her home and the girl had to be carried to his car. The girl, after she was brought home to her grandmother, was brought to the hospital where they conducted a sexual assault examination and tested her blood alcohol content (ibid.). The test showed the boy's DNA on the back of the girl's leg and around her mouth, and the boy claimed that she had consented to "(...) performing oral sex" (ibid.), even though the girl has no memory after leaving the park, which resulted in the boy getting charged with forcible oral sodomy. The ruling of the court was to dismiss the case as the prosecutors could not apply the law to an intoxicated victim (ibid.), and stated that "Forcible sodomy cannot occur where a victim is so intoxicated as to be completely unconscious at the time of the sexual act of oral copulation" (ibid.). This ruling proves uncannily how, if alcohol is involved and the victim loses consciousness, the perpetrator is excused on the basis of given consent, which further suggests the understanding that if the woman is drunk then she

consent to sexual activity.

This ruling also proves Lovett and Horvath argument that “(...) stereotypical notions about female sexuality, including those in relation to drinking, are factors not only in the behaviour of perpetrators but also in the responses of criminal justice agencies” (128). By ruling the case in the manner the court has, they imply that if a woman is intoxicated by alcohol or if she is unconscious, it is not illegal to force her to have oral sex, even though she is not in a position to consent. This suggest a general lack of sense, as one could argue that if a person is not able to speak correctly and clearly because of intoxication, or if a person is unresponsive because she is unconscious, then that person is not in a position to be able to give consent in any form, as the person is not able to say either yes or no to sexual activity. Additionally, this argument can be made in relation to the comment made in the article written by Valenti and Friedman, as they explained how the absence of a no did not imply a yes. The answer in any case of sexual interaction where one is in doubt of consent is to adhere to the affirmative consent standard, namely, that ‘yes means yes’, rather than ‘no means no’, as the victim might not be able to communicate. If there is no ‘yes’ then one does not have consent. That line of thought can be applied in this case, as the girl was so intoxicated that she was unresponsive, she might not have been able to say no but because she did not say no does not she automatically said yes. However, while the court of law does not acknowledge this fact, sexual assaults of this calibre will most likely continue to happen without consequences for the perpetrator as the district attorney in the case commented “(...) I don’t think the law was a loophole until the court decided it was” (Redden, 2016).

#### **4.3.3. Rape culture on campus and universities responsibilities in cases of sexual violence**

The manner in which universities handles cases of sexual assault has been increasingly criticised, as conflicting priorities and lawsuits have been brought to light. The debates have been focused on how much responsibility one can place on universities and how the manner in which they have handled cases of sexual assault has been faulty and unfair, either to victims or alleged perpetrators. Universities are “(...) required by federal law to investigate and adjudicate whenever a student makes allegations of sexual misconduct” (Ganim and Black, 2015). The process most have chosen is to hold disciplinary hearings in order to judge these cases, where the people residing over the case can be teachers and students, rather than trained professionals (ibid.). The problem is that the universities are not equipped to handle sexual assault, and as such many cases can be judged on the wrong basis, which can lead to repercussions for the accused and accuser, as well as the university itself.

In 2015 the U.S. Department of Education's Office investigated 124 universities over how they have handled and judged sexual assault cases (Kingkade, 2015b), and as "(...) of July 22, the federal agency was conducting 140 investigations at 124 higher education institutions for possible violations of Title IX in their handling of sexual assault" (ibid.). There have been claims that universities are either too negligent in their handling of these cases, as they focus on getting the case 'out of the way' as to not lose face or reputation, but other claims suggest that universities are so terrified of the statistics of rape on campus that they try to hard to appear as to be doing something that they judge unfairly (Yoffe, 2014). It is safe to claim that universities face a large pressure as they have to efficiently and swiftly judge these cases without having the proper knowledge to do so, while at the same time facing incriminating accusations of not being sympathetic to the victims and protecting the perpetrators. In 2011, the Department of Education sent a letter, referred to as the 'dear colleague' letter, in which it urged universities to "(...) crack down on sexual assault, calling the statistics "deeply troubling" and providing guidelines for conduct boards" (Ganim and Black, 2015). However, other than guidelines, the universities were not offered professional assistance and that meant the tribunals usually reserved for plagiarism and such cases had to judge sensitive cases such as sexual assault (ibid.). The increased pressure on universities, and the criticism they faced and still face, resulted in schools that were "(...) so eager to reverse years of mistreatment of victims (...) that some put procedures into place that lead to an unfair process" (ibid.). Whether it is the victim getting treated unfairly, as can be argued happened in the Bard University case, or cases where the men are not being heard and judged on weak evidence, both reflect the hurried and confused system the universities instated. Because the universities receiving federal funding are subject to Title IX, and because sexual assault and rape fall under Title IX, the universities are responsible for handling these cases. However, the way the system is structured, they do not have the right means to do so, and another aspect of this is, as Ganim and Black explains, that "(...) universities aren't putting in the time or money to properly train people to handle such a sensitive and complex topic" (ibid.). There have been claims that the universities, in order to save face and to remain attractive for new students, simply fail to report sexual assault cases and hide evidence of them, or even go so far as to make it extremely uncomfortable for victims to report sexual assault (Jacobs, 2014), which creates a much more sinister picture of American universities.

According to a Senate report, at least 40 % of universities claimed that in the last five years, no investigation into sexual assault or violence was made, however, several studies have estimated independently that one in five female student “(...) will experience some form of sexual misconduct during college” (ibid.). That these two sources of information can vary that much, can be argued to be a cause for concern that if so many women are assaulted, why are these cases either not reported to the university, or why does the universities not acknowledge these cases? The consequences of the universities’ inadequacy make the fight against sexual assault all the more difficult, as sexual assault is not reported and tried correctly.

An aspect of university life that has been heavily criticised in relation to rape culture is the aspect of fraternities. In 2015, former Penn State University student, James Vivenzio, filed a complaint claiming,

*“(...) his fraternity was responsible for hazing and sexually abusive activities. Among other things, he alleges the fraternity chapter of Kappa Delta Rho maintained a Facebook page with photos of drunk and unconscious nude women, some of whom looked like they were being sexually assaulted. Fraternity pledges were given alcohol and sometimes drugs to facilitate sexual assault and abuse”* (Castellano, 2015).

The criticism of how fraternities facilitate sexual harassment and abuse of women, and further create an environment wherein these actions are normalised, are more and more prominent in debates, and a 2007 study showed that fraternity members were “(...) three times as likely to commit rape than other men on college campuses” (Thériault, 2015). However, Vivenzio not only filed a complaint on the fraternity, he also filed a complaint on Penn State University, as he claimed that he had informed the university of these incidents, and the university failed to act on this information and investigate the accusations (Castellano, 2015). Vivenzio’s complaint is not the only complaint on the matter of fraternities facilitating misogyny, as other cases have proven. In 2008, a Yale University fraternity had gathered in front of the campus women’s center chanting “No Means Yes, Yes Means Anal”, which was repeated by another fraternity at Texas Tech, Phi Delta Theta, in 2014 painted on a banner (Thériault, 2015). Both fraternities ended up being investigated, and in the case of the Yale fraternity, was suspended (Culp-Ressler, 2014).

The group mentality that exists in fraternities can be assumed to “(...) provide the culture of male peer support for violence against women that permits bad attitudes to become treacherous behavior” (Thériault, 2015), which becomes a learned behaviour that can be argued to follow these men for the rest of their lives. The mentality and values portrayed by fraternities, can be argued to clearly present the mentality of a rape culture, as the acceptance of sexual assault and the objectification of women is normalised, and further one could argue that it is the universities’ responsibility to a certain extent to control what happens in these fraternities, as they to an degree represent said universities. If the universities are not able to stop such behaviour, the consequences are that violence against women on campus becomes acceptable.

## 5. Conclusion

The focus of this thesis was to investigate what different aspects were to be found in the way rape and rape cases are discussed in the media, as well as investigate the possible reasons behind our reactions to and understandings of issues surrounding rape.

Through the analysis concerned with how one could frame a rape case, it quickly became clear that framing played a large role in how the subject of rape was disseminated, and how the information provided was used to affect the reader. Through the articles chosen for the analysis, some major aspects of the rape debate became apparent, namely, the issues of victim blaming and how it was presented through the public's reaction, the debate of what constitutes consent or lack thereof, and the debate on the responsibility universities have in the handling of rape cases. The issue of victim blaming was shown to be heavily present in several of the articles, which suggested that this way of thinking play a large role in the way we perceive and understand cases of sexual assault. The same can be said of the debate on what constitutes consent, as the same prejudices that surround victim blaming became apparent in the way consent was framed and understood, both in the general public's understanding and in the court of law. The universities' responsibility in cases of sexual assault was also shown to be heavily framed and the manner in which these frames came across showed the reader how the universities have failed this responsibility, either through gross negligence or simple incompetence.

Through the analysis concerned with the possible causes and effects of rape culture, explanations as to why we understand the different issues of sexual violence the way we do was analysed, in relation to both the cases presented in the previous analysis and other cases, such as the Oklahoma rape. How we perceive the victim of a violent act, in this case sexual violence, could be argued to rely on the use of rape myths and whether or not we accept these myths as truth. Furthermore, the understanding of victimisation played into the idea of a moral world, as the schema describing this mind-set serves as a defense mechanism stating that only the deserving gets harmed. The issue of consent was argued to consist of both traditional sexual scripts, depicting expected stages of sexual activity, and the notion of miscommunication as the main arguments as to why consent is such a disputed and misinterpreted issue. The universities were shown to be accountable for handling rape cases under Title IX and are responsible for both advising and protecting their students. Yet, it could be argued that universities do not invest enough time, energy and money into making this a reality, thus failing this responsibility.

Moreover, it was further argued that there on campus exists a rather aggressive misogynistic group mentality, in the form of fraternities, which contribute to rape culture, as sexual violence has become the norm.

Finally it can be concluded as an answer to the posed thesis statement that the factors victim blaming, the issue of consent and an educational institution's responsibility play a role in the debates surrounding rape culture in America, and all of these factors bears great relevance in how the society understand and judge rape and the victims of rape. Furthermore, it can be concluded that the society does have a tendency to blame a victim of sexual violence, however, despite different sound theories as to why this happens one cannot bring a final answer, yet victim blaming can be argued, in the end, to be a way to protect ourselves against an uncertain and amoral world.

## **6. Areas for Further Research**

In supplementary work with this thesis, it would have been interesting to investigate further on other areas in the rape culture debate. As further research areas it would have been interesting to include the following aspects.

As the thesis focused on rapes committed in what can be referred to as civilian culture, it would have been interesting to investigate rapes committed in a military culture, more specifically, in relation to the focus of this thesis, American military culture. Military culture differs from civilian culture in the way that it is structured and that it contains another form of justice system, and as such it can be assumed that the process of reporting a rape is different because of this structure. Additionally, because the people are soldiers, specific frames are attached to that profession, which further could complicate the matter of rape of both males and females. When looking at the frames and traditional roles attached to the profession, it would further be interesting to investigate the hyper masculinity present in a military culture and how that would affect the issue of rape and victimisation.

In relation to hyper masculinity it would also be interesting to look into the general concept of victimisation and the manner in which we understand masculinity and femininity. As one could argue that the victim of a violent act is seen as the weaker part, and the aggressor seen as the stronger part, it would be interesting to further investigate how this idea can be seen in relation to masculinity and femininity. Furthermore, the idea of a strong and a weak part could play into how we understand power and sexuality, as one could argue that the act of rape not necessarily has anything to do with sexual gratification, rather it can be argued that rape is an expression of absolute dominance. That is to say, rape is clearly a sexual act, however, from this point of view one could argue that rape becomes a way to express dominance through a sexual act, rather than for the purpose of sexual gratification only.



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## 9. Abstract

Rape and sexual assault has always been a part of our societies, yet, as to this day it is still a much discussed and controversial subject. How we perceive sexuality, the act of rape and victimisation all play a large role in our understanding of the overall subject, and because of many different opinions on this issue, it is impossible to fully comprehend.

This thesis set out to both analyse how one could frame rape cases, what causes laid behind our understanding of different aspects of rape, and what consequences these causes could have for our society. Through a two-fold analysis, the thesis firstly investigated what factors became apparent in different articles discussing rape and how the authors of these articles tried to frame either the case or the people involved in the case. Secondly, the thesis made an attempt to explain the reasons behind our reactions to rape, from how there is a cultural tendency to blame the victim, to what responsibility educational institutions have in rape cases. As the thesis only worked with a small number of articles, it was not possible to make any generalisations, however, it was possible to gain a small insight into how and what we think about rape, and how our thoughts and opinions greatly affect the process of getting justice for victims, as well as tendencies to exonerate the offender.

The thesis concluded, through the articles perused throughout the analyses, that factors such as victim blaming, the debate on consent or lack thereof, and educational institution's responsibility play a role in the debates surrounding rape culture in America. Additionally, the thesis concluded that society does have a tendency to blame victims of sexual assault, not necessarily because of nefarious ulterior motives, rather because of an ingrained defense mechanism, that protect us against an amoral and unreliable world, in which everyone can risk being the victim of violence.