



Emergency

THE GEOGRAPHY OF RAPE SPACES OF SHAME AND RISK

ANNE BITSCH

**MASTER THESIS IN HUMAN GEOGRAPHY
DEPARTMENT OF SOCIOLOGY AND HUMAN GEOGRAPHY
UNIVERSITY OF OSLO
2010**

**SUPERVISOR: ELIN SÆTHER,
DEPT. OF SOCIOLOGY AND HUMAN GEOGRAPHY, UIO.
CO-SUPERVISOR: ØYSTEIN GULLVÅG HOLTER,
CENTRE FOR GENDER RESEARCH, UIO**

To Peter

TABLE OF CONTENTS

EXECUTIVE SUMMARY

ACKNOWLEDGEMENTS

1. INTRODUCTION..... 3

1.1 STATEMENT OF THE PROBLEM..... 4

1.2 STRUCTURE OF THE THESIS..... 6

2. THEORIES OF POWER, SPACE AND RAPE..... 7

2.1 POWER AND SPACE..... 8

2.2 RAPE AND NATIONALISM..... 11

2.3 SOCIOBIOLOGICAL THEORIES OF RAPE..... 13

2.3.1 EVOLUTIONARY THEORY..... 14

2.3.2 HORMONES..... 16

2.3.3 MODERN SYNTHESIS THEORY..... 17

2.4 FEMINIST THEORIES OF RAPE..... 19

2.4.1 SECOND WAVE FEMINISM..... 20

2.4.2 BLACK FEMINISM..... 23

2.4.3 NEOLIBERAL FEMINISM..... 27

2.5 MASCULINITY STUDIES..... 30

2.6 SUMMARY..... 36

3. METHODOLOGY..... 38

3.1 ENGAGING WITH CRITICAL DISCOURSE ANALYSIS AND IDEOLOGY..... 38

3.1.1 DISCOURSE AS TEXT..... 41

3.1.2 DISCURSIVE PRACTICE..... 44

3.1.3 DISCOURSE AS SOCIAL PRACTICE..... 44

3.2 PREVIOUS RESEARCH..... 44

3.3 FIELDWORK..... 46

3.4 POSITIONALITY..... 48

3.5 RESEARCH STRATEGY..... 51

3.6 THE CREDIBILITY AND VALIDITY OF THE DATA OBTAINED..... 52

4. THE GEOGRAPHY OF RAPE: SPACES OF SHAME AND RISK..... 56

4.1 ENGAGING WITH THE FIELD..... 56

4.2 THE CASE..... 60

4.3 ANALYZING TEXTUAL PRACTICE..... 63

4.3.1 TEMPORAL DISCURSIVE CHANGE..... 65

4.3.2 RAPE BETWEEN BIOPOLITICS AND NATIONALISM..... 72

4.3.3 DISCURSIVE BATTLES..... 84

4.4 ANALYZING DISCURSIVE PRACTICE..... 91

4.4.1 HEGEMONIC DISCOURSES..... 92

4.5 ANALYZING SOCIAL PRACTICE	97
4.5.1 HABITS OF THE NEWS ROOM	98
4.5.2 NATIONALISM AND IDEOLOGY	101
4.5.3 SUMMARY	110
<u>5. RAPE AND FEMINISM REVISED.....</u>	<u>112</u>
5.1 THE HAPPY MARRIAGE BETWEEN FEMINISM AND POLITICAL GEOGRAPHY	112
5.2 UNCHASTE WOMEN VERSUS “NICE GUYS”	113
5.3 TOWARDS SPACES OF AUTONOMY.....	115
<u>BIBLIOGRAPHY</u>	<u>118</u>
<u>APPENDIX 1</u>	<u>125</u>
<u>APPENDIX 2</u>	<u>128</u>
<u>APPENDIX 3</u>	<u>129</u>
<u>APPENDIX 4</u>	<u>130</u>

EXECUTIVE SUMMARY

The thesis examines discourses about rape in American media. The author has selected a case from 2006 in which three White men from the lacrosse team at Duke University, North Carolina, were falsely accused of raping a Black woman at a party. The research question is as follows: "What discourses can be traced in media coverage of the Duke lacrosse "rape" case, and what power effects can be derived from these representations?"

The author gives an overview on contemporary theories about rape and positions research on rape within political geography. The archive covers 94 articles from New York Times, USA Today and News & Observer. The author examines which explanatory models that are prevalent in the data, and how notions of gender, race and nationalism are produced and reproduced in the media debate. A five-fold discourse typology, consisting of conservative, liberal, neoliberal, feminist and bio-geopolitical discourses, is outlined, followed by an analysis of how particular hegemonic discourses displace alternative ways of understanding rape. The coding of data suggests that feminist discourses are marginal. Conservative discourses often correspond with explanation models offered by sociobiology where rape is understood as an outcome of natural male aggression and moral decay. Liberal discourses problematize how the police and the legal system handle justice. Neoliberal discourses stress individual risk management more than the effectiveness of the legal system. Bio-geopolitical discourses intersect with other discourses, and produce "spaces of shame" and "spaces of risk" where places like Durham and Duke University are discursively constructed in relation to national values about sexual purity and human rights.

The geography of rape is mediated and negotiated through technologies of political and sexual exceptionalism on multiple geographical scales where, as the case turned out, it became illegitimate to raise concerns about race, class and gender inequality. The power effects include a depolitization and individualization of rape at home, and a justification of political and military intervention in the name of gender equality and human rights abroad.

ACKNOWLEDGEMENTS

Elin Sæther – for your enthusiasm and optimism on behalf of the project. For having ice in your stomach when my confusion sent me off track. Your positivism has been extremely encouraging.

Øystein Gullvåg Holter – for your critical attitude to wishy-washy post-structuralism, your thoughtful comments and for dedicating much more time to this project than what could reasonably be expected.

Paola Bacchetta – I have taken shamelessly advantage of our many class discussions and your generous comments. You taught me that a feminist geographer always must look into herself and the double standards of the system she is part of, before pointing fingers at Others. You made my stay at UC Berkeley a memorable one.

Barrie Thorne – for your thrilling laughter, good sense of humor and for having created an enabling learning environment. You and my co-students gave me the best foundation possible for understanding the American society and improved the theory chapter significantly.

Julie Michelle Klinger – for being my geographer in crime at UC Berkeley and your bright comments at the final stages of the thesis. You blew me away with your intellectual capacity and your compassionate way of being.

Eric Mirzaian – for spilling a huge Bloody Mary on my field notes and for sharing your experiences as a defense lawyer. Our heated discussions were important for the methodology chapter and my self-reflection. I still insist, however, that I would have done a great and unbiased job as a jury member on a rape trial, if I ever got the chance.

Stefan Kahandaliyanage – for taking your share of nightly quotas with proof reading.

Tonje Jæger – for doing the graphic design of this thesis.

Patricia Kaatee & Anette Bringedal Houge - the most dedicated women's rights defenders I know. I am grateful for your friendship and all our discussions throughout the years. Many of them reappeared during the course of my work.

To the guys at Samovar cafe at 18th street in San Francisco where most of this thesis was written. I don't know how I would have endured the days without your lavender ice tea and the English breakfast platter.

And finally to Peter, my beloved Godfather, who passed away shortly before the finalization of this thesis. You have taught me everything about discipline and how knowledge can shake the world.

All faults are entirely my own.

1. INTRODUCTION

Political geography remains relatively untouched by questions of the politics of difference, body politics, and political subjectivities that are energizing many other sub-disciplines of human geographies. However, that there continue to be bitter struggles around issues like abortion, pay, and domestic violence is indicative of just how tightly woven power and politics are with the public-private divide and the body, and how borders at finer scales are carefully policed and highly contested.
(Kim England 2003:612)

Rape has become academia's undertheorized and apparently untheorizable issue. One need only skim through the issues of feminist journals during the last ten years to see this puzzly scholarly neglect reflected in the pages of some of the most influential journals in the field.
(Carine M. Mardorossian. 2002. *Signs*, Vol. 27, No. 3:743)

Berkeley, January 13th 2010. Introduction day for international students at the University of California. Practical information being passed on. How to register for courses. Health insurance. Where to find a dentist. How to get a library card.

And how to protect yourself from robbery and sexual assault.

“Mind you,” the police officer from UCPD Berkeley said, “Berkeley and San Francisco is like every other big city in the States. You don't wanna expose yourself to unnecessary danger. If strolling around the campus after dark, pay attention to the emergency spots marked with blue lights. Don't hesitate to call our Night Safety Shuttle service and we will walk you home safely,” he went on and clicked to the next slide on his power point presentation featuring recent crime statistics. Among them were statistics on homicide, manslaughter, burglary, motor vehicle theft, hate crimes, and sexual offense and where these crimes occurred such as on campus, off-campus, student housing, etc. From 2006-2008 there were 34 incidents of sexual offense reported to the police and yet another 18 incidents reported to campus officials¹. I looked around the room. No one else seemed to feel uneasy about the situation. Another image came to my mind. Rape maps. In Norway, news reports on sexual crimes are often illustrated by maps with red needles pinned down in them. These maps serve both as a source of information to locate the

¹ In 1998, the federal government passed the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act*, formerly the *Student Right to Know Act* of 1990. This law requires colleges and universities receiving federal funding to disclose the reported instances of criminal activity on their campuses. Statistics on sexual offense cited can be found in *Safety Counts 2009–2010 edition UC Berkeley Campus Annual Security Report*: http://police.berkeley.edu/safetycounts/2009_2010/index.html, webpage accessed July 22nd 2010.

crime scene and as a warning. The needles demarcate the boundaries between safe and risky spaces. Hence, being a streetwise woman means that one should stay away from certain places.

So why did these two images, separated by time and place, come together that afternoon? These two experiences were linked by a feeling of being a naughty little girl corrected by a well-meaning parent with the exception that the parent was now the strong arm of law and media. I have always felt slightly ashamed to enter these “spaces of risk” because I know that doing so would be perceived as asking for trouble. Taken together, the narratives of these two powerful institutions have created “spaces of risk” and “spaces of shame” on multiple scales. On the scale of the individual body, some are more “guilty” than others if they fail to conform to common practice and then are eventually raped. On the scale of the local community, some places are marked as off-limits—i.e., “spaces of risk”. Such spaces are often portrayed as symbols of moral and economic decay so as to suggest that better-off people in monogamous relationships who stay in after dark are not victims of sexual assault. Rape gives rise to debates about sexuality and gender and, in particular, what individuals and the collective can do to prevent it. Faced with the challenge that rape constitutes, we are asked to reconsider the values and ideologies that guide human relations. There and then, at this introductory meeting, the idea for this thesis was born. I wanted to take on the challenge offered by England (2003) and Mardorossian (2002) by exploring how shame and risk are tied to space. Throughout this thesis, I will address the broad debates on rape and what they tell us about a society’s values and ideologies and how they produce an American geography of rape.

1.1 STATEMENT OF THE PROBLEM

The topic to be addressed in this thesis is rape discourses in American media. The specific case of rape that will be examined is the false allegations about an interracial, interclass, gang rape at Duke University, North Carolina. On March 13th 2006, the men’s lacrosse team at Duke held a party to celebrate spring break and invited two strippers. At the end of the evening, one of the women reported to the police that several lacrosse team members had raped her. After 46 lacrosse team members submitted DNA samples, three

players were charged with first-degree rape, first-degree sexual offense, and first-degree kidnapping. In December 2007, the accuser said she could not claim with certainty that she was raped according to the legal definition. Consequently, the rape charges were dropped while the sexual offense and kidnapping charges remained pending. In January 2007, the case was turned over to the state attorney general's office for an independent investigation because the prosecutor and district attorney, Mike Nifong, was known to have withheld DNA-evidence. Nifong was eventually forced to resign because of ethics violations and professional misconduct. Eventually, all charges against the Duke students were dropped on April 11th 2007 and the defendants declared innocent. News of the case drew national and international media attention and highlighted issues of gender, race, and class (Barnett 2008). Feminists and anti-racism movements in the U.S. claimed that the Duke lacrosse "rape" case² created myths of rape where female sexuality, rather than the defendants themselves, was put on trial. Commenting on the link with class, New York Times columnist Selena Roberts wrote that the case revealed that "no one should mess with Duke, the lacrosse pipeline to Wall Street."³

The objective of this study is to analyze how rape is interpreted in the Duke lacrosse "rape" case. I will show how discourses about rape in the media produce gendered and racialized subjects, and how they are linked to American national values, by answering the following research questions:

What discourses can be traced in the media coverage of the Duke lacrosse "rape" case and what power effects can be derived from them?

Power effects are to be understood as the outcome of discursive practice where some representations gain hegemony (Gramsci 1971) and effectively exclude alternative understandings. In order to access the discourse order, I performed searches on opinions and editorials in two media databases, which culminated in an archive consisting of 94 articles from the New York Times, USA Today and News & Observer.

² In order to elucidate that no rape took place at the party, rape is put in quotation marks whenever it refers to the case study.

³ "Closing a Case Will Not Mean Closure at Duke" by Selena Roberts, New York Times (March 25th 2007).

1.2 STRUCTURE OF THE THESIS

Research on rape is positioned within the larger discipline of political geography in Chapter 2. Included in Chapter 2 is a framework for how the study of power and space is relevant in analyzing rape, and more specifically, how rape is linked with nationalism. Finally, theories on rape offered by sociobiology, feminist theory and masculinity studies are outlined and discussed. In Chapter 3, I present feminist discourse analysis as a tool for interpreting ideology and outline Carol Lee Bacchi's and Norman Fairclough's discourse analytical approach. The implications of my position as a feminist political geographer will also be assessed and discussed. Also, Chapter 3 documents my fieldwork and research process in addition to methodological reflections on the credibility and validity of the data obtained. Chapter 4 is an analysis of how media discourses about rape developed in response to the Duke lacrosse "rape" case. Chapter 5 probes how the theoretical insights offered in this thesis may inform future feminist analysis and practice. The ultimate purpose is to suggest questions for further discussion among political geographers. Specifically, I ask how the intellectual community can advance the public discourse about rape so as to challenge stereotypical and common assumptions about rape.

2. THEORIES OF POWER, SPACE AND RAPE

Whilst feminists have been at the forefront of putting bodies on the map and recognising that it is central to an understanding of gender relations at every spatial scale, it is surprising that it is only recently that a corporeal geography has come to the fore in political geography.

(Kofman 2008:81)

Recent debates in academia concerns the space for feminism in political geography.

Feminist geographers have argued that gender should be incorporated into the discipline in order to shed light on how the configuration of powers and nationalisms and the construction of space affect men and women differently (Hyndman 2001; Kofman 2008; Staeheli & Martin 2000). Insofar as the disciplining of sexuality, in general, and women, in particular, informs public discourse and the formation of national group identity (Peterson 2000), inserting research on rape into the study of power and nationalism can provide political geographers with a theoretical framework that support the development of corporeal geographies. The objective of this chapter is thus to provide the reader with a lens through which one can analyze rape, both as a phenomena that impinges upon women's right to bodily autonomy, and as a practice that engages in the production of space and power.

To begin with, theories about power, space and rape are outlined. The idea is to link concepts of space and politics with body and language on the one hand, and gender and race on the other. These concepts will be discussed in relation to their plasticity and their socially constructed nature. Drawing on V. Spike Peterson and Michel Foucault, the concept of bio-geopolitics will be presented and grounded in critical discourse analysis, which is the method used for analysis in this thesis (see Chapter 3). How ideology is linked to space and how space engage in the production of bio- and geopolitics will also be addressed in this chapter.

Sociobiology, discussed in detail in Chapter 2.3, has taken on the task of determining how physiological, psychological and cultural capacities have developed from our early ancestors to the present. It has become one of the greatest scientific controversies of the late 20th and early 21st centuries, especially in the context of explaining human behavior, but nevertheless continues to enjoy enormous popular support. In the contemporary discourse on rape people often subscribe to sociobiology

and its normative framework. Like other research disciplines, biology does not have a uniform perspective on the relationship between evolution and environment. The scope of my thesis does not allow me to dig deep into the various perspectives that the discipline of biology offers. However, because much sociological and feminist theorizing about rape evolved in response to natural science, a short discussion is warranted.

American feminist scholars have produced an impressive amount of theories on rape and, as such, it is difficult to narrow one's scope. However, given the fact that radical, Black and neoliberal feminism have been by far the most influential in the development of feminist rape theory to date, I have chosen to focus on them. Some perspectives from masculinity studies depart from feminist theory and Neo-Marxist theory (Connell 1995; 2000), while others are affiliated with cultural and historical studies (Kimmel 1996; 2005). Since the cultural production of masculinities effectively unfolds the political and historical context in which rape takes place, it is important to have a grasp of the key perspectives within masculinity studies. I discuss these perspectives in Chapter 2.5.

2.1 POWER AND SPACE

Powers, which means to say forms of domination, forms of subjection, which function locally, for example in the workshop, in the army, in slave-ownership or in a property where there are servile relations. All these are local, regional forms of power, which have their own way of functioning, their own procedure and technique. All these forms of power are heterogeneous. We cannot therefore speak of power, if we want to do an analysis of power, but we must speak of powers and try to localize them in their historical and geographical specificity (Foucault 1976).

Geographers are concerned with the spatial organization of phenomena; how processes shape the world in spatial ways and the implications such spatial organizations have for particular issues and people (Staeheli & Martin 2000). A key feature within political geography is the study of power and its spatial representations. During the last century, political geography as a subdiscipline has undergone significant changes. From an initial focus on regional and quantitative geography in the first half of the twentieth century, the second half of the century witnessed a process of "socialization" where Marxist, humanist and poststructuralist thought engaged with the field. "Socialization" refers to the process where political geography became influenced by a range of perspectives from

social theory. The idea that absolute space cannot be separated from social processes became firmly established and resulted in a cross fertilization of political geography and Marxian political economy (Stokke 1999). Humanist approaches became influential from 1965 onward. As postmodernism took hold of academia during the 1990s, ideas of deconstruction and discourse analysis gained acceptance. Parallel to this, a feminist critique of what Johnston (2005) terms a “disembodied masculinist geography” came into being. The idea was that the core concepts of geography and its research practices marginalized women’s voices and interests, which resulted in unchallenged gendered power configurations (Robinson 1998). Some post-modernist feminist political geographers therefore argued that too much focus on the state as a source of power serves to strengthen the public-private divide, and that we should rather be concerned with the multiple sites of women’s oppression (Kofman 2008). Other feminists have criticized radical theory for failing to take into account other axes of oppression than class and argued that an economistic Marxism fails to explain or change modern society (Hartmann et. al 1981). Kevin Cox (2005), on the other hand, regrets that feminism, in rejecting grand theories, have tied up with critical geography and cultural studies, rather than radical political geography. In his opinion, cross-fertilization between feminism and radical political geography could be mutually advantageous if feminists engaged less with “redistribution of symbolic values” and “material redistribution” (Cox 2005:10) and more with class politics.

Though political geography like most other academic disciplines has undergone a range of epistemological paradigm shifts, women’s issues have for the most part remained marginalized, if not entirely ignored. Geopolitics deals overwhelmingly with the relationships between nation states, while critical geographical analysis of neo-colonialism and relationships between the developed and underdeveloped world too often mentions gender in a footnote before proceeding to business as usual. It has therefore been argued that finer scales, such as the body as a site for constructing and contesting identity, should be integrated into the discipline. (England 2008; Hyndman 2001; Kofman 2008; Staeheli et. al 2004; Valentine 1989). The question of scale is particularly important in the analysis of rape. First, as noted by England (2008), what is counted as political subject matters. If, for example, acquaintance rape is considered personal

because it is committed in the private sphere, attempts to address it as a political and legal issue are likely to fail. Secondly, rape relates to space in that it does not only harm individual rape victims, but produces a culture of fear where some spaces are deemed off-limits for women. This affects the scale of the body insofar as female bodily autonomy is constrained and women's rights to equal participation in the public sphere are infringed upon. Feminist geographers have demonstrated this in research where they have mapped "the geography of fear," which reveals that women, contrary to public belief, are using a number of coping techniques to protect themselves from assault such as avoiding certain places. Hence, women's inhibited use of space can be understood as a spatial expression of patriarchy (Valentine 1989). Sexual assault in schools and universities are known to be a problem in the U.S. and elsewhere. In effect, because of the public-private divide in law, politics and discourse, women's status as legal subjects is undermined. This is a human rights issue because when a woman's bodily autonomy is under siege, the realization of other human rights such as an equal right to health, education and participation in society are also hampered (Amnesty International 2008). Thirdly, rape is related to space in the mending of bio- and geopolitics with nationalist ideologies.

While geopolitics most commonly is associated with the political and economic interests of nation-states, biopower involves analyzing the impact of political power and knowledge regimes in managing all aspects of life (Foucault 1980a). I use the term bio-geopolitics to illustrate a particular mode of power where the control over bodies and sexuality becomes linked with space. A feminist layer to geopolitics is added, suggesting that while politics is geographically embedded at the scale of the nation state, it is also constituted on finer scales including that of the gendered and racialized civilian body (Hyndman 2001; 2003). The feminist intervention in political geography could reconcile the goal of producing significant knowledge about power relations and the feminist goal of producing knowledge that can change systems of oppression. Hence, through combining perspectives from feminist geopolitics with established theories about rape, the task of this thesis is to examine how subjects and space are constructed and negotiated through rape discourse.

2.2 RAPE AND NATIONALISM

Social scientist V. Spike Peterson (2000) argues that feminist scholars should engage more in issues of nationalism because “in all national contexts, women – as symbols and child bearers – face a variety of pressures to support nationalist objectives even, or especially, when these conflict with feminist objectives” (Peterson 2000:74). Heterosexist ideology as a conceptual system organizes hierarchical symbols and meanings where sex is codified as male-female biological difference, gender as feminine-masculine subjectivity and sexuality as homosexual-heterosexual identification. These binaries influence the production of identities and insofar as identity is detrimental to group formation, they also lie at the core of nationalist ideology. The disciplining of sexuality in general, and women in particular, informs heterosexist ideology in peculiar ways. Women are *signifiers* of heterosexist group identity and difference. The metaphors of “woman-as-nation” and “nation-as-woman” describe how political identity becomes sexed in the service of nationalism. “Woman-as-nation” refers to women as bearers and custodians of culture and nationalist values, whereas “nation-as-woman” refers to the nation being sexed as a female in constant danger of invasion by strangers and in need of protection by males/the masculine state (Peterson 2000). Rape as a weapon of warfare is one example of how women’s bodies become battlefields for group struggles. Likewise, even rape of men in war can be understood as a strategy for violating the “nation-as-woman” because sodomized men become emasculated, turned into symbolic females, and deprived of their status as honorable men that can defend their country:

In this framing, women/the feminine are passive and denigrated by definition and it is the definitively masculine role of agency and penetration that exemplifies heterosexism, whether the denigrated *object* of that agency is female or male. Hence, male–male rape exemplifies heterosexism’s objectification of the feminine even though no females are involved. Stated differently, the willingness/desire to rape is not established by the presence of a (normally flaccid) penis but by the internalization of a masculinist/heterosexist identity that promotes aggressive male penetration as an expression of sexuality, power, and dominance. It is, presumably, the mobilization of some version of such an identity and ideology that renders rape a viable strategy for social control (Peterson 1999:60).

“Woman-as-nation,” on the other hand, speaks to nationalist images of “proper” femininity and gender ideology. As wittily commented by Peterson (2000), imagining the

‘beloved country’ as a female child, lesbian, prostitute, or a post-menopausal wise woman generates quite a different connotation that does not fit most ruling nationalist ideologies. According to Jan Jindy Pettman (1992), “this suggests why some men attach such political significance to women’s outward attire and sexual purity, seeing women as their possessions, as those responsible for the transmission of culture and through it political identity” (Pettman 1992 quoted in Peterson 2000:69). As will become evident in Chapter 5, the point made by Pettman (1992) has proven to be very relevant to my analysis of the discourses that developed in response to the Duke “rape” case.

In a critique of traditional juridico-political power models where the state or legal system is placed at the core of analysis, Foucault (1976; 1980a; 1980b) launches the notion of governmentality. Instead of focusing on how the “raw” centralized state or legal power controls people, Foucault (1980b) asserts that power is *capillary* – it is everywhere – always counteracted when exercised and always contested when won. Power produces its subjects through discourse and subjects negotiate with the power structures they engage in. In a series of lectures in Brazil in 1976, Foucault developed his theory on governmentality. The introductory quote of this chapter is borrowed from these lectures entitled *The Meshes of Power* and illustrates the heterogeneous and spatialized nature of power. If one is to say anything substantial about power, one must localize its history by investigating how modes of power have changed over time and through which means. Governmentality is a modern kind of governing that developed in Europe when government replaced feudalism and the power of the absolute monarch. In absence of this totalitarian and more direct form of power, new techniques for making people conform to state rules and domination emerged during Enlightenment. Populations became targets of control through *bio-power*, the regulation of subjects and sexuality through numerous techniques for achieving subjugation of bodies and internalization of rules. Among the techniques applied to command bio-power and governmentality was the creation of specific “knowledges” as well as the construction of experts, institutions and disciplines (e.g., medicine, psychology, psychiatry). These experts, Foucault (1976; 1980a) argues, exercise governmentality through discourse understood as systems of meaning and knowledge. With regard to rape and governmentality, Foucault contends that labeling rape as a *sexual* attack, as opposed to a physical assault, reifies the same system that

seeks to command increased biopower. It shores up the apparatus of repression because sex becomes infused with repressive power. This leads Foucault to propose that rape should not be considered a sexual crime, but physical assault, and be punished as such – a position he shares with radical feminists (Bourke 2008; Foucault 1988 quoted in Cahill 2000). While sympathetic to Foucault’s (1980a) project of de-regulating sexuality and limiting the scope of biopower and governmentality, juxtaposing sex and power is at odds with how women describe the particularity of sexual assault and, as I will demonstrate in Chapter 2.5, how perpetrators themselves explain their motives. As noted by Bourke (2008), age, generation, personality, peer group, political stance and ideology impinge on abusive discourses – and, I would add, if rape only were a matter of power, it would suffice to punch a woman in the face. Evidently, this is not the case.

Hence, my theoretical point of departure is not informed by Foucault’s (1988) perspective on how rape should be dealt with legally or politically, but rather his analytical tools for investigating how rape discourses are intertwined with other regulatory techniques and production of subjects. To proclaim that space, gender and race are socially constructed phenomena is not to imply that they only exist in our minds as abstract ideas. Space is physical, but its content depends on interpretation. Insofar as language is one of the superior media through which space is attached to meaning, its constructed character must be probed. In this thesis, I will demonstrate how political geography can gain new insights about American nationalism through investigating discourses about gender, race and sexuality.

2.3 SOCIOBIOLOGICAL THEORIES OF RAPE

The willy-nilly disposition of the female is as apparent in the butterfly as in the man, and must have been favored from the earliest stages of animal evolution... Coyness and caprice have in consequence become a heritage of sex.

Sir Francis Galton
(1887)

Sociobiology can be defined as the systematic study of the biological basis for all social behavior. The concept was popularized by Edward O. Wilson in his book *Sociobiology, The New Synthesis* (1975) and by Richard Dawkins in *The Selfish Gene* (1976).

Sociobiology is an offshoot of evolutionary theory and attempts to explain animal and

human social behavior in light of natural selection and other biological processes. A central tenet is that the transmission of genes through successful reproduction motivates humans' struggle for survival (Lorentzen 2006).

2.3.1 EVOLUTIONARY THEORY

In evolutionary theory, rape is either explained as "specific adaptation" (i.e., natural selection explicitly promoted rape because it increases the number of descendants of rapists) or a "by-product of evolution" (i.e., there is no direct selection for rape rather it is an accidental by-product of selection for male aggression or tactics to have casual sex with multiple partners). Out of all of the theorists, Thornhill & Palmer (1999) support the "specific adaptation" hypothesis the most and concede that since the human brain, and thus all capacities for action, evolved from natural selection, the biological mechanisms forging rape shapes the brain, which is then reproduced generation after generation. We know that men and women have deployed different practical and reproductive tasks during the course of history. Men, because of their strength, have undertaken physically challenging work like hunting, while women in societies without methods for family planning have been in charge of reproduction and lighter tasks such as gathering. Thus, the gender segregation of labor and reproduction are believed to influence how humans behave, reason and organize (Lorentzen 2006). Insofar as men and women in ancient times had different reproductive roles and strategies, they also developed entirely different psychologies and sexualities. Natural and sexual selection are fundamental principles in evolutionary theory. Natural selection can be defined as the process by which inheritable traits that make it most likely for an organism to survive and successfully reproduce become common in a population through generations. Sexual selection refers to evolutionary pressures that yield anatomical and behavioral differences between males and females (Jones 1999:848). Whereas men will seek to have sex with whomever they can transmit their genes to, women are more selective and have a natural disposition to resist forced copulation:

Because males, not females, can increase reproductive success by increasing the number of partners with whom they copulate, natural selection has generally disfavored an equivalent choosiness in males about partner quality per copulation. This means that the different average costs to males and females of

copulating together have yielded different male and female psychologies, on average, concerning willingness to copulate indiscriminately (particularly with strangers) (Jones 1999:855).

Based on this, Edward O. Wilson (1978) formulates a universal law:

It pays males to be aggressive, hasty, fickle and indiscriminating. In theory it is more profitable for females to be coy, to hold back until they can identify the male with the best genes... Human beings obey this biological principle faithfully (Wilson 1978 quoted in Fausto-Sterling 1992:156).

The limited number of females available for transmission of genes becomes a source of conflict among men where alpha-males, those most sexually aggressive and genetically strong, fight and conquer less fit men. The competition between many promiscuous males with limited access to selective females creates “evolutionary pressure” that is likely to favor sexual coercion. The disparity between men and women in terms of the number of offspring means that males who can inseminate a large number of females through force have greater reproductive success than males who do not employ force (Ellis 1989).

Support for the adaptation hypothesis can be found in empirical evidence suggesting that most rape victims are found in reproductive age. As noted by Buss (1994), “compared to other violent crimes, such as murder or aggravated assault, the age distribution of rape victims corresponds almost perfectly to the age distribution of women's reproductive value, which is in marked contrast to the age distribution of victims of other violent crimes” (Buss 1994 quoted in Jones 1999:866). This position is supported by age statistics from the National Violence Against Women Survey (2000), which finds that 54% of American rape victims are below the age of 18. Another piece of empirical evidence put forward by Jones (1999) and Thornhill & Palmer (1999) is that women outside of their reproductive age (both those that are too young and too old to reproduce) tend to be less burdened by trauma in the post-rape period. The rationale for this is that reproductive-age women are in effect mourning the lost opportunity to mate and not the violation of their bodies.

It can be argued that the reason why women in their peak reproductive age get raped is because of their social exposure rather than their fecundity. Assault rape typically takes place during weekends and on late nights in combination with the consumption of drugs.

This provides opportunities and increased desensitization to the limits of others (Kimmel 2005). However, the consumption of alcohol, dating, dressing sexy or going out late does not in itself cause rape. Since most males engage in substance-driven social activity, the vast majority of them are not rapists.

Several of the assumptions above about the causes of rape suffer from historical inaccuracy, methodological flaws and a lack of accounting for human agency, according to some theorists (Coyne & Berry 2000; Fausto-Sterling 1992; Kimmel 2005). While most penal codes define rape as non-consensual sexual intercourse, the definition put forward by evolutionary theorists does not carry the notion of consent/will in it since reproductive instincts entirely eradicate this human ability (Fausto-Sterling 1992). In defining rape narrowly as penile-vaginal penetration and assault rape, they deliberately preclude the complexities of rape practices (male-male and female-male rape, gang rape and acquaintance rape) and fail to comprehend that people have sex for more than reproductive purposes. As noted by Coyne & Berry (2002:122) “the great variance of sexual practices and preferences, including masturbation, sadomasochism, bestiality, and pornography’s enthusiasm for high heels simply cannot be direct adaptations”.

2.3.2 HORMONES

According to another theory of sociobiology, testosterone causes sexual aggression and rape. It has been confirmed through laboratory studies of many animals that levels of testosterone positively correlate with aggressiveness (Archer 1991)⁴. Studying sex offenders and paraphilias, there is some evidence for the role of testosterone in sexual behavior. In an experimental study of eugonadal men, testosterone was experimentally lowered with a gonadotropin, which, in turn, significantly lowered sexual desire, fantasy, and intercourse at four to six weeks of treatment. However, with testosterone supplementation at up to 50% above baseline, there was no effect on overt or covert sexual behavior. Another experimental study with normal men where testosterone was raised to supra-physiological levels, there was no effect on aggression or overt sexual

⁴ As with evolutionary psychology, one should be cautious when applying scientific methods from studies of animals to human beings, primarily because it is not methodologically possible to isolate the dependent and the independent variables from each other. While interesting findings can be found in controlled experiments and surveys, it is complicated to deduce them to the study of human behavior. Humans do not live in a laboratory where it is possible to control for a range of factors, but in the social world where behavior is the outcome both of nature and culture, and many variables interact simultaneously.

behavior, but there was an increase in non-interactional aspects of sexual interest (Anderson, Bancroft & Wu 1992 quoted in Brooks et. al 1996). In conclusion, raising or lowering normal levels of circulating testosterone appears to have some influence on sexual desire and behavior.

The research here is contradictory, however. Research on the relationship between hormones and aggressiveness is complicated because sexual offenses are often inextricably confounded with violence and paraphilia. In a study of convicted male perpetrators of violent crimes, they had a significantly higher level of testosterone than men from a control group who had committed sexual offenses. The violent group had the highest level of testosterone and differed significantly from both the nonviolent and sexual offender groups that were statistically equivalent (Brooks & Reddon 1996). In this survey, the sexual offenses covered may have only included more violent forms of rape where perpetrator and victim do not know each other. These types of rapes are often more violent and believed to be less prone to underreporting than date rape or rape in close relationships (Ellis 1989). The type of rape carried out by particularly violent sex offenders does not resemble the most prevalent of rape practices, i.e. acquaintance rape. What is more, some of the violent offenders (not convicted of sexual crimes) may have an unpunished sexual violation record and hence, the statistical correlation between a high level of testosterone and sexual aggression would remain, but would not be accounted of by the sampling method. Men convicted of assault rape may have higher levels of testosterone than men committing rape in close relationships because some evidence suggests that the level of testosterone increases proportionately with aggression.

It is nearly impossible to determine causality. While a correlation between violence and the level of hormones is indeed positive, it cannot be deduced that the level of testosterone causes rape. Rather, it would be more correct to assume that testosterone and violent behavior is interrelated and mutually reinforcing. Sexual desire is linked to testosterone, but a number of other factors influence whether a person is likely to commit a sexual offense.

2.3.3 MODERN SYNTHESIS THEORY

The notion of fitness on which evolutionary theory builds is derived from Herbert Spencer (1864) and Charles Darwin (1859). The original conception of fitness,

understood as “the survival of species most adapted” is often conflated by social-Darwinists with “the survival of the strongest species,” thereby taking the original meaning out of context. In sociobiology, fitness is defined as an individual’s ability to reproduce and survive as measured by: how many times the individual reproduces; the amount of offspring that comes from each mating; and how likely those offspring are to survive to reproductive age. Proponents of a less deterministic approach, the so-called “modern synthesis” theorists, argue that rape is both an outcome of evolution and learned behavior. The drive for erotic sexual experience and the drive to possess and control is still more persistent in males than in females because it pays off for them from an evolutionary perspective. These motivations are believed to be a product of unlearned neurological processes. How men rape is through learned behavior, but because rape is thought primarily to be sexually motivated, synthesis theory suggests that this has more to do with how one learns to have sex rather than with how men learn or unlearn to posit power (Ellis 1989). Other biologists claim that biology is in constant flux and that “organisms that do not strive to maximize their ability to fit their environment could spell extinction” (Fausto-Sterling 1992:170). In this analysis, men as a biological species do not benefit from forced copulation because relations based on reciprocity enhance their offspring’s chance to successfully survive and realize their biological potential. To the extent that biology influences social activity, in general, or rape in particular, the relationship is dialectic. Traditions are passed through culture and human beings, as biological creatures, adapt to contemporary contexts. Behavior and culture are not absolutely predicated on genetic competition. But, again, a multitude of genetic reproductive behaviors and strategies can possibly influence the social world.

Normatively speaking, to the extent that biology actually influences rape behavior, this should not lead us to conclude that rape policy should be based on the assumption that women bear the main responsibility for avoiding rape. I believe that humans are capable of agency and should be held accountable for their actions rather than excusing or explaining actions with reference to essentialist or naturalist theory. I further contend that rape cannot entirely be explained as the outcome of deviant, pathological or biological behavior as psychiatrists and sociobiologists have argued (Dawkins 1976; Wilson 1975; Thornhill & Palmer 1999; Jones 1999). It is most unfortunate that the

explanatory models and the respective prevention strategies derived from sociobiology and conservative ideology continue to inform popular discourse and media debate about rape. Scholars should constantly endeavor to fight myths and stereotypes promoted by sociobiology.

2.4 FEMINIST THEORIES OF RAPE

The development of feminist thought in Western Europe and the US is often grouped into so called “waves”. The first wave concerned women’s fight for liberal rights on an equal basis with men. In the U.S., this fight was lead by White women from the upper echelons of society. Women such as Susan B. Anthony, Matilda Joslyn Gage and Elizabeth Cady Stanton were leading figures in the struggle against discrimination in education, divorce and suffrage. Second and third wave feminist thought addressed social and economic rights as well as issues of class and race. These counter movements arose out of dissatisfaction with first wave feminism, which was criticized for preserving the interests of already privileged women. For instance, abolitionist and ex-slave, Sojourner Truth, commanded attention at a regional meeting at Akron, Ohio in 1851, when she challenged the notion that equality was only for white, educated men and women. Second wave feminism became particularly influential during the 1960s and 1970s following a period after World War II, which was characterized by conservative family values. Third wave feminism came about in the 1980s and 1990s and sought to counter universalistic theories, highlighting the diversity of women’s experiences, particularly in the context of race. In the academy, Black feminism did not become fully institutionalized until the 1980s, despite Black feminism being central during the civil rights struggle of the 1960s and 1970s. It should be noted that any rigid taxonomy of feminist theoretical approaches, like those outlined here, is problematic. The theorists concerned may object to being sorted into one particular school of thought. For example, Black feminists often consider that their work intersects with queer or socialist feminism (Davis 1975; hooks 1984). Forcing them into one particular theoretical category can violate the complex analyses these scholars have developed. No absolute demarcations can be established between each feminist theory. Feminism, regardless of its philosophical and epistemological origin, has always been, and continues to be a continuous dialogue with its past and

present. Feminists borrow from and revise each other's thoughts and carve out new theories by coupling previous paradigms with new empirical insights. Feminist theory is creative, inventive, and rich in diversity, and, therefore, should never be reduced to a single ideological or theoretical category.

2.4.1 SECOND WAVE FEMINISM

The biological determinists believe precisely what the theologians believe: that women exist to be sexually used by men, to reproduce, to keep the cave clean and to obey; failing which both men of religion and nature hypothesize that hitting the woman might solve her problem. In theological terms, God raised man above all other creatures, in biological terms, man raised himself. In both systems of thought, man is at the top, where he belongs; woman is under him, literally and figuratively, where she belongs.
(Dworkin 1988:228)

Where first wave feminists were occupied with discrimination as a source of women's subordination, second wave feminists looked to the cultural production of femininity. Simply put, liberal feminists sought social equality with men whereas radical feminists wanted to overthrow all gendered ideological and institutional hierarchies. In the 1960s and 1970s, the status of "woman as property" in capitalism, marriage, law and pornography was debated from a myriad of positions.

Marxist feminism

In *The Origins of the Family, Private Property and the State*, Friedrich Engels (1884) argued that the monogamous family developed out of an older matrilineal form of family relationship as the economic wealth of males within the society increased. By the time of the Roman Empire, a monogamous marriage relationship based on the domestic slavery of women was fully developed. The woman was classified among the private property of the male head of the household and was fully subject to his demands. Her condition was that she was the sole sexual property of the male. The right of sexual access developed out of the desire by the man to guarantee that his wealth be inherited by his true children. If the woman remained chaste until marriage and faithful thereafter, the certainty of such lines of inheritance would be guaranteed (Barnett 1976). In a letter to the women's rights campaigner, Gertrud Guillaume-Schack, Engels (1885) writes that "It is my conviction that real equality of women and men can come true only when the exploitation

of either by capital has been abolished and private housework has been transformed into a public industry.” Metaphorically speaking, the man as head of the family represents the owner of the means of production (the capitalist), while the woman represent the means of production (the proletariat) and children the workforce (Firestone 1973). The Marxist thinker August Bebel (1879) notes that the increasing need for labor power to cultivate land in prehistoric times “first led to the rape of women, later to the enslaving of conquered men”.

Radical feminism

According to Barnett (1976), in contrast to Engels, radical feminists have argued that the subjugation of women gave rise to private property, the ownership of women being its first form. Brownmiller (1975) accuses Marx and Engels for being silent about rape and argues that the status of women as property is intimately linked to the use of sexual coercion because patriarchy as a system preceded capitalism:

Man’s discovery that his genitalia could serve as a weapon to generate fear must rank as one of the most important discoveries of prehistoric times, along with the use of fire and the first crude stone axe. From prehistoric times to the present, I believe, rape has played a critical function. It is nothing more or less than a conscious process of intimidation by which all men keep all women in a state of fear (Brownmiller 1975:14, italics in original).

Brownmiller’s (1975) theory has close ties to historical materialism, but the hierarchy between economy and sexuality is turned upside down. Sex underpins the economy because monogamous heterosexual relationships are the dominant way of organizing social life (Brownmiller 1975; Peterson 2000). In these relations, women and their bodies are traded and exchanged between men as property through marriage, their value defined by chastity and virginity. Marriage as an institution regulates female sexuality and offers women protection from predatory men waiting for the first given opportunity to violate them:

Female fear of an open season of rape, and not a natural inclination toward monogamy, motherhood, or love, was probably the single causative factor in the original subjugation of woman by man, the most important key to her dependence, her domestication by protective mating (Brownmiller 1975:16)

This theory replaces natural and sexual selection with cultural practices, making it no less deterministic than the sociobiological theories it seeks to counter. While it is possible to appreciate the effort to contextualize rape within a historical and economic framework, Brownmiller (1975) tends to portray rape as eternal, always out there, beyond space and time. The political implication of such general theories is that individual women's rape experiences are forced into a rigid taxonomy. Brownmiller (1975) cannot account for advances made in developed countries with regard to expanding women's rights and participation in society has reduced gender gaps and women's propensity to rape (Kimmel 2005).

According to radical feminists, the property-purity ideology informs how rape is treated in the legal system. Women bear the main responsibility for not triggering what is presumed to be a predatory male sexual desire (though feminists often are accused of reducing all men to potential rapists, this notion is more evident in sociobiological explanations of rape where sexual coercion is perceived to be a "natural" part of male sexuality). Until the 1970s, rape in close relationships was not covered by the penal code in American states. Only statutory and assault rape was perceived as "real" and worth punishment (Barnett 1976; Bourke 2008). In a critique of American rape laws during the 1970s, Barnett (1976) writes that "consent, as a standard of exclusion, indicates that the legal process is not to establish that a woman's sexual or bodily integrity was violated, but whether chastity was violated" and "to determine whether the victim acted to protect her chastity, i.e., a man's right to exclusive sexual access within marriage" (Barnett 1976:61). Though progress in the penal code has been made over the past forty years, forced vaginal penetration is still a requirement in many legal definitions of rape. A woman's worth is attached to her virginity and the legal system is governed by heteronormative ideology because rape in same sex relationships is condoned. In the state of Maryland, until recently it was not considered rape if a woman changed her mind during intercourse since "damage was already done" (Friedman & Valenti 2008). Other classical radical feminist explanations of rape include a critique of pornography as a means of subordinating women through massive stereotyping. Catharine A. MacKinnon (1985:1-2) argues that pornography dehumanizes and commoditizes women. According

to MacKinnon, women are featured as sexual objects who enjoy humiliation and are reduced to vaginas, breasts, and buttocks rather than complete human beings. MacKinnon and Andrea Dworkin were close friends and cooperated both practically and theoretically on the issue of pornography and prostitution during the 1980s. Dworkin was a controversial feminist celebrity, known to have said that “all heterosexual intercourse is rape” (Dworkin 1987:128-143), and that “pornography depends for its continued existence on the rape and prostitution of women” (Dworkin 1988:230). In addition to the anti-porn and prostitution stance, Dworkin’s theories came about in opposition to sociobiology, which she claims is political, but enjoys credibility because it is secular and university-sponsored.

Many contest the extent to which pornography influences the occurrence of rape and there exists no empirical evidence for a statistical correlation that supports their hypothesis. On the contrary, cross-sectional analysis of a range of American cities where pornography was sold and cities where the sale of pornography is prohibited by obscenity laws does not reveal any correlation (Kimmel 2005). One study found that exposure to filmed violence in combination with a videotaped reenactment of a complete rape scene tended to increase people’s attitudes towards trivializing rape compared to a control group who had not viewed the films (Linz et. al. 1984 quoted by Scully 1990). While some forms of pornography affect peoples’ attitudes, it is more likely that pornography inspires men who are already prone to commit rape as suggested by modern synthesis theory (Ellis 1989).

Even though orthodox radical feminism, at times, tends to be culturally deterministic and male essentializing, empirical examples across the world show that the historical legacy of women as property interferes with women’s lives in complex ways, including cultural practices such as forced marriage, female genital mutilation and honor killings. However, from a political geographical perspective, there is a need to spatialize gendered practices and contextualize how place specific belief systems, nationalisms and histories produce uneven geographies of rape.

2.4.2 BLACK FEMINISM

As we have seen, early feminist attempts to fight biological determinism and essentialism came with the theoretical invention of the sex/gender divide. One of the most influential

theorists in this tradition was Gayle Rubin (1975) who introduced the concept “sex/gender system” to describe the process where societal gender norms are used to transform and explain biological sex differences. In this model, biological sex refers to the body whereas social gender refers to the human psyche and identity. The body was understood as a *tabula rasa* where social processes unfold and predicate human behavior. Though useful to conceptualize the cultural production of gender, the distinction soon became problematic because it failed to take into account how the body affects how people experience themselves. Given the hegemony of natural scientific knowledge, this hierarchy made it too easy to dismiss feminist theory, rightfully, on grounds that it was decontextualized. Hierarchies and dichotomies tend to produce the illusion that it is possible to isolate variables and establish direct causal relationships. A comprehensive approach acknowledges that a multiplicity of factors interact dialectically and simultaneously to produce complex social relations. No feminist or sociological researcher would accept such a rigid distinction between nature and culture and sex and gender today (Moi 1998). This is due to the emergence of fierce theoretical debates in the intellectual community during the 1980s and 1990s. In these debates and the research that accompanied them, “big theory” became unpopular because it failed to grasp the experiences of individual women. What defines female existence, it was argued, is not only one’s relation to individual men and patriarchy, but also where and how one is positioned at the intersection of class, race, sexuality and geography. At this juncture, for feminist theory on rape, women as a social category were deconstructed so as to accommodate individual rape experiences. While feminists informed by poststructuralism took issue with radical feminists’ tendency to universalize rape (“it can happen to everybody, and it will”), demonize men (“men rape because they can, and they will”) and the apocalyptic victimizing of women (“rape is tantamount to death, and once raped, you will be marked forever”), Black feminists inserted history and geography into the analysis of rape (Haag 1996; Marcus 2002).

As I explained in the introduction to this chapter, it is impossible to establish clear-cut boundaries between feminist schools of thought, because, as argued by Thomas Kuhn, every scientific paradigm relates to previous ones. Old thoughts may be continued and others revised considerably. Hence, while contemporary Black feminism rejects the

universalism of second wave feminism, many recycle and revise radical thought. For example, Brownmiller's (1975) argument that rape has been used as a strategic weapon in the White man's conquering of continents and resources still informs Black feminist thought. She argues that rape and sexual exploitation of African-American women was not an unfortunate by-product of slavery, but vital to the very maintenance of early American capitalism. As the slave trade was banned in 1807, the control of Black women's bodies and reproduction became institutionalized in order to secure a steady flow of offspring that could cultivate the planter economy. This resonates with Firestone's (1973) scheme of oppression wherein women are men's property and children the workforce. According to Brownmiller (1975:154), the "easy access to numerous, submissive female bodies" were not only purposefully used for economic gains. It had advantages in that Black men effectively were emasculated and hence, the circle of economic, cultural and psychological suppression of Black slaves by White masters was complete.

In the book *Black Feminist Thought*, Patricia Hill Collins (2000) convincingly argues that the historical legacy of slavery, and the corresponding ideas of Black women's "natural" submissive sexuality, continues to inform the contemporary porn industry and, in general, media's production of rape myths. Quoting Alice Walker, Collins (2000) contends that "the more ancient roots of modern pornography are to be found in the almost always pornographic treatment of Black women, who, from the moment they entered slavery [...] were subjected to rape as the 'logical' convergence of sex and violence" (Walker 1981 quoted in Collins 2000:136). She goes on with an illustration of how Black women are depicted in contemporary pornography, and the ways in which racist images are conveyed, literally and metaphorically:

Contemporary portrayals of Black women in pornography represent the continuation of the historical treatment of their actual bodies. African-American women are usually depicted in a situation of bondage and slavery, typically in a submissive posture, and often with two White men. As Bell observes, "this setting reminds us of all the trappings of slavery: chains, whips, neck braces, wrist clasps". White women and women of color have different pornographic images applied to them. The image of Black women in pornography is almost consistently one featuring them breaking from chains. The image of Asian women in pornography is almost consistently one of being tortured (Collins 2000:137).

Recalling MacKinnon's (1985) concern about the cultural and psychological footprint of pornography in relation to rape, we now see that an additional layer – that of the intersection between race and sexism – enters the analysis. It is no coincidence, feminists of color would argue, that the same myths of Black female sexuality inform the prosecution of rape and the invisibility of racialized dimensions of the American legal system. As pointed out by some, the raping of Black women tends to be ignored for several reasons. When a White man rapes a Black woman, racist and sexist stereotypes lead people to believe that she consented. After all, why would a Black woman refuse to have sex with some one above her status, and why would “nice White guy” have to rape when he could otherwise have had consensual sex? As noted by Angela Davis (1975):

Thus when a White man rapes a Black woman, the underlying meaning of this crime remains inaccessible if one is blind to the historical dimensions of the act. One must consider, for example, that a little more than a hundred years ago, there were few Black women who did not have to endure humiliating and violent sexual attacks as an integral feature of their daily lives. Rape was the rule; immunity from rape the exception. On the one hand the slave master made use of his tyrannical possession of slave women as chattel in order to violate their bodies with impunity. On the other hand, rape itself was an essential weapon utilized by the White master to reinforce the authority of his ownership of Black women.

In a similar vein, classist and racist stereotyping is used to explain interracial rape within Black communities. Insofar as the framing of Black male sexuality carries notions of an uncontrollable sexual desire and animalist, predatory behavior, how could we expect a Black man to behave differently? Or, considering the pervasiveness of social problems and drug abuse in Black communities, how could we expect the problem to be less widespread? The most racist stereotyping, however, occurs in rape cases with a Black perpetrator and a White victim. The conviction rate of Black men in rape cases is much higher than that of White men. From 1930 to 1967, 455 men were executed as a result of rape convictions; the majority of them, 407, were non-White (Davis 1975). However, as noted by Scully (1990), this is more likely to be caused by the fact that they have fewer resources to invest in paying for expensive defense lawyers than the perception that Black men by nature are more violent than White men. It is therefore no surprise that

Black feminists have critiqued what they perceive as a race- and class blind White feminism. One of the most poignant and powerful critiques of white complacency was articulated by the radical black lesbian feminist Audre Lorde (1984), who stated that “...by and large within the women's movement today, white women focus upon their oppression as women and ignore differences of race, sexual preference, class and age. There is a pretence to a homogeneity of experience covered by the word sisterhood that does not in fact exist” (Lorde 1984: 116). In my opinion, Black feminist theory has offered an extremely nuanced dimension to the existing accounts of rape. These perspectives expose and challenge White privilege, and force us to consider the complexity of human existence, in general, and sexual violence, in particular. They have critically assessed how interlocking systems of racism, classism and sexism impede women’s sexual autonomy and status as legal subjects. Black feminists have called for more solidarity from White feminists, built alliances in their own communities, particularly through the civil rights movement, and advocated for politics that take Black women’s needs and experiences into consideration. Perhaps most importantly, a range of intersectional perspectives where women’s status as property, inspired by radical and historical materialist feminism, have been theorized in a much more comprehensive manner by Black feminism than White middleclass feminism. Further, as the section on masculinity studies will show, Black feminists have also offered a very comprehensive analysis of the conditions under which Black male masculinity is constructed.

2.4.3 NEOLIBERAL FEMINISM

In response to Reaganism and Thatcherism in the 1980s, a new feminist offspring – so called “equity” feminism – evolved during the 1990s. Equity feminists are classical libertarian feminists who hold that, in societies like the United States, the only morally significant source of oppression of women is the state and the legal system. They contend that the political role of feminism is to bring an end to laws that limit women's liberty, but also laws that grant special privileges to women. Some equity feminists see a nonpolitical role for feminism, helping women to benefit from their freedom by developing beneficial character traits or strategies for success or navigating among their increasing options. Other equity feminists are socially conservative and argue that, while the state should not enforce them, traditional values function as bulwarks against state

power and produce independent and self-restraining citizens.⁵

Perpetually incensed critics like Camille Paglia (1992), Katie Roiphe (1993), and Christina Hoff Sommers (2000) have accused others of exaggerating the dimensions of women's "victimization" and of the reckless use of statistics in support of political objectives. Camille Paglia (1992:244), a self-proclaimed "dissident feminist," is known for her controversial view on women's studies. She describes women's studies as "a jumble of vulgarians, bunglers, whiners, French faddists, apparatchiks, Doughface party-liners, pie-in-the-sky utopianists, and bullying, sanctimonious sermonizers." These feminists have initiated debates about "rape hysteria" propagated by the American women's movement and claim that feminist scientists exaggerate the prevalence of rape and manipulate statistics (Sommers 1994), infantilize women and foreclose the opportunity of a liberated "vamp" and "tramp" female sexuality (Paglia 1994). Camille Paglia stirred feminist contempt when she described rape as a natural mating strategy, similar to the argument of Thornhill & Palmer (1999), and questioned the motto of the radical feminist anti-rape movement, "no always means no": "'No' has always been, and always will be part of the dangerous, alluring courtship ritual of sex and seduction, observable even in the animal kingdom" (Paglia 1990 quoted in Sommers 1994). Paglia also argues that "feminism, which has waged a crusade for rape to be taken more seriously, has put young women in danger by hiding the truth about sex from them" (Paglia 1992:49). Other accusations are that radical feminists have created a state of fear among women whose only rescue is feminism (Roiphe 1993). Attacking so-called "gender feminism," Sommers (1994) seeks to reinstall liberalist principles of equal treatment, freedom of choice, family values and equality before the law. According to Sommers (1994) "gender feminism" has established itself as hegemonic in the body of modern feminist theory, and is the prevailing ideology in academia. She argues that while "gender feminists" advocate preferential treatment and portraying all women as victims, equity feminism provides a viable alternative to those who object to gender feminist ideology.

This point is elaborated upon in *The War Against Boys* (2000:93): "[...] males are

⁵ Stanford Encyclopedia of Philosophy, entry on liberal feminism:
<http://plato.stanford.edu/entries/feminism-liberal/>, webpage accessed May 4th 2010.

far more likely to pursue casual sexual encounters... Male promiscuity is behavior we recognize as natural but that almost all societies, for good reasons, seek to curb. Untrammelled promiscuity ruins lives and is a disintegrative force in society". As discussed in Chapter 4, similar convictions are widespread in the discourses about rape in my data. Sommers (2000) thus subscribes to sociobiological theories about male sexuality, the promotion of puritan values and maintaining the role of the family as society's glue. This accentuates the question of whether such an approach reasonably can be labeled "neoliberalist". After all, she primarily adheres to conservative family and gender ideology, and is currently employed by the neo-conservative think tank American Enterprise Institute (AEI) who have sponsored the publication of her recent books. The reason why I have labeled the approach neoliberal rather than "neo-conservative," or the term many of them prefer, "equity feminism," is that I believe it captures its ideological foundation more precisely. Though the term "equity feminism" rightfully places the feminist branch in its philosophical and epistemological tradition (liberal feminism), it did not only evolve out of a frustration with radical feminism. "Equity feminism" was born in a specific geographical context at a time when globalization posed questions about what values and economic principles should guide the U.S. in a world marked by disruption, increased competition and recurring debates about the legitimacy of its role as a superpower. The neoliberal turn in feminist theorizing in the U.S. succeeded a period of Reaganomics and a transfer of responsibility of welfare from the state to the individual. Neoliberalism has also, in addition to the creation of policies to support the free and unconstrained movement of capital, goods and people, stressed universal values like human rights and the formation of a predictable rule-based system that governs everything from the international economic order to the values people live by and for (Grewal 2005).

The alignment with neoliberal ethics is very clear in Christina Hoff Sommers' (2000:14) writings. She argues that "the truth about the normal, decent men's energy, risk appetite and competitive mentality and their contribution to what is good in this world is forgotten". Even though authors like Sommers (1994; 2000) and Paglia (1992; 1994) do not entirely agree on the matter of sexual purity and what values should guide contemporary feminism, their books are written at a historical ideological juncture where

some feminists shift their focus from the structural to the individual. Neoliberal policy interventions rarely seek to change gender roles, race relations or critique capitalism as was the project of second wave feminism. Neoliberal feminists remain faithful to sociobiological theories of gender differences and support strategies for prevention of rape (and other societal evils) that emphasize individual female agency and law enforcement rather than state intervention to change behavior.

2.5 MASCULINITY STUDIES

The study of men and masculinity emerged during the 1980s and 1990s. It became institutionalized as a scholarly discipline in its own right in the 1990s. Though the discipline in many ways is an extension of women's studies, and indeed shares the objective of producing critical research that can contribute to greater gender equality, the study of masculinity is also a critique of the static picture of gender- and power relations that some feminist sub-disciplines, in particular those offered by radical feminists, have put forward (Lorentzen 2006). As I have already discussed, second wave feminism was subject to many critical interventions such as the poststructuralist turn during the 1990s. Most importantly was the destabilization of the subject and a call for a more comprehensive intersectional approach to include the experiences of women of color and lesbian women (Bondevik & Rustad 2006). The feminist critique offered by masculinity studies to a large extent has its point of departure in the post-structuralist project of destabilizing gender categories. A power analysis that builds on a dichotomous understanding of male versus female fails to comprehend that men as a class is not only constituted in relation to women as a class, but also among men. As pointed out by Robert W. Connell (1995), it does not make sense to talk about masculinity in the singular. Masculinities co-exist and are historically produced across class, race and sexuality. Thus, a distinction is made between hegemonic, complicit and subordinated masculinity where men are positioned relatively to each other and the advantages they enjoy under patriarchy. All men do not oppress all women, neither do all men benefit equally from a patriarchal gender order. Patriarchy offers a limited role repertoire for men who fail to match traditional masculinity ideals, and because patriarchy is intertwined with heterosexism and racism, effeminate, homosexual and men of color are left at the

bottom of the hierarchy.

It is often believed that masculinity studies single-handedly developed the concept “hegemonic masculinity”. While offering a much-needed intersectional account of masculinity and power, it is often overlooked that Black feminist theory drafted the concept twenty years earlier:

The rape of the Black woman and its ideological justification are integrally linked to the portrayal of the Black man as a bestial rapist of White women - and, of course, the castration and lynching of Black men on the basis of such accusations. Struggle against the sexual abuse of Black women has demanded at the same time struggle against the cruel manipulation of sexual accusations against Black men... For Black women, rape perpetrated by White men, like the social stereotype of Black men as rapists, must be classed among the brutal paraphernalia of racism. Whenever a campaign is erected around a Black woman who has been raped by a White man, therefore, the content of the campaign must be explicitly antiracist. And, as incorrect as it would be to fail to attack racism, it would be equally incorrect to make light of the antisexist content of the movement. Racism and male supremacy have to be projected in their dialectical unity. In the case of the raped Black woman, they are mutually reinforcing.
(Angela Davis 1975)

Studying men and masculinity in a historical and relational perspective provides us with less essentialist explanations of the relationship between rape and gender/sex than do orthodox radical feminist theory, Marxism and sociobiology. Robert W. Connell (1995; 2000) appreciates the theoretical efforts in gendering men in the initial phase of masculinity studies, but places a warning that too much emphasis on attitudes and identity directs attention away from material inequalities and issues of power. He is particularly concerned about some branches of the men’s movement that tends to treat the issue of violence in therapeutic terms. Because men who display hegemonic masculinity are not disadvantaged, but honored by culture, Connell (2000) finds it unlikely that reiterating their experiences can promote effective change in masculinity politics. Recalling the formation of men’s movements such as the American evangelical Promise Keepers, who act as custodians of traditional gender roles in the name of a “honorable and responsible masculinity,” Connell (2000) calls for alliance politics between progressive feminists, civil rights organizations and the peace movement in order to debunk the system that produces unequal power relations.

Claes Ekenstam (1998) shows how a historical examination of the construction of male

identity can generate alternative knowledge that runs counter to the sociobiologist and radical feminist hypothesis that men are slaves of aggressive hormones, uncontrollable promiscuity or a socially constructed desire to dominate. Could it be, he asks, that men's fear of other men is more defining than an attempt to preserve a superior position *vis-à-vis* women? After all, many women are hardly in a position to challenge hegemonic masculinity, whereas other men are the ones who can truly evaluate whether you are a "real man" or a "sissy". Refining the theory of masculinity as a homo-social enactment, Michael Kimmel (1994) convincingly shows that other men act as "gender police" and have been central in the historical making of men:

The fear of emasculation by other men, of being humiliated, of being seen as a sissy, is the leitmotif in my reading of the history of American manhood. Masculinity has become a relentless test by which we prove to other men, to women, and ultimately to ourselves, that we have successfully mastered the part. The restlessness that men feel today is nothing new in American history; we have been anxious and restless for almost two centuries (Kimmel 1994:138).

The critique of sociobiology by scholars of masculinity offers a dynamic, anti-universalistic and anti-reductionist account of rape as a social phenomenon. Most important, these scholars demonstrate that though certain male traits are passed on genetically through generations, masculinity is not static. George Mosse (1996), Claes Ekenstam (1998) and Michael Kimmel (1996; 2005) have shown that gender identity and relations are immensely unstable and ever changing. For example, effeminate masculinity ideals during the 17th century differ in many respects from the kind of masculinity ideals promoted in contemporary popular culture where action heroes, strong and powerful men with big guns and cars, are setting the scene. Further, from a cultural-historic point of view, though rape exists in almost every society in the world, pre-industrial rape free societies are known (Scully 1990). Though one should not entirely dismiss sociobiological and psychological claims that rape is also about sex or mental disorder, male-male rape, female-male and rape as a weapon in war occur are examples that rape is a practice to which different meanings are assigned and varies across spatial-temporal settings. Just as one rape experience does not necessarily resemble another, perpetrators'

motivation to commit rape varies.⁶ In a groundbreaking study of convicted rapists, Diana Scully (1990) confronts the “psychopathological disease model”. While she shares the feminist concern that science too long has prompted “universal male truths” that ignore women’s experiences and their socio-economic position, attention is directed towards the perspective of the perpetrator, rather than the victim. In an attempt to fill out a gap in feminist research, patriarchy is entered from within in order to make visible how culture produces rape ideology:

If, as evidence suggests, men dominate through an ideology that erases or ignores the significance of women and allows men to take for granted that their social constructions are reality, then transforming knowledge [...] requires a challenge of that reality – even though it requires intruding where women are not always welcome. Indeed, the idea of a ruling ideology suggests that men’s privileged status distorts their perceptions and understanding of the world. While not diminishing the continuing responsibility to illuminate women’s subordinate condition, the debunking of patriarchy is not accomplished by focusing exclusively on the lives and experiences of women (Scully 1990:3).

Scully (1990) rejects the feminist hypothesis that rape can only be explained in light of men’s personal motivation for “keeping women in place” (Brownmiller 1975) and insists that focusing on rape as a “woman’s issue” cannot effectively deal with prevention. Rape must be analyzed within a socio-cultural framework, as “a logical extension of male-female submissive gender role stereotyped culture” (Scully 1990:52). Her findings run counter to several hypotheses put forward by psychologists, namely that rape is an expression of mental or sexual deviance, or that it can be explained as a response to the perpetrators’ bad childhood. Only 9% of the rapists had experienced sexual child abuse and 50% reported that they grew up in non-violent families. With regard to the rapists’ mental record, the study found that 26% had received outpatient treatment, and only 9% had been in psychiatric facilities for more than a month. These numbers, compared to the control group of felons convicted other crimes, did not differ significantly, except that

⁶ This has become particularly evident in studies where rapists and sexual offenders testify about their crimes. See for example Scully’s (1990) distinctions between “admitters”, “deniers” and “total deniers.” The study included in depth interviews with 114 convicted rapists and a control group of 75 other felons, most serving sentences for more than one crime. In the sample, 46% of the rapists were White and 54% Black, the majority less than 35 years old. Respondents were recruited on a volunteer basis (Scully 1990:8). Another study by Houge’s (2008) offers a distinction between the “idealist”, “conformist”, “opportunist”, “competitor” and “survivor” rapist. In a third study by Ringheim (1987), respondents explained that they committed rape because of sexual desire, anger or revenge.

rapists who had been hospitalized more than once were slightly higher than within the control group. More rapists than felons had attempted suicide, but half of these occurred *after* they had raped, and the choice to commit suicide was not necessarily associated with emotional problems that caused them to rape. The majority of rapists, like their fathers, were poorly educated and frequently unemployed, but this is not indicative that class differences increase the propensity to rape. Rather it suggests that the distribution of justice and availability of legal resources are class divided because men from the lower echelons of society cannot afford sophisticated defense attorneys who specialize in countering rape charges.⁷ No empirical evidence supported a sexual frustration thesis. Like other felons, rapists were fully capable of forming relationships with women, although, in the case of both groups, these relationships occasionally were characterized by the abuse of significant women. A problem with Scully's (1990) research is that though these rapists reported to have had regular access to consensual sex with their cohabitants or partners, self-reporting can be unreliable given the fact that these men may have a misunderstanding of what consent is. This is a point that Scully (1990) hardly pays attention to.

In her study, Scully (1990) found that a considerable amount of the rapists downplayed the seriousness of their offence by referencing common myths of rape, e.g. women being seductresses or claiming the improbability of a "need" to rape. For example, one of her respondents stated that he could not recall that any woman "had ever said no to him", and confided that he was in prison because of his "desirability" which made women so attracted to him (Scully 1990:111). Some of the respondents were less imprudent and showed outright hostility and misogynist attitudes towards women: "Rape is a man's right. If a woman doesn't want to give it, a man should take it. Women have no right to say no. Women are made to have sex. It's all they are good for." (Scully 1990:166). This testimony is not particularly representative of the majority of

⁷ In the U.S. defense lawyers have specialized in beating date rape charges through employing "effective defense strategies and negotiation tactics for helping clients avoid a date rape conviction" (Thomas A. Brant, Criminal Defense Law Firm, Boston). Some of them even display "bragging lists" online on actual cases where charges were dropped. An internet search on the words "date rape" and "defense lawyer" yielded 359,000 results. http://www.google.com/search?hl=no&client=firefox-a&rls=org.mozilla%3AAnb-NO%3Aofficial&q=date+rape+defense+lawyer&btnG=S%C3%B8k&lr=&aq=f&aqi=&aql=&oq=&gs_rfai, webpage accessed March 25th 2010.

respondents in Scully's (1990) data. The vast majority of rapists denied that a crime had taken place or if admitting it, trivialized the act by referencing the use of force (as compared to forensic evidence and police reports) or claiming that the woman had actually enjoyed it. In support of MacKinnon's (1985) and Dworkin's (1988) hypotheses, several of the rapists justified their acts with reference to porn stereotyping. They believed the women had "asked for it" and enjoyed the act, even when a weapon was used to complete the crime. Scully (1990) warns about proliferation of cultural products that conveys messages of women enjoying rape. The more cultural support we find for hostile and aggressive acts towards women in society, the more likely it will be for such acts to occur because "men who rape can and do believe that their behavior is within the normative boundaries of culture" (Scully 1990:155).

Among the respondents who admitted the crime, they would typically say that they had done it because of group pressure (gang rapists), in order to punish the victim (acquaintance rapists) or simply because they had the opportunity and did not think they would get caught. Scully (1990) confronts policy interventions that aim to target women or seek to limit men's sexual impulses. Though empowerment groups and self-defense courses may be comforting for many women, such interventions frame rape as something women can and should prevent. The Blue Light Emergency system on American campuses is an extension of this logic. For this reason, policy that departs from psychopathological disease theories fails to address the problem with misogynist attitudes and rape as learned behavior.

I agree that prevention strategies should seek to change the social fabric of society that makes rape a low risk-high reward behavior. Constructive interventions could fight rape myths conveyed in media and pornography, buttress procedures for collecting forensic evidence and fight sexist and racist attitudes within the legal system. Experiences from the White Ribbon campaign show that men engaging directly with other men and boys through respectful dialogue have proven very successful (Kaufman 2000). "Therapy" methods like chemical castration, hormonal treatments and electro shock should be totally abandoned as should conservative prevention programs addressing female "risk-behavior" such as those proposed by Thornhill & Palmer (1999). Strategic interventions must take place at multiple sites such as the civil service and

management positions in the private sector where men dominate. Much can be achieved if we also develop progressive labor- and family policies, work to end homophobia and reconstruct heterosexual relations on the basis of reciprocity rather than hierarchy (Connell 2000).

2.6 SUMMARY

In this chapter, I have presented a theoretical framework for examining how feminist geopolitics and established theories about rape can shed light on the production and negotiation of space and subjects through rape discourse.

Bio-geopolitics refers to a particular mode of power where the control over bodies and sexuality becomes linked with space. While politics is geographically embedded at the scale of the nation-state, it is also constituted on finer scales, including that of the gendered and racialized civilian body (Hyndman 2001; 2003). Bio-geopolitics is exercised both at the level of formal state politics and through *governmentality*, a modern system of power that internalizes rules and norms through discourse and knowledge (Foucault 1976; 1980a). I have argued that the concept of bio-geopolitics and governmentality provide a useful theoretical frame for analyzing rape because the disciplining of sexuality, in general, and women, in particular, informs public discourse and the formation of national group identity (Peterson 2000).

Sociobiologists argue that nature shapes human behavior and not the other way around. Rape is explained as a strategy for transmitting genes (Dawkins 1976) or producing the largest amount of fittest offspring possible (Wilson 1975; Thornhill & Palmer 1999; Jones 1999). According to evolutionary theory, men benefit reproductively from deploying sexual aggressiveness and coercion. Women, on the other hand, are choosier and monogamous because they seek alpha-males and have to spend more time with their offspring. Theories about hormones suggest that there is a causal relation between a high level of testosterone, which increases male aggression, and sexual desire. "Modern synthesis" theory rejects the deterministic one-way model where biology is considered to totally permeate social gender. The theory suggests that it goes both ways; evolution and environment are mutually reinforcing. Human physiology, psychology and biology are areas of cultural inscription and are not necessarily the cause behind the

effect. Prevention strategies derived from sociobiology are directed at reducing risk through educational programs in which women are taught to dress less provocatively and men are taught to control sexual desire, for example. Sociobiological theories have been criticized for being unhistorical and for failing to take human agency into account. In this chapter, a range of conflicting and overlapping feminist perspectives on rape was presented. These perspectives illustrate the multiplicity of angles and locations from which rape can be assessed. While Marxist, radical, and Black feminist perspectives analyze rape as a historical product of relations of ownership and production, poststructuralist feminism and masculinity studies have brought to our attention the importance of examining the cultural production of discourses that permeate society through media, ideology and the legal system. Masculinity studies have challenged two-system patriarchy theories. Scholars like Michael Kimmel (1994; 1996; 2005), Michael Kaufman (2000) and Robert Connell (1995; 2000) have showed that it is necessary to closely examine hierarchies between men. If we are to succeed in developing effective rape prevention policies, the modern construction of masculinity and how it reinforces relations of power and emotion that feed the cultural and economic environment in which rape takes place must be addressed. Challenges remain, however, intellectually as well as practically in responding to neoliberal feminists and sociobiologists who reject the radical feminist notion that rape entirely is an expression of violence. One cannot entirely dismiss that sex drive is a motivational factor behind some forms of rape and that hormones influence brain function, and, therefore, aggression.

A more comprehensive theory of rape could be derived by studying how evolution and environment co-exist and mutually reinforce one another, and further, how this relationship has changed across time and place. Historical perspectives on rape and knowledge about perpetrators support such a viable and comprehensive analysis. What is at stake here is an improved understanding of how rape is perpetrated and experienced. Multiple perspectives should be pursued in order to effectively understand, diagnose, and remedy the problem.

3. METHODOLOGY

A small number of cynical men base their domination and exploitation of the ‘people’ on a falsified representation of the world which they have imagined in order to enslave other minds by dominating their imaginations” (Althusser 1984:37)

In this chapter, critical discourse analysis as a tool for interpreting ideology is presented. I outline Carol Lee Bacchi's and Norman Fairclough's discourse analytical approach and give a short overview of previous research on the Duke lacrosse “rape” case. My position as a political geographer will be critically assessed based on reflections during the fieldwork and contemporary debates about feminist epistemology. Also, the chapter documents the research process and considers the credibility and validity of the data obtained.

3.1 ENGAGING WITH CRITICAL DISCOURSE ANALYSIS AND IDEOLOGY

According to Foucault (1980a), power is most insidious when it is not visible to those over whom it is exercised. As noted in Chapter 2, governmentality and discourse are techniques for commanding biopower and exercising bio-geopolitics. In *The History of Sexuality*, Foucault (1980a) claims that modern discourses of normality control peoples' lives by defining them through deviancy. For example, the emergence of psychiatry in the 19th century allowed for the detailed description of people and bodies for the purpose of diagnosis that in turn made it possible for the state to control its citizens. Discourses are agents of inclusion and exclusion and by categorizing individuals in detail, discourses exert an unprecedented amount of power over individuals' comportment and relationship to themselves. Following Foucault's (1980a) conceptualization of discourse as power mediated through categorization and normalization, Judith Butler (1990) calls attention to the embodiment and materiality of discourse, and explains how discourses discipline people into certain gendered behavior patterns. When people fail in their imitation of gender norms, they simultaneously become excluded from being socially recognized as fully human (Butler 1990). This is one of several possible *power effects*, a topic to be discussed in Chapter 4.

Hence, discourse can be defined as a set of social practices that constitute the social world, including social identities and relations. Discursive practices are transmitted through “texts” (spoken, non-verbal and written statements and pictures or a combination of these) and refer to individual social networks of communication through language or non-verbal sign-systems (Jørgensen & Phillips 1999). Discourse is often used interchangeably with “debate”, but these terms should not be collapsed. Though debates are related to discourse because discursive actors draw on systems of meaning to defend their positions, they do not necessarily produce subjects or stable behavior patterns/power relations over time. Discourse refers to broader systems of power and social relations, whereas debate can be narrowed down to shorter sequences of opinion exchange.

One way to expose subtle power formations and their relation to ideology is to apply discourse analysis. Discourse analysis is a method for investigating how statements are rooted in different and some times competing discourses and how discourse produces and reproduces social reality. What distinguishes discourse analysis from other ways of analyzing the social world is the belief that language is a constituent of reality. Language is a medium through which power operates and works to grant permanence to some privileged signs. Language may be contested and its’ meaning negotiated and changed, but it filters and delimits whose truth counts (Purvis & Hunt 1993). Reality, according to Ernesto Laclau and Chantal Mouffe, cannot exist outside discourse (Laclau & Mouffe 1985 quoted in Jørgensen & Phillips 1999). Others hesitate to apply such a strict understanding and contend that there is a dialectical relationship between reality and discourse. Discursive practice does not necessarily reproduce existing discursive structures, but can also counter them by articulating alternatives (Fairclough 1992).

Though scholars have previously argued that discourse and ideology should not be conflated, and that discourse cannot be said to mirror ideology (Jørgensen & Phillips 1999; Purvis & Hunt 1993), I take a slightly different position, which is similar to that of Fairclough (1992). I do not opt for a radical social constructivist approach where discourse is understood as constituent of “everything” and “everybody” (Laclau & Mouffe 1985). Discourses are more or less ideological: They exercise discipline depending on context and agency and are closely related to the defense of political interests and the promotion of ideology. Colette Guillaumin (1995:35) defines ideology

as “the mode of apprehension of reality shared by a whole culture, to the point where it becomes omnipresent and, for that very reason, goes unrecognized”. Relatively stable patterns of power and social behavior are thus established through what Louis Althusser (1984) terms interpellation⁸ and Antonio Gramsci (1971) calls the “hegemony of ideology”. A hegemonic discourse works effectively when it ensures the consent and acceptance of the mainstream and has become so embedded in a culture that it appears silly to ask "Why?" about its assumptions.

It is difficult to draw absolute distinctions between discourse and ideology because both concepts examine the same aspects of human existence, including the development of consciousness and subjectivity, the relationship between power and possibility, and the relationship between human agency and structure. To engage with discourse and ideology necessitates that one subscribes to the idea that the social has a hermeneutic dimension, without being reducible to it, and that the way people comprehend the social world has profound consequences for the direction and character of action and inaction (Hall 2003; Purvis & Hunt 1993:474).

In classical Marxist thought, ideology is defined as “false consciousness” or “the ruling ideas of the ruling class”, but Neo-Marxists argue that reducing ideology to metaphysics of the material world is insufficient. Relations of power are not only produced by material conditions such as ownership of resources. For a hierarchical relation to exist between capitalist and worker, the worker must identify himself as a worker and accept his position as such. Henceforth, rather than exclusively focus on who controls the means of production, a theory of ideology should seek to understand how relations of domination or subordination are reproduced with minimal resort to direct coercion. According to Stuart Hall, the Althusserian concept of interpellation “opened the gate to a more linguistic or ‘discursive’ conception of ideology” and “put on the agenda the whole neglected issue of how ideology becomes internalized, how we come to speak ‘spontaneously’” (Stuart Hall 1983 quoted in Purvis & Hunt 1993:483). Consequently, in addition to studying the

⁸ Ideology ‘recruits’ subjects among (pre-ideological) individuals through *interpellation*. For example, if someone were to shout at you in the street, you would recognize that salutation to mean yourself. It is when you are thinking ‘that means me’ that you become interpellated as a subject by recognizing yourself to belong to a particular identity and engage interacts with the ideology at hand (Althusser 1984:48).

material conditions of human existence and power, Neo-Marxists put emphasis on the processes and ideological state apparatuses through which consciousness is mediated and shaped, including language, the education system, family and media.

Discourse analysis, on the other hand, attempts to grasp the way in which language, and other forms of social semiotics, conveys social experience and is complicit in constituting social subjects and identities. Simply stated, discourse can be said to focus upon the internal features of communicative practices (in particular their linguistic and semiotic dimensions), whereas ideology directs attention towards external aspects. Ideology is concerned with explaining how and why lived experience is connected to notions of interest that are in principle distinguishable from lived experience (Purvis & Hunt 1993).

Based on the above-mentioned distinction, ideological discourse analysis can be defined as an effort to establish how language reproduces relations of domination and subordination with only minimal resort to direct coercion. Recalling Foucault (1980a), Althusser (1984) and Fairclough (1992), the purpose, I believe, of ideological discourse analysis is to investigate, expose and challenge subtle power formations embedded in the intersection between language, social practice and ideological state apparatuses. Media can be perceived as an ideological state apparatus as it is an arena for the production, consumption and negotiation of knowledge (Hall 2003). Pan & Kosicki (2001) suggest that “political actors may achieve ‘frame alignment’ by linking their framing of facts to enduring values in society” (Pan & Kosicki 2001:49 quoted in Barnett 2008:187). Hence, a closer examination of discourses about rape in the media can prove fruitful for understanding the production of gendered subjects and power relations and how they are linked to American values and national ideology.

In this thesis, I draw on Norman Fairclough’s (1992) theoretical and methodological framework and analyze my data on three levels: The text, the discursive practice and the social practice.

3.1.1 DISCOURSE AS TEXT

In analyzing a text, one applies techniques borrowed from linguistic analysis, like word choice, metaphors and grammar. Textual analysis can be organized under four headings: grammar, vocabulary, cohesion and textual structure (Fairclough 1992:75).

Grammar

Grammar and the construction of clauses involves choices about how people construct social identities, relations and systems of belief. One thing to look out for is transitivity: “the aspect of a grammar of clause or sentence that relates to how reality is represented”. Transitivity calls attention to how events and processes are connected or disconnected with subjects and objects (Fairclough 1992: 27; 1992: 76). How agency is constructed and where responsibility for an event is placed is central to transitivity. For example, when analyzing the discursive construction of rape, it is relevant to look at how victim and rapist are linguistically interconnected, how chain of events are placed in relation to one another and thus depict a chain of causation (Fairclough 1992: 178). For example, the sentence “Woman exposed to rape at a party” omits agency on behalf of the rapist, and links the assault with the party whereas the sentence “Man raped female friend at a party” provides the reader with significantly more information. The personal and gendered relationship between victim and perpetrator is foregrounded and specified, and the party is put at the end of the sentence, thus emphasizing responsibility, relation and agency and making context less relevant.

The process of converting a verb into a noun (from raped to rape) is called nominalization (Fairclough 1992:27). Another thing to pay attention to is *modality* (Fairclough 1992:158). Modality focuses on how the speaker affines herself to a statement and how authoritative voice is established. A speaker can hesitate, be ambivalent or moderate her speech. Common modal adverbs such as “probably”, “likely” or hedges such as “...or something” and “a bit” serve to establish low affinity. When analyzing modality, the researcher asks if the speaker presents a statement in a subjective manner (“I believe that rape is motivated by sexual desire or frustration”) or an indisputable truth (“Rape is proven to be motivated by sexual desire or frustration”). Media’s use of categorical modalities both mirror and promote their authority (Jørgensen & Phillips 1999:95).

Vocabulary

One focus for analysis is *alternative wordings*. For example the difference between

“alleged victim” or “accuser:” the latter implies that a rape case is yet to be settled, whereas the former indicates sympathy with the woman’s perspective. Another focus is the import of ideologically and politically loaded *metaphors* and how they conflict with alternative metaphors (Fairclough 1992:77). According to Fairclough (1992:194), metaphors fundamentally structure systems of knowledge, thought and action. Metaphors are displayed in text and discursive practice and how a domain of experience is metaphorized often becomes a site of struggle. Competing metaphors and alternative wordings are linguistic strategies for framing problems and can tell us significant things about discursive actors’ ideological positions.

Cohesion

Cohesion focuses on how clauses are linked together into sentences, and how sentences form larger units in the text. One is concerned with analyzing the argumental structure of the text and how descriptions, deductions and definitions are linked together (Fairclough 1992:77). This can be achieved by repetition, conjunctive words, near-synonyms or vocabulary from a common semantic field. Cohesion deals with the textual aspect of discourse.

Textual structure

Textual structure is assessed to determine how episodes and elements are combined to constitute a description of a phenomena or chain of events. More specifically, textual structure deals with the larger organizational properties of the text (Fairclough 1992 and 1992:77). A key feature is intertextuality, which refers to an author’s referencing and transformation of a prior text into another. Insofar as texts are made up of words and metaphors filled with meaning, such meaning can be reproduced and reshaped when inserted into a new text. Simply stated, meaning cannot exist outside of context, neither when we produce it nor when we interpret it. Therefore, the way we talk about rape to some extent both reflects and transforms previous texts. Rape myths may be recycled and cases with similar traits may be referenced and compared.

In analyzing discourse as text, I will specifically trace how metaphors shape representations and look at how alternative wordings and intertextuality create meaning.

Textual structure will be analyzed by determining how chains of events are linked together.

3.1.2 DISCURSIVE PRACTICE

Discursive practice is analyzed by examining how a text is produced, distributed and consumed. How discourses draw on other discourses is called interdiscursivity. A high degree of interdiscursivity is indicative of societal change, whereas a low level is indicative of a preservation of the status quo. In this thesis, discursive practice will be analyzed through an assessment of discursive formations and how they create larger patterns of distribution. In analyzing discursive practice, I will also determine if any temporal discursive change has occurred and how hegemonic discourses produce particular power effects.

3.1.3 DISCOURSE AS SOCIAL PRACTICE

The third and last analytical level in Fairclough's (1992) matrix is the level of social practice that constitutes, and is constituted by, the former two levels. According to Fairclough (1992), this level must be analyzed with other theoretical tools such as sociological theories and an extended empirical corpus. The corpus in this thesis encompasses the primary archive of news articles analyzed and secondary sources, including American debate books about the Duke lacrosse "rape" case in particular and gender and race politics more generally. In order to fully understand the political and ideological context of social practice, I have read online articles and drawn on my previous knowledge about American politics. Social practice is analyzed with reference to the theories outlined in Chapter 2. The objective is to contextualize the discourses in relation to geography. What can discourses tell us about prevailing American values and self-identity and how can they be understood in light of history and contemporary politics?

3.2 PREVIOUS RESEARCH

This study departs from previous research on media coverage of rape in general, and the Duke lacrosse "rape" case in particular. Helen Benedict (1992) has analyzed how the

American media has covered four rape cases⁹. She concludes coverage was biased and tended to portray victims of rape either as “virgins” or a “vamps”. Media are guilty of reproducing rape myths and excessive gender stereotyping, including portraying women as virgins (young, beautiful and innocent) or vamps (sexually experienced, seducing and revengeful). Generally, the media is more sympathetic to the victim when a rape occurs between an upper middle class White woman and a Black assailant. In contrast, if the allegation involves a rapist who is White or from a higher class, media tends to place more blame on the lower class, minority victim (Kosse 2007). Testing Benedict’s (1992) vamp and virgin narratives, sociologists Joanne Ardovini-Brooker & Susan Caringella-MacDonald (2002) quantified media attributions of sympathy and blame in 10 high profile rape cases. The researchers coded, quantified and ranked statements in over 123 magazine articles and examined media variables, victim variables, offender variables, crime characteristics, and the assessment of blame by the media. 45% of the total sympathy statements sympathized with the victim while 55% of the blaming statements blamed the victim. Taken together, they concluded that, overall, victims are given less sympathy and blamed more than offenders (Ardovini-Brooker & Caringella-MacDonald quoted in Kosse 2007). In an analysis of how Duke University dealt with the accusations of rape and their media response, Barbara Barnett (2008) found that the university was more concerned with protecting its image than using the opportunity to engage in a debate about the larger issues at play such as the sexual objectification of women, the widespread prevalence of sexual violence on American college campuses, and the question of White privilege.

My research objective is threefold: to show how meaning is created in rape discourses; to investigate how gendered and racialized subjects are produced and represented and to analyze the power effects of meaning and representation. Drawing on Carol Lee Bacchi’s (1999) feminist discourse analytical approach, the study specifically asks how the problem is represented and what solutions follow. Underlying assumptions and ideologies as well as how entities are constituted are assessed. How would the “answers” have been different if the “problem” had been represented differently? And

⁹ The Salem, Oregon, marital rape case (1978); the New Bedford, Massachusetts, gang rape case (1983); The New York Preppy Murder rape case (1986); and the Central Park jogger rape case (1989).

finally, how are representations tied to a larger bio-geopolitical discourse that involves questions about American values and national ideology?

3.3 FIELDWORK

From January to May 2010, I conducted fieldwork in the U.S. The main objective was to gain a better understanding of American society and the sociopolitical setting in which discourses about rape unfold. The fieldwork was important in order to develop a research design, establish an archive and enable me to analyze the data within the geographical setting it was collected.

I enjoyed the privilege of being a part of an extremely rewarding academic setting at UC Berkeley. My professors and fellow students offered helpful advice about the relevant literature on rape in the U.S. and willingly discussed issues of race, American values and the status of rape laws with me. A course in Transnational Feminist Theories equipped me with invaluable knowledge about rape in relation to ideology and contemporary sexual politics with particular emphasis on the construction of national identity after 9/11. During my fieldwork and previous research trips to the U.S., I engaged in discussions with many who made me increasingly aware of my own prejudices and presuppositions. Is it really so that I cannot produce reliable research because I am a woman or a feminist, I asked myself at the outset. How does it influence my findings and interpretations that I am White? Being from a country with high scores on human development and gender equality, how does that affect how I access the subject matter? As an outsider, can I possibly grasp the complexities of the American political system and the ideological divisions among American feminists?

Two people helped me find preliminary answers to these questions. The first is the sociologist and Black feminist Patricia Hill Collins who I first met in 2007. In a conversation about what White feminists can do to “help” Black women, she answered firmly: “We don’t need your pity! Access your own privilege.” This made me tremendously aware of how White feminists some times behave extremely paternalistic towards women of other classes and races. If, as a feminist and researcher, one’s point of departure is that other people need your help, nothing is achieved with regard to enhancing women's agency on their own terms and challenging existing configurations of

power. This reminder has followed me closely and I believe it has strengthened my ability to critically relate to the empirical data, and engage with the theoretical positions outlined in Chapter 2.

The second person was Eric Mirzaian, a public defense lawyer, who taught me about the American legal system. We had many discussions about interrogation techniques in rape trials and my credibility as a feminist researcher. One concern I share with many feminists is the weak legal status of alleged victims of sexual violence, the low conviction rates and poor practices of collecting forensic evidence necessary for prosecution. Often, women who report such crimes are asked questions about their clothing and previous sexual experiences which may convey the impression that it is the victim that is on trial rather than the defendant (Amnesty International 2008; Friedman & Valenti 2008; Wennstam 2005) I felt uneasy that a friend of mine, Eric, could possibly apply the same interrogation techniques and act in a way that served to perpetuate rape myths in and outside the courtroom. However, Eric insisted that an accuser's credibility is important to scrutinize given the seriousness of rape charges and the respective sentences they carry. I remember one particularly heated discussion where Eric burst out and said: "You just don't believe in innocence, do you?" referring to defendants, after I had pointed to the inherent gender bias in the legal system and its history of blaming victims. Eric's outlook was simply different than mine and I am sure he secretly concluded that a feminist cannot pursue reliable research on such a topic. His loyalty was with basic liberal principles of due process and he trusted those procedures' ability to secure justice. Although we shared concerns about racism in the system and some conservatives' call for revenge rather than humane justice, we never arrived at a mutually satisfying conclusion.

Upon arrival, I tried to connect with local women's shelters and institutions doing media analysis on gender and rape, unfortunately to no avail. It would have improved my analysis notably if specialists within these institutions could have commented on my assumptions and conclusions. These institutions face enormous challenges in providing services, which are often carried out on a voluntary basis (in itself indicative of the problematic treatment of rape and rape victims in the American society). After several attempts, I decided that I did not want to further burden these already limited resources

and gave up expanding my archive further. Likewise, an extension of my fieldwork to North Carolina would have benefited my understanding of the geography of the case considerably. Unfortunately, the limited time available for conducting the fieldwork did not allow me to travel there.

Overall, however, I believe the fieldwork significantly enhanced my capacity to grasp the complexities of the American feminist debate and to comprehend the connections and disconnections between theory and practice. Most importantly, familiarization with American society was achieved due to many people who were always willing to answer my questions.

3.4 POSITIONALITY

Positionality refers to the context that shapes subjectivity (hooks 1984) and can be defined as a specific position in any context as defined by race, gender, class, and other socially significant dimensions. Assessing positionality is crucial for evaluating how a researcher approaches the field and interpret the data. Recalling the discussions I had with Eric Mirzaian and Patricia Hill Collins, my own positionality became imperative to scrutinize as the work moved forward. More specifically, the issue of epistemology, how one can acquire knowledge and what principles and procedures should guide inquiry, had to be considered thoroughly.

According to Susan Haack, feminist epistemology instructs researchers to choose the least reasonable theory, if it is more in line with feminist values than the more reasonable theory. In other words, so long as a theory serves the interest of women - and any other marginalized group – in the name of liberation, it is inherently good. Haack places a warning against value-laden theory because propositions about what states of affairs are desirable is not evidence that things are, or are not, so (Haack quoted in Holst 2005: 22). Hence, while feminist values could sensibly influence the selection of topic and research design, the phase of inquiry and justification should be exempted from normative reasoning.

I have rigorously attempted to integrate Haack's critique into my own work, for example by committing myself to interpret the data with benevolence to the defendants' perspective and relate critically to all kinds of ideological positions in the debate. I will

not pretend that such efforts came easily, especially in a media climate defined by aggression and persuasion rather than fairness and reason. Nor will I pretend that I am a neutral or objective researcher: I have brought with me a particular worldview on rape to this thesis that is both sympathetic and critical to feminist theory. With regard to feminism, I do not subscribe to a purely ideological way of understanding and analyzing the world that suggests that women are universally subordinated to men. Neither am I suggesting that all men have a self-interest in maintaining unequal power relations or that “all men are potential rapists”. Analyzing rape from a feminist point of departure implies that rape is partly perceived to be a gendered problem and is possible to access beyond psychology, pathology or criminology. In gendering rape, power structures that intersect with a broad range of other variables (including race and class) will be exposed. I do not suggest that gender is *the* one independent variable that rules out other variables. Nor do I suggest that gender always stands out at the most important causal agent. I do insist, however, that the social world, among other things, is produced by gender. This thesis is political in that it seeks to expose power and how it is, or is not, tied to gender. It is also political in the sense that I am personally vexed by rape as a human rights violation that reaches beyond the experiences of individual rape victims. Rape is a widespread phenomenon with negative repercussions for health, public safety and gender equality in society at large. As a critical¹⁰ researcher, my commitment is therefore to generate significantly new knowledge about rape in order to improve the lives of people, and in particular those of women (Bacchi 1999:10). The thesis is, however, not political in the sense that the investigation and analysis of data is governed by a particular political agenda. It is rather the selection of the topic “rape” and my opinions about rape policy that makes this thesis political.

Finally, my position as an educated White, middleclass woman from northern

¹⁰ Critical theory designates philosophers and social theorists in the Western European Marxist tradition known as the Frankfurt School. A “critical” theory, as opposed by positivist or orthodox Marxist theory, is defined by their practical purpose; it seeks human emancipation, “to liberate human beings from the circumstances that enslave them” (Horkheimer 1982, 244). Critical theories aim to explain and transform circumstances that enslave human beings, and have emerged in tandem with a broad range of social movements. *Stanford Encyclopedia of Philosophy*: <http://plato.stanford.edu/entries/critical-theory/>, webpage accessed April 10th 2010. Feminist epistemology inspired by critical thought includes standpoint theory (Harding 1986; 1991), socialist feminist theory (Jaggar 1983; Haraway 1988) and post-colonial theory (Spivak 1988).

Europe influenced the way I related to American society and the case. I often felt that it was difficult to countenance the sensation-driven media culture, not least the fierce debates among conservatives and liberals. At times, I confessed to my fieldwork diary, I felt like entering a minefield when I tried to grasp the ideological fault lines in the public feminist debate. The “old school” rhetoric of the radical feminists and the hyper individualism of the neoliberals made me feel equally alienated. I found myself trapped in a cultural and theoretical landscape where shades of grey were replaced by ideological hostility. Despite the prevalence of rape in the U.S. and elsewhere, and the interest in my chosen case, I did not feel invited to understand the universes of meaning behind the ideological hostilities raging between liberals, conservatives, and feminists, because of various aspects of my positionality that were read as ‘outsider’: I arrived in the U.S. as a foreigner, a feminist and a middleclass White woman doing research on a case that demanded the ability to relate to Black working class women’s experiences. Further, given the fact that the case involved false allegations of rape, I also had to detach from what I had learnt from many years of studying feminist theory and working with victims of sexual violence. While I will not proclaim that women’s experiences are universal when it comes to rape, in the course of my research I have identified cross-cutting themes that anchor my experience and education with my chosen research question and case, particularly: the geography of fear as experienced in northern Europe *and* in the United States; the uninvited obligation to calculate my movements according to perceived or ‘commonsense’ “spaces of risk”, and the loss of autonomy that a woman experiences when avoiding ‘risk-behaviours’. As a woman, whether you come from Oslo or Durham, rape as a physical practice or a fantasy, is an inconceivable yet material fact of female experience. Therefore, even though aspects of my positionality make me an ‘outsider’ to the research question and case study, other aspects of my positionality make me an ‘insider,’ so to speak, by virtue of the fact that many of the race, class, and gender issues explored in the creation of bio-geopolitics in the Duke “rape” case are transnational and transversal in nature. These contradictions and divisions were both extremely disturbing and compelling, and in many ways, therefore, when relating to the Duke lacrosse “rape” case, further convinced me of the importance of approaching the question from multiple positions.

3.5 RESEARCH STRATEGY

According to Lexis Nexis Academic's media database, 586 articles from March 13th 2006 to April 11th 2007 included the words "rape and duke and lacrosse". This included American and worldwide publications. Out of these, 564 figured in newspapers. New York Times, Washington Post and USA Today had the most extensive coverage in print papers. In absolute numbers, however, the visual and audio media had the far largest coverage: 1000 television- and radio broadcast transcripts were produced in the same period, with 666 entries in the Global Broadcast Database. Fox News, CBS and CNN stood out as the TV-channels with the broadest coverage. Hence, analyzing how visual media treated the case would have provided me with access to a large sample, but because television tends to be less in-depth (Benedict 1992), print media gave me the advantage of examining the coverage more closely and over a longer period of time. Further, it served my purpose better to read newspapers because I could study ordinary peoples' perceptions about rape. Though I also wanted to find out how journalists and editors wrote about the case, I wanted to strike a balance between popular opinion and journalistic framing. The search, therefore, only included opinion pieces and editorials.

I have systematically analyzed 94 articles from New York Times, USA Today and News & Observer¹¹ that contained the search words "rape and lacrosse and duke". The articles were retrieved from the media databases LexisNexis and World Media Access in the time period ranging from March 13th 2006 until April 30th 2007. The time span cover articles from the case first figured in media to charges were dropped on April 11th 2007. I also extended the period to catch up reflections and narratives of "lessons learned" in the aftermath of the closing down of the case.

Carol Lee Bacchi (1999:7) claims that the construction of problems is contextual, i.e. it is linked to locations, institutions and history. Therefore, it is important to pay attention to the specifics of discourse and disentangle "why some versions of a problem appear in one place and other versions elsewhere, and/or why an issue problematized in one setting remains unproblematized in another". My initial thought was that the Duke lacrosse "rape" case affected the local community with its particular history and

¹¹ See Appendix 1.

geography differently than the rest of the nation. Geographical proximity to the events may lead people to get more personally involved, especially when the case headlines the local newspaper week after week. In order to deal with the place-specific aspects of rape discourse and obtain diversity in the sample, two national newspapers and one local North Carolina paper, News & Observer, were chosen. New York Times and USA Today were selected, because they had the broadest national coverage of the case.

3.6 THE CREDIBILITY AND VALIDITY OF THE DATA OBTAINED

As explained in Chapter 2, this research is informed by critical theory and feminist geopolitics. This theoretical frame probes questions of the credibility and validity of the research. One could rightfully ask whether it is possible to interpret data in a credible way if one invests in the research with a political agenda such as a wish to improve the lives of women. However, as I explained above, I did not enter the field or select my data with any particular agenda. My objective was not to reveal particular actors or ideologies as inherently sexist or racist, but to look at the production of meaning in relation to rape and what this may exhibit about American society. In order to avoid rehearsing feminist “truths” and evaluate my data on its own terms, the study is informed by an abductive, rather than a deductive approach. This means that I did not carry out the analysis on the basis of an established hypothesis that I sought to falsify or verify (Thagaard 2009). Theories were used as a starting point to make sense of the field/data (deduction). From there, I accessed the field/data and explored recurring themes and discourses (induction) and finally developed and revised my theoretical framework (abduction) so as to determine whether the theories were useful for understanding field/data.

External reliability, one aspect of credibility, refers to whether another researcher would arrive at similar results if the study were replicated. This is more relevant to quantitative research than qualitative research because the latter is closely affiliated with triple hermeneutics. Single hermeneutics include a person’s individual interpretation of themselves and their inter-subjective reality whereas double hermeneutics refers to the researcher's interpretation of this reality. Triple hermeneutics, then, is the critical interpretation of the social conditions that affect the empirical world, including the informants, discourses, and the researcher herself (Thagaard 2009). Hence, the only way

for my readers to critically evaluate my conclusions is to take advantage of my attempts to make the research process and theoretical point of departure transparent (internal reliability).

Validity is linked to transferability - whether it is possible to use the interpretations derived from one case study to another. Does the case study tell us something in general about rape debates in the U.S.? Is my analysis of ruling representations, discourses and ideologies, and the sociopolitical setting in which they are embedded, applicable to other rape cases? As will become evident in Chapter 4, the high degree of intertextuality, how previous high profile rape cases were reinvoked to make sense of the case study at hand, is indicative of some degree of transferability. This particular discourse analytical tool, in combination with previous research on rape in the media, has amplified the study. I will, however, not claim that the Duke lacrosse “rape” case resembles *the* American rape discourse. The case was distinct because of the high level of media attention and the class and race fault lines involved. The fact that it was portrayed as a possible gang rape made it even more sensational. Other types of rape, in particular acquaintance rape, do not receive similar attention or stir such emotion. Insofar as ideology is linked to space, reactions to other cases elsewhere might have manifested differently. One cannot, therefore, infer that this case is reflective of all rape cases, but the analysis says some thing about high profile rape cases and the sociopolitical setting in which they occur. In conclusion, how rape is discursively constructed in the U.S. does not follow a straightforward formula. It depends entirely on how much media attention it attracts, the degree of violence involved, the race of the accusers and defendants, and the bio/geopolitical context in which the discourse erupts.

Collection of data

During the course of my research, I encountered methodological challenges in collecting data. While a broad range of articles from News & Observer were available through World Media Access, I did not succeed in generating a comparable sample of articles from USA Today and the New York Times through LexisNexis. American newspapers organize their respective layouts differently. News & Observer, for example, has a section called “opinion” where letters to the editor and editorials are placed. The New York Times also has an opinion section, but the aforementioned search words did not

generate any letters to the editor. I then typed other search words combinations such as “Duke” AND “lacrosse” AND “rape” AND “letters to the editor”, unsuccessfully. To supplement the data, I also carried out advanced searches in the New York Times’ own electronic article archive, again with no results. When scrutinizing the New York Times’ electronic article archive¹², I found that the Sports and News section frequently had commentaries about the case. The New York Times’ staff wrote these commentaries. It is hardly surprising that these two sections covered the case, given the fact that the debate was set at the intersection between crime reporting and sports journalism. Keeping in mind that the objective of the research was to find out how the case was debated by ordinary people and commentators/editors, I did not analyze news or sports journalistic coverage, but focused on editorials in the opinion sections. Because media coverage of the case was debated almost as much as the case itself (Kosse 2007), I took a particular interest in how staff writers and editors responded to criticism from the public. It is clear, however, that the sample from the New York Times may be skewed and does not adequately reflect public opinion. While textual practices within the New York Times are possible to analyze and comment upon, it is more challenging to generally determine discursive practice across data, i.e. how discourses are distributed and how some discourses achieve a hegemonic position. It is also difficult to fully map discursive battles over definition power because certain actors not are included in the sample.

With regard to the article sample from USA Today, similar challenges arose in gaining access to public opinion pieces, but supplementing with advanced searches balanced the distribution. The largest proportion of articles analyzed is derived from News & Observer (71.4%). Hence, while it is difficult to claim that the sample from the New York Times fully represents public opinion, it is possible to describe general tendencies in the discourse order, based on an article sample covering approximately 80% of the total archive.

Most people consume information from many different sources simultaneously including blogs, social networks (Twitter, Facebook etc.) in addition to newspapers and television. This shapes the discursive actors’ interpretation and opinion about the case

¹² New York Times’ article archive contains articles spanning from 1851 to present and can be accessed at this URL: <http://query.nytimes.com/search/opinion>

and the way they position themselves in the larger discourse order. Taken together, these factors point to limitations in analyzing print media as separate from the rest of the debate, and in giving primacy to opinions over news and sports sections. Therefore, one limitation of my archive is that the data sample may have responded to discourses outside the textual universe I analyzed. In defense of the validity and credibility of my data, I will mention that my fieldwork and influential work on gender and feminist issues in the U.S. support my findings. I have consulted other sources in order to get an idea of the key issues among young feminists and some of the most influential equality organizations, including the National Organization Against Women (NOW), the Ms. Foundation for Women, Ms. Magazine, the National Association for the Advancement of Colored People (NAACP) and the Feminist Majority Foundation. I follow several American feminists on Twitter and read blogs, newsletters and press releases on a variety of topics including sexual and reproductive rights, abortion, rape and violence in close relations. To the extent that feminist discourse features in the public debate at all, it is radical feminism, typically criticizing neoliberalism and/or conservatism. Despite the risk of a skewed sample and the fairly narrow selection of media channels, the data were picked from an extensive corpus indicating that the data sample, to a great degree, mirrors public opinion and popular feminist discourse.

4. THE GEOGRAPHY OF RAPE: SPACES OF SHAME AND RISK

Powers, which means to say forms of domination, forms of subjection, which function locally, for example in the workshop, in the army, in slave-ownership or in a property where there are servile relations. All these are local, regional forms of power, which have their own way of functioning, their own procedure and technique. All these forms of power are heterogeneous. We cannot therefore speak of power, if we want to do an analysis of power, but we must speak of powers and try to localize them in their historical and geographical specificity (Foucault 1976).

[...] race relations are much better in Durham than some of the snooty, outdated Jim Crow and mint juleps stereotyping of the South served up in media coverage. But racial and class fault lines cut through Duke and the Triangle, as they do the rest of the country, and they are visible in the patterns of where we live, where we send our kids to school [...] These last months have held up a mirror to Duke and society itself. We've learned, or at least so one would like to think, something about unacknowledged divisions and subcultures; the perils of preconceptions and snap judgments; and the difficulty of finding our way forward.
(Orin Starn, News & Observer, July 2nd 2006)

The primary purpose of this chapter is to investigate the discursive production of gendered and racialized subjects and power relations in the Duke lacrosse “rape” case, and how this is linked to American values and national ideology. In order to situate the case geographically, the larger context of rape prevalence and how it is treated in the legal system is presented. This is followed by a presentation of the known facts of the case and how it developed over time. In the analysis of textual, discursive and social practice, the chapter seeks to answer what discourses the case produced, what values were articulated, and how subjects and space became constructed. The objective is to determine why some understandings were marginal and others hegemonic, and shed light on how the current political and ideological setting in the U.S. mediates, manages and negotiates the geography of rape through discourse.

4.1 ENGAGING WITH THE FIELD

Sexual violence is defined by the U.S. Department of Justice to include sexual harassment, assault and rape. There is no national rape law in the U.S. Each state has its own laws. Nor is there any national standard for defining and reporting male-male or female-female perpetrated rapes. Rape definitions vary by state and in response to legislative advocacy. More than half of the states use traditional sex-specific rape law, limited to male perpetration against females. Most statutes currently define rape as:

Non-consensual oral, anal, or vaginal penetration of the victim by body parts or objects using force, threats of bodily harm, or by taking advantage of a victim who is incapacitated or otherwise incapable of giving consent. Incapacitation may include mental or cognitive disability, self-induced or forced intoxication, status as minor, or any other condition defined by law that voids an individual's ability to give consent¹³.

It is common to distinguish between statutory rape and forcible rape. Statutory rape is illegal sexual activity between two people when it would otherwise be legal if not for their age, whereas forcible rape, as defined by the Uniform Crime Reporting (UCR) Program, is defined as “the carnal knowledge of a female forcibly and against her will”. Assaults and attempts to commit rape by force or threat of force are also included in this definition (Federal Bureau of Investigation 2006:27). Forcible rape is subdivided into two categories: a) rape where the perpetrator and the victim know each other, and b) rape where both are strangers. Under North Carolina law, contrary to the statutes referenced above, forcible rape only refers to penile penetration of the vagina. Coerced anal sex and oral sex, and all other forms of unwanted penetration of the vagina, anus and mouth by any object or finger are referred to as sexual offenses¹⁴.

The issue of consent has been put forward by many American feminists and human rights lawyers, who have argued that the legal system is riddled with gender stereotyping that disfavors rape victims’ legal protection (Brownmiller 1975; Barnett 1976; MacKinnon 1985; Valenti 2009). The American judicial system emphasizes the use of force or threats in most legal definitions of rape. Often, only if a woman has protected her virginity through active resistance or “appropriate female behavior”, she is likely to be believed. This is a heritage of the British legal system that stated that only wives, i.e. a man’s “property”, could be raped. Women outside marriage were considered fair game and common property (Barnett 2008; Bourke 2007). American women inside marriage, until the late 1970s, did not enjoy legal protection as victims of acquaintance rape. Commonly, spouses have been exempted from American sexual assault laws. For example, until 1993 North Carolina law stated that “a person may not be prosecuted

¹³ U.S. Department of Justice (2009): <http://www.ojp.usdoj.gov/nij/topics/crime/rape-sexual-violence/welcome.htm>, webpage accessed December 20th 2009.

¹⁴ See also North Carolina General Assembly: http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_14/GS_14-27.2.html, webpage accessed May 9th 2010.

under this article if the victim is the person's legal spouse at the time of the commission of the alleged rape or sexual offense unless the parties are living separate and apart.” These laws are traceable to a pronouncement by Michael Hale, who was Chief Justice in England in the 17th century, that a husband cannot be guilty of rape of his wife “for by their mutual matrimonial consent and contract the wife hath given up herself in this kind unto the husband which she cannot retract.” Currently, acquaintance rape is a crime in all 50 states and the District of Columbia¹⁵.

According to law professor Michelle Anderson (2002), rape law has been a site of moral condemnation of women who have not led sexually chaste lives. Historically, the law insisted that the sexual history of an alleged rape victim was relevant to the truth of her allegation. A chaste woman was considered more likely to have resisted the defendant’s sexual advances and to have lodged a legitimate claim of rape. An unchaste woman was considered more likely to have consented and to have lied about it later. Embedded within rape law, therefore, was an informal, though powerful, normative command that women maintained sexual abstinence in order to obtain legal protection. As we shall see in Chapter 4.3, media coverage of rape reproduces these normative codexes.

Prevalence

Rape is a slippery field to access, because it is largely under-reported and because research on gender-based violence compared to other types of crime, is low-status. A range of methodological concerns complicates the issue. For example, comparing self-reported life prevalence data with reported incidence data (actual number of cases reported to the police) does not make sense because the number of unrecorded cases distorts the picture. The methodology of Life Time Prevalence (LTP) data is used to estimate how common a condition is within a population over a certain period of time. LTP is the number of individuals in a statistical population that at some point in their life have experienced a “case” (I.e. sexual assault or rape), compared to the total number of individuals (expressed as a ratio or percentage).

¹⁵ The National Center for Victims of Crime: Spousal Rape Laws: 20 years after (1999): <http://www.ncvc.org/ncvc/main.aspx?dbName=DocumentViewer&DocumentID=32701>, webpage accessed July 9th 2010.

In the work with this thesis, it was difficult to obtain recent data. The most frequently quoted LTP survey was conducted by Patricia Tjaden & Nancy Thoennes on behalf of the U.S. Department of Justice (2000), where 8,000 women and 8,005 men were phone interviewed from November 1996 to May 1996. The respondents were asked about their experiences with physical assault and rape. The definition of rape included forced vaginal, oral and anal sex. According to the survey, 17.6% of the women and 3% of the men said they had been victim of a completed or attempted rape at some time in their life. Hence, 1 of 6 U.S. women and 1 of 33 U.S. men have been victims of a completed or attempted rape (U.S. Department of Justice 2000). Incidence data from the NVAW Survey of the number of rapes perpetrated against women and men annually (876,064 and 111,298, respectively) are higher than comparable estimates from the Bureau of Justice Statistics' National Crime Victimization Survey (NCVS). The NCVS estimates for 1994 - a year that approximates the time frame of the NVAW Survey - are 432,100 rapes or sexual assaults of females aged 12 and older, and 32,900 rapes or sexual assaults of males aged 12 and older.

The profile of American rape victims is young girls who know their perpetrators. 21.6% were younger than age 12 when they were first raped, and 32.4% were between 12-17 years old. In other words, 54% of the female rape victims were younger than 18 when they experienced their first attempted or completed rape. Note that this kind of intimate partner violence has a clear gender dimension where men are more likely to be perpetrators than women: 16.2% of the men who reported being raped, stalked and/or physically assaulted since age 18 were victimized by a current or former wife, cohabiting partner, girlfriend, or date, compared to 64% of the women (U.S. Department of Justice 2000). Though rape and physical assault in this study has a clear gender profile where women are victims and men perpetrators, other researchers suggest that when violence takes on milder forms, such as pushing, slapping or pinching, women are no less aggressive than men. Without downplaying the harm women's violence against men can cause, and that this may be under reported because men feel ashamed of admitting such abuse, it is however unquestionable that women are far more likely to be targeted as rape victims than are men (U.S. Department of Justice 2000).

4.2 THE CASE¹⁶

In the U.S., media reporting on sexual offenses has a long tradition and has been a highly contentious issue, particularly when cases involve inter-racial rape or gang rape (Benedict 1992; Bourke 2008; Bumiller 2008). The now infamous rape case from Duke University is no exception to the rule. The case was selected because it involved different races and classes and actualized a debate about gender and sexuality.

The basic facts of the case involved a spring break party in March 2006 where members of the university's lacrosse team hired two strippers for entertainment. Although the events of the evening are hotly contested by the parties, one of the women alleged that she was raped, sodomized, strangled and beaten by three men. Other accusations included the throwing of racist epithets. The neighbor next to the party residence said that he saw one man standing adjacent to the East Campus wall, shouting: "Thank your grandpa for my nice cotton shirt" and profanities like "Nigger" were also uttered. A couple of hours after the party ended, Ryan McFadyen, a member of the lacrosse team, sent an e-mail to other players where he wrote that he planned to kill and mutilate some strippers the following day. The e-mail read:

tommrow night, after tonights show, ive decided to have some strippers over to edens 2c. all are welcome.. however there will be no nudity. I plan on killing the bitches as soon as the walk in and proceding to cut their skin off while cumming in my duke issue spandex.. all in besides arch and tack please respond
41¹⁷

In April 2007, charges were dropped and the lacrosse players found innocent by the General Attorney's office in North Carolina. Preceding the ruling, however, was a long process of collecting evidence that intended to support or weaken the accuser's testimony and make it possible to press charges. Photo lineup of suspects were arranged and DNA evidence gathered shortly after the alleged rape. On April 18th 2006, two members of the lacrosse team were arrested and indicted on charges of first-degree forcible rape, first-

¹⁶ This section is built on newspaper articles about the case and books written by (Seigel 2009) and Taylor & Johnson (2007).

¹⁷ 41 is the jersey number for Ryan MacFadyen at the lacrosse team. The e-mail is retrieved from the General Court of Justice's search warrant order of the party residence that followed:
<http://www.thesmokinggun.com/archive/0405061duke5.html>, webpage accessed June 25th 2010.

degree sexual offense and kidnapping. A month later, a third member of the lacrosse team was charged with first-degree forcible rape, sexual offense and kidnapping¹⁸. All the lacrosse players stated their innocence throughout the case. Duke University suspended the lacrosse team for two games on March 28th 2006. On April 5th 2006, Duke lacrosse coach Mike Pressler resigned and Duke President Richard Brodhead canceled the remainder of the 2006 season due to the nationwide controversy stemming from the rape allegations. Many students and professors at the university took the charges seriously and initiated a larger debate about campus culture, race relations and sexual violence. A group of 88 professors placed an ad in *The Chronicle* referring to the circumstances surrounding the allegations as a "social disaster" and quoting primarily anonymous individuals citing racism and sexism in the Duke community (see Appendix 2). Other students distributed posters at the campus, urging the Lacrosse team to come forward and cooperate with the police (see Appendix 3). Bit by bit, the accuser's story fell apart: Though a medical exam carried out shortly after the alleged attack found that the woman's injuries and behavior were consistent with being raped, DNA-tests proved negative. The second stripper testified that she had stayed with the accuser the entire night, except for a short amount of time. Finally, the accuser changed her testimony several times, and admitted in December 2006 that she could not claim with certainty that she had been raped according to the legal definition. The kidnapping and sexual offense charges were upheld against all three players.

Politically, the case coincided with the re-election of the prosecutor, Mike Nifong, a White attorney who sought to garner support for the position of becoming District attorney (DA) in a predominantly Black community. Critics claimed that he used the case for political purposes. In any event, the North Carolina bar filed ethics charges against Nifong over his conduct in the case, accusing him of making public statements that were prejudicial to the administration of justice and of engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation. Among other things, he withheld DNA evidence from the defense that suggested that the accuser had sexual intercourse with several men, but none from the lacrosse team, in the week prior to the party. Nifong

¹⁸ "3rd Member of Duke Lacrosse Team Indicted" (May 15th 2006), http://www.breitbart.com/article.php?id=D8HKBCN80&show_article=1, webpage accessed June 25th 2010.

resigned in January 2007, lost his license to pursue law, and the case was transferred to the North Carolina Attorney General Roy Cooper. Four months later, all charges against the three defendants were dropped and they were declared innocent.

Normally, the legal system does not establish truth or innocence, but ideally ensures a fair process. A person can only get convicted if the prosecutor can put forward evidence that, beyond a reasonable doubt, a crime has been committed. One of the things that made the Duke case so unusual is the fact that the Attorney General did state when he announced his dismissal of the charges that his office determined that the accused were "innocent." He did so because, when looked at carefully, the falsity of the allegations was conclusive. The alleged victim's statement was never coherent. The identification procedure was a farce. DNA tests of her and her clothing matched four males, none of whom were the Duke students. One of the defendants was taking money from an ATM machine (with the bank's time-stamped photo to prove it) during the time of the alleged rape. The Attorney General felt a responsibility to clear the defendants' names after they had been falsely accused of such a heinous crime and had suffered the resulting consequences (including paying millions of dollars in attorneys fees)¹⁹. No counter lawsuit was filed against the accuser. Several books have been written that evaluate the process, discuss evidence and chain of events, concluding in favor of the defendants²⁰. The accuser continues to maintain that she was sexually assaulted that night (Mukhopadhyay 2008). In October 2007, the lacrosse players filed a civil lawsuit against the city of Durham, former District Attorney Mike Nifong, former police Chief Steve Chalmers and several police detectives and officers. They sought punitive and compensatory damages along with reforms in the way criminal cases are handled by the police department and the prosecutor's office. As of September 2010, this matter remains unsettled²¹.

¹⁹ Personal e-mail correspondence with Michael Seigel, August 19th 2010. According to Seigel, in capacity of having worked as a professor and prosecutor for 25 years, the official declaration of innocence in the Duke lacrosse "rape" case is unique to American legal history.

²⁰ While I have read those books with interest, they are debate books and not research. Though at times convincing, it is difficult for the reader to orient herself in this normative landscape. Among the books published in the aftermath of the case are Baydoun & Good (2007); Mangum & Clark (2008); Parrish (2009); Seigel (2009); Taylor & Johnson (2007); Yaeger & Pressler (2007)

²¹ "Durham Faces Federal Lawsuit From Ex-Lacrosse Players" (October 25th 2007); <http://www.wral.com/news/local/story/1896692/>, webpage accessed June 25th 2010.

4.3 ANALYZING TEXTUAL PRACTICE

In the thirteen months the case was pending, it sparked national and international media attention and evoked issues of race, gender and class. The public, and therefore the media, found the story irresistible since it involved sex, people of different races and a conflict between rich and poor (Kosse 2007). In an editorial in USA Today, staff writer DeWayne Wickham compared the Duke case to previous and similar cases involving inter-racial rape, and concluded that “race plus sex remains an explosive mixture in this nation's legal system -- and in the court of public opinion”²². In the U.S., race often becomes proxy for class since the majority of the nation’s poor are African-American or Hispanic. Hence, where race is an issue in a rape case, class is the subtitle that often goes unmentioned. Many Americans consider their country to be a classless society where the self-made man and the independent entrepreneur can “make it” if they work hard enough (Bitsch 2008, Sommers 1995; Kimmel 2005). Being critical of references made by commentators to the class dimensions of the case, David Brooks in New York Times remarked that the case had turned out to be “sociological” because they tended to describe the case as clash between classes:

The key word in the coverage has been ‘entitlement’. In a thousand different ways commentators have asserted (based on no knowledge of the people involved) that the lacrosse players behaved rancidly because they felt privileged and entitled to act as they pleased²³.

Brooks, and many people with him, feared that the defendants were prejudged. Other concerns brought to the fore were how moral decay had created a culture of excessive drinking and sexual promiscuity. Similar to suggestions put forward by Thornhill & Palmer, Jones (1999) and political conservatives like Christina Hoff Sommers (1994; 2000) editorials and reader comments often suggested that in order to combat rape and other violent crimes, more chaperoning was needed. Limiting youth’s access to alcohol and reinstalling discipline were central messages purported by these discourses. One illustrative example includes an editorial written in New York Times:

²² “Race and sex cast long shadow over Duke” by DeWayne Wickham, USA Today (April 18th 2006)

²³ “Virtues And Victims” by David Brooks, New York Times (April 9th 2006)

When the children of privilege feel vividly alive only while victimizing, even torturing, we must all ask why. This question is first personal then goes Ethical soon National. Boys 18 to 25 are natural warriors: Bodies have wildly outgrown reason, the sexual imperative outranks everything. They are insurance risks. They need (and crave) true leadership, genuine order. But left alone, granted absolute power, their deeds can terrify. The imperative to win, and damn all collateral costs, is not peculiar to Durham -- and it is killing us. Why is there no one to admire?²⁴

Some of these discourses drew on a neoliberal ethos in that they focused more on individual risk management and less on structural change (Bumiller 2008; Hall 2004). I interpreted discourses that explained rape with male natural aggressiveness, underage drinking and bad sexual morals as conservative. Neoliberal discourses are built upon the same notions purported by liberalist discourses, that rape primarily is an outcome of individuals' wrong actions rather than structurally related causes. They differ, however, in that conservatives put less emphasis on changing structures such as the court system, and rather stress the importance of individual risk-management. This is in line with the neoliberalist skepticism to "big government" that has permeated the political climate in the U.S. from the 1980s onwards. Neoliberal discourse finds common ground with conservative discourses' concern with risk-behavior, and neither address the issue of rape through the lens of class-, race- or gender politics.

To the modest extent that I was able to trace pro-feminist statements within the discourse order, they were informed by radical feminist discourses that to some extent blended with conservative discourses. One example was a journalist comment on print in News & Observer that called for the canceling of the lacrosse team's training season and explained the alleged rape as an outcome of "dishonouring of women" and "privilege" among elite White men. The journalist pointed to racialized double standards and claimed that Black men would have been thrown to jail²⁵. Other feminist pieces were concerned about sexist culture and female vulnerability. Most of those texts were written by ordinary women. Judging on their vocabulary, nothing suggests that they are organized in the women's movement or hold positions as gender researchers.

Statements about "fairness", "justice" and "rowdy behavior" were widespread in the data. Taken together, they morphed into hegemonic discursive formations that

²⁴ "Blue Devils Made Them Do It" by Allan Gurganus, New York Times (April 9th 2006)

²⁵ "Cancel the season" by Ruth Sheehan, News & Observer (March 29th 2006)

complemented rather than juxtaposed one another. In the following sections, I will give an account of temporal discursive change and how the texts can be understood as discursive battles over definition power.

4.3.1 TEMPORAL DISCURSIVE CHANGE

Similar to conclusions made by Barnett (2008) and Kosse (2007), discourses changed considerably as the case proceeded, and were related to both the case itself and media coverage of it. Publishing intensity also varied, with most articles published the first three months, followed by a dead period over the summer and fall, and an increased frequency as charges fell apart between December 2006 and April 2007. News & Observer followed the case most extensively.

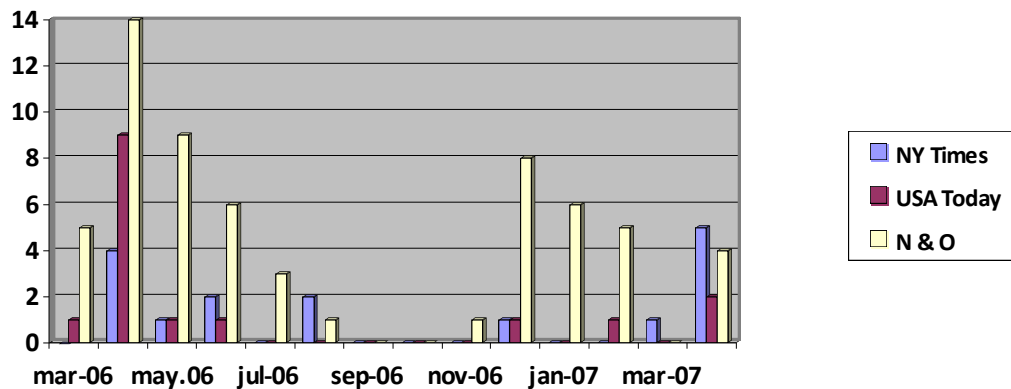


Figure 1: Publishing intensity per newspaper

In the beginning, people were either sympathetic or neutral to the accuser. That was also when feminist discourses were most prevalent. Similar to theoretical insights from masculinity studies, a few commentators were concerned about a “culture of silence” where the team members protected each other²⁶. Other texts informed by feminist thought concerned media’s focus on the accuser’s profession²⁷ or that the accuser was judged on her previous criminal and mental record²⁸. While feminist organizations and opinion

²⁶ “Wrong time for team unity in Duke Probe” by Christine Brennan, USA Today (March 29th 2006)

“Team's silence is sickening” by Ruth Sheehan, Staff Writer, News & Observer (March 27th 2006)

“Delaying Tactics” by Jim Crawford, News & Observer (April 8th 2006)

²⁷ “Simply students” by Jan Dunlap, News & Observer (May 1st 2006)

²⁸ “Means nothing” by Caroline Ring, News & Observer (April 29th 2006)

leaders used the case as a window of opportunity to debate rape in a structural perspective, many readers and commentators meant that it was important not to get carried away emotionally. The word “fairness” was frequently mentioned. An example of a text with high affinity to such liberal principles was printed shortly after the case went public:

Our young lacrosse players are finding themselves suddenly stigmatized, and that is not fair to them or to the sport. These kids work hard at their sport and should not be judged by the incident at Duke. When my sons practice at a neighborhood park, are the passersby eyeing them with contempt, prejudging them to be thugs in training? If the incident had involved basketball players, would people be bad-mouthing the entire sport? I stand in support of the young women who were victims that terrible night. Just as they should not be judged by their employment, please don't prejudge lacrosse players and fans²⁹.

The writer establishes authoritative voice in capacity of being a mother of lacrosse players. Textual affinity is high as she expresses herself in a personal and non-formal voice. The lacrosse players are described as “kids” rather than men. Doing so, she can speak with the authority of an older person who knows best. Fairness is grammatically framed as the opposite of stigmatization. The way the case is made sense of is to represent it as a conflict between young people that adults can deal with by giving all of the involved their fair share. Interestingly, however, she uses the word “victims” and “young women”, rather than “accuser” or “girls”, which produces a textually ambiguous conceptualization of “fairness”. On one hand, the young people can have their problems settled by a compassionate and unbiased mother, but on the other hand she infantilizes the men more than the women through the grammatical opposition between “boys” and “women”. This piece spoke to liberalism on an individual level whereas most texts that invoked a liberal discourse were concerned about the implementation of liberalism on a systemic level, particularly with justice and the rule of law:

In the case of three Duke University lacrosse players charged with raping a hired dancer, the public interest lies in fair treatment for all concerned. That is absolutely essential if justice is to be served in this highly emotional case that has drawn national attention. Fairness to the woman who says she was attacked includes the filing of charges if authorities believe they can prove commission of a crime. But it also should mean a willingness by prosecutors to consider evidence that may tend to clear people who have

²⁹ “Cheap shots at the sport of lacrosse” by Diana Palmer, News & Observer (April 9th 2006)

come under suspicion³⁰.

Interestingly, as opposed to the previous text where justice is aligned with motherly compassion, justice is here juxtaposed with emotions. The vocabulary is neutral and relatively abstract in that the writer speaks more to general legal principles than everyday practice between individuals. I interpret this difference as a discursive spatialization of the gendered public-private divide. Because history has it that way that men primarily have been influential in the public sphere where politics and law is crafted and carried out, women's practical and emotional attachment to reproductive tasks also manifests themselves discursively as male and female actors operationalize liberal principles according to their primary sphere of influence. This resonates fairly well with Fairclough's (1995) and Foucault's (1980) idea that discourses produce and reproduce subjects and identities.

The initial support to the accuser can be explained with the fact that many pieces of what happened at the party were still missing; DNA-evidence was yet to be analyzed, and no formal identification of suspects had taken place. After a while, through March and April 2006, information was disclosed to the media and the public, and discourses started to evolve more intensely. Because of rape shield laws that prohibit rape accuser's identity to be released and the prosecutor to share information, media tended to use the defense attorneys and police reports as a source, which may have biased the coverage (Kosse 2007). As the accuser's testimony became flawed with inconsistencies, people started to question her credibility. In December 2006, nine months after the case first evolved, following the political scandal surrounding Mike Nifong's re-election, his professional misconduct and the withdrawal of the rape accusations, discursive actors actively sided with the defendants. Structural explanations with reference to gender and race soon became entirely discarded by liberals and conservatives. While some feminists objected to individualistic justifications from their counterparts, they never gained a foothold in the debate. The possibility of a miscarriage of justice stirred popular upheaval among editors and ordinary people.

³⁰ "Standards of fairness", News & Observer (May 17th 2006)

Last March, when a young black woman who had been hired to strip at a Duke University lacrosse team party accused three white players of raping her, the case became a national sensation. The instant storyline was one of jocks gone wild, with echoes of North Carolina's sorry racial past. Today, the case is looking less like a vicious crime perpetrated by privileged athletes and more like an example of prosecutorial misconduct by the local district attorney. More broadly, its handling shows the danger in making snap judgments and should give pause to anyone who cares about fairness in the legal system³¹.

This is a typical example of a liberal discourse in my data that describes the case as a symptom of a legal system obstructed by feminist prejudices. Discursive actors participating in liberal discourses often insist that rape should be treated in a gender and race neutral way in order to obtain universal justice. Later in the editorial, the author regrets that the players were involved in underage drinking and hiring of strippers. Interdiscursivity is thus created through the expression of a conservative anxiety about moral decay (“they are not angelic”), but the ideological agenda is liberal. The article ends with the following statement:

Even so [...] being a prosecutor doesn't mean simply trying to win convictions or blindly accepting the word of a troubled accuser. It means respecting the rights of defendants and setting aside political expediency. Most of all, it means seeking justice and the truth, even in a charged atmosphere where many have jumped to conclusions based on stereotypes.

I interpret “even so” as a hedge that serves to moderate the previous sentence where the problem of rowdy behavior is addressed, something that makes it reasonable to code the text as a liberal more than a conservative ideological agenda.

As I will show elsewhere, several editorials tended to combine news reporting with subjective judgments. This is relatively unproblematic when pieces are written as “clean” commentaries by staff in the opinion section, but when they figure in the news section, the limit between news (facts) and debate (subjectivity) are blurred. This journalistic practice, I will argue, obscures the ideological nature of medias' sex crime reporting. As noted by Benedict (1992), another factor that may reinforce bias in rape cases is that many chief editor and crime reporter positions are held by men, who tend to be less sympathetic to the experiences of rape victims. This kind journalism set the stage

³¹ “As Duke “rape” case unravels, focus turns to prosecutor”, USA Today (December 27th 2006)

for a “media trial” (Mukhopadhyay 2008). It was produced and reinforced by news- and crime journalism and opinions/editorials, and created a complex intertextual field where participants referred and responded to one another. This was evident in many editorials where genres were mixed; news coverage merged with editors’ personal comments. The vocabulary was typically marked by categorical modality and low affinity (Fairclough 1995). The texts had few adjectives, and this apparently “neutral” language obfuscated the subjective nature of the truth accounts presented. After charges were dropped, editorial writers used much more confident language. Compare, for example, an editorial written in April 2006 and another in April 2007. The editorial from 2006 gave a summary of the chain of events in a referring fashion whereas the one from 2007 was more conclusive and categorical³².

In the first editorial, transivity is obtained by linking events like lack of leadership with “rowdy behavior”, thus omitting issues of destructive masculinity ideals and practice among the lacrosse players. The author also writes about inadequate collection of forensic evidence. While raising typically conservative solicitude about the moral dimensions of the case and openly declaring that the victim has credibility problems because of her previous criminal record (involving previous rape allegations), there is still an (unused) potential for debate about masculinity, campus culture and problems with sexual harassment. These concerns evaporated a year later. The second editorial called “Judgement Day” on print in News & Observer appeared shortly after charges were dropped. Despite the dramatic title, evoking connotations of a trial, the writer begins with a “neutral” summary of the case before categorically concluding that the case never had legitimacy – in other words, the author dismisses the idea that it is worth understanding rape in relation to race and gender relations. Like the piece in USA Today cited above, this editorial focused primarily on how the case was tried in the legal system and how it had affected the lacrosse players’ lives. The case is not analyzed through the optics of race, gender or class, and the piece did not mention the accuser. On the contrary, though speaking on behalf of the lacrosse players and their families, the writer indirectly suggested that such allegations never had been relevant and that, in order to restore justice, the defendants deserved a public apology:

³² “Not the end”, News & Observer (April 12th 2006)

“(…) Now a measure of justice, although delayed, replaces justice long denied. But in the view of the students, their families and many in the public, this case should have been stopped before charges ever were filed. Why wasn't it?”³³

Authoritative voice is established as the writer pretends that he does not speak on behalf of himself, but gives voice to the defendants and their relatives, here portrayed as the real victims. The text gives the reader the impression that the writer just paraphrases the “facts” of the case, although, obviously, the implicated parties experience the case very differently. While, admittedly, the accuser’s testimony was inconsistent and Mike Nifong was guilty of professional misconduct, it has profound ideological effects when editors or journalist only present one side of the story. When being in position of an opinion leader, one chooses not to pay attention to how the case may have affected the accuser and her family, one could rightfully raise the question on whether media is fulfilling its ideal of presenting many sides of a story.

As the case fell apart, discursive change manifested through more and more aggressive discourses, many of them conservative, that demanded the identity of the accuser to be revealed. On February 4th 2007, News & Observer published an unofficial survey that showed that more than two thirds of the respondents wanted the newspaper to name the accuser, though most of them, in principle, did not think that the identity of complainants in sex crime cases should be revealed³⁴. Whereas conservative discourses to begin with took stake with the issue of moral decay and explained rape as an expression of “rowdy” behavior, defendants were now cleared of responsibility and discursively constructed as victims of reverse racism. People were particularly concerned about their demolished reputation, and how the case had cast dark shadows over their family life and the entire city of Durham. Women wrote with contempt about the accuser and raised conservative concerns about how the case had destroyed entire families:

Although I wholly agree with the policy of not naming rape victims, now that the charges of rape have been dropped against the Duke lacrosse players, and their accuser has been shown to be far from an innocent victim, she should no longer be granted anonymity. After all, she has ruined the reputations of apparently innocent, if foolish, young men

³³ “Judgement day”, News & Observer (April 12th 2007)

³⁴ Name the accuser? Here’s your verdict”, News & Observer (February 4th 2007)

who have been publicly defamed and will bear this scar for the rest of their lives. She has caused them and their families untold distress, as well as thousands of dollars in legal fees. They have paid heavily for her accusations. Shouldn't she, now, pay for the damage she has done?³⁵

Fairness in this discourse is not framed according to legal protection for all involved or on a systemic level, but according to her personal moral standards where the dissolution of families seems to be the most immediate concern. She writes with high affinity and the statements are confident. Though, at the time this opinion was on print, charges of sexual offense and kidnapping were still pending, the writer did not hesitate to settle the case immediately. The defendants are described as “innocent and foolish”. Innocence in her perception is presumed to be not guilty of the charges. The accuser, on the other hand, is depicted as guilty (“far from an innocent victim”) - but exactly of what? That question is left unanswered, but one possible interpretation is that the clause “far from innocent” refers to the accusers sexual record (i.e., when a woman loses her virginity, she also loses her innocence). In other words, since the accuser is not sexually pure, there is no reason to grant her legal protection, neither through providing her with anonymity granted by rape shield laws or verifying the remaining charges. This interpretation resonates fairly well with the radical feminist theories about woman as property. Women outside the protective confines of marriage who do not conform to conservative ideals about sexual chastity enjoy less respectability and protection (Barnett 1976; Bourke 2008; Brownmiller 1975; Valenti 2009).

In conclusion, examples of media trial journalism and opinion pieces influenced by liberal and conservative discourse were the far most influential in my data. Taken together, though not necessarily outright sexist or racist, the power effects of these representations reinforced rape myths. In the public imaginary, it became unthinkable that well-educated White men would commit such a horrible crime, whereas for a Black woman with a “dubious” sexual past and little biological evidence to support her case, any attempt to escape the vamp stereotype was futile.

³⁵ “Name, please”, News & Observer (December 27th 2006)

4.3.2 RAPE BETWEEN BIOPOLITICS AND NATIONALISM

I am very tired of seeing this case on the front page of the N&O – or on any page, for that matter. I think the N&O has given it way too much space. It has brought shame on all the main players – the students’ hiring of a stripper was shameful, the way she behaved was shameful, Nifong’s behavior has been shameful. There are no winners and many losers.
Ann Howe, Raleigh³⁶

In a political geographical perspective, one of the most interesting discoveries was how the case became associated with different spatial scales on one hand and with ruling political ideologies, including liberalism, neoliberalism and conservatism, on the other. These discourses spoke to bio-geopolitics and the metaphor “woman-as-nation”. The accuser was held accountable for the reputation of places like Durham and Duke University, thereby producing discourses about “spaces of shame”. According to one writer in USA Today, North Carolina, once known as an economically competitive state and particularly acknowledged for its successful tobacco industry, faced image problems because of the case:

These days, history looms large over this city. Not the history of the white family that once made Durham the heart of America's tobacco industry and gave its name to Duke University. Nor the history of the stretch of Parrish Street that housed so many successful black businesses in the early 20th century that it came to be called "Black Wall Street." The history that now casts a huge shadow over Durham doesn't emanate from these parts. It's a history that was written in 1987 in Dutchess County, N.Y., by Tawana Brawley, a 15-year-old black girl who concocted a story about being abducted and sexually abused by some white racists. It is also a history drawn from the debauchery of a group of white St. John's University lacrosse players who sexually abused a black female student in 1990, also in New York. Durham has been shaken by an accusation that three white Duke lacrosse players raped a black student and single mother who attends nearby North Carolina Central University and moonlights as a stripper. In the days since this charge surfaced, Durham and its best-known higher education institution have become the epicenter of this nation's racial and sexual fault lines³⁷.

The author of this piece writes in a slightly distanced way, claims are presented with low affinity as objective indisputable truths. It represents itself as a chronological abstract of facts. To justify the chain of argumentation, similar rape cases where Black women have

³⁶ Ann Howe quoted in “Name the accuser? Here’s your verdict”, News & Observer (February 4th 2007)

³⁷ “Race and sex cast long shadow over Duke” by DeWayne Wickham, USA Today (April 18th 2006)

falsely accused White men are referenced, including the infamous case of Tawana Brawley from 1987³⁸. When rape narratives from the past are reinvoked to attach meaning to a new text, the writer uses intertextuality to strengthen his argument. The geography of rape is constructed when the writer expresses concern about how the case “shakes” Durham and disrupts the proud history of Durham: the proud history is presented as one of economic prosperity propelled by a successful tobacco industry. The fact that the tobacco industry as a cornerstone business is built on appropriation of Black slaves and that the urban and political geography are informed by these class relations also today, goes unmentioned in the text. Discursively, then, the scale of the raped body is magnified to also represent the scale of the city, while issues of class are erased. The dramatic word choice about “long shadows” and “moonlight” activity (stripping) generates images of a shady business that disgraces the city. Things are not as they used to be because of a stripper’s accusation of three White upper class males. Juxtaposing the stripper/the Black woman/the raped body with the hard working White tobacco entrepreneur (James Buchanan Duke)/the “best-known higher education institution”/the heart of American prosperity, conveys the image of a city tainted by unchaste femininity. Durham is converted from a place of harmonious race relations and economic progress to a “space of shame”. As noted by Peterson (2000) and Bumiller (2008), it is not uncommon that the female body is an ideological battlefield when sexual violence is involved, because these cases leaves a question mark behind assumptions about already achieved political progress with regard to liberty and equality. An equivalent example can be found in the Central Park Jogger case in 1989, also an inter-racial gang rape case involving a successful White woman, Trisha Meili, and a group of poor working class Hispanics. In the media and the public debate, her body was constructed as a container of successful and honorable femininity, now deprived of innocence by foreign intruders of a different class and race. The rape was considered an assault on space as such, in that the individual body of Meili was transformed to an embodiment of the city of New York:

³⁸ In 1987, a 15-year-old Black girl named Tawana Brawley from New York disappeared and was found four days later covered in dog feces and with racial slurs written on her body. She claimed that six white men had repeatedly raped her in the woods. Ultimately, evidence were found missing and charges were dropped. The case drew national attention and support from the African-American community.

This trial is about more than the rape and brutalization of a single woman. It is about the rape and the brutalization of a city. The jogger is a symbol of all that's wrong here. And all that's right, because she is nothing less than an inspiration (Daily News, July 1990 quoted in Didion 1991)³⁹

The narrative of the violent Black rapists with a special preference for assaulting White women (a well-known narrative from the days where Black men who had sex with White women were accused of rape and got lynched) rose as a phoenix from the ashes (Benedict 1992). As observed by Joan Didion (1991), a number of other cases in New York later that year, including a brutal rape of a Black woman and another acquaintance rape that involved a White couple, did not cause the same public outrage. Susan Brownmiller spent a year monitoring newspaper coverage of rape as part of her research for *Against Our Will* (1975), and found, that “although New York City police statistics showed that Black women were more frequent victims of rape than White women, the favored victim in the tabloid headline... was young, White, middle-class and ‘attractive’” (Brownmiller quoted in Didion 1991). In the extensive coverage of rape-murders in 1971, the *Daily News* published in its four-star final edition only two stories in which the victim was not described in the lead paragraph as “attractive”: one of these stories involved an eight-year-old child, the other was a second-day follow-up on a first-day story which had in fact described the victim as “attractive”. The *Times*, she found, covered rapes only infrequently that year, but coverage “concerned victims who had some kind of middle-class status, such as ‘nurse’, ‘dancer’ or ‘teacher’, and with a favored setting of Central Park,” (Brownmiller quoted in Didion 1991). Examples like these show the extent to which race is embedded in American media discourse on rape. Another text with a high degree of intertextuality, also with references to the infamous case of Tawana Brawley, was on print in News & Observer in April 2006:

Whether Durham District Attorney Mike Nifong presented the rape allegations against the Duke lacrosse team to the national media in order to boost his election campaign or because he was snookered by a stripper, he is likely in more jeopardy than the accused. (...) In the event that three otherwise intelligent young men committed a crime so heinous that it is punishable by death in some jurisdictions, thereby destroying their lives, while 40 of their colleagues stood by, stupid, drunk, dazed and alleged to be suddenly seized by

³⁹ Didion, Joan. (1991). "New York: Sentimental Journeys" in *The New York Review of Books*, Vol. 38, Number 1 & 2, January 17th 1991, <http://www.nybooks.com/articles/archives/1991/jan/17/new-york-sentimental-journeys/>, webpage accessed July 31st 2010.

the demons of racism after years of matriculation at one of the most progressive, pro-human-rights institutions in *the Western world*, so be it. If, on the other hand, this is a case of the escort service from hell, working a Tawana Brawley-like scam, then there is likely a district attorney facing certain defeat and lawsuits as far as the eye can see⁴⁰.

Again, nationalism and sexuality are intertwined in a discourse of shame. The author expresses clearly what he thinks about the accuser and the femininity she displays. Shame is affixed to the accuser with epithets like “snookering stripper” and “escort service from hell”. Prostitutes are *per se* deceiving and do not deserve respect. If they get into trouble “so be it”, the author resonates. Meaning is created through a high degree of intertextuality where the case is interpreted as a blueprint copy of Tawana Brawley. From the writer’s point of view, charges are illegitimate because the American (“Western”) culture of human rights has erased class-, race- and gender imbalances. In contrast to the previous text, the language is tempered, straightforward and unacademic. The agenda is not hidden; whereas the editorial in USA Today is descriptive and analytical, this text is explicitly normative and concluding. He draws on liberal and conservative discourses. Liberal, in that the author is concerned about the state of the legal system and expresses faith in “Western values” like human rights, and conservative because he suggests that “otherwise intelligent” men may feel aspired to commit violent crimes if they are too drunk. From this perspective, intelligent and sober men do not rape or tolerate other men’s violence.

Despite the fact that evidence at this point is inconclusive and further investigations await, the aforementioned actors speak confidently about Black lying women. Recalling Foucault (1980a; 1980b) and his preoccupation with biopower and how discourse produces subjects, we see that the accuser in the Duke case is denied an independent subject status, and instead gets equated with Brawley. Politically, this matters. When victims or perpetrators not are treated as individual subjects, their cases are not judged on their own merits. Ultimately, this kind of intertextuality, if trickling into public and legal discourse, might reinforce gender and race stereotyping and possibly bias the case. This point has also previously been raised by Benedict (1992) and Bourke (2008), who lament that myths about mentally unstable and revengeful women

⁴⁰ “District attorney's fate” by Graham Marlette, News & Observer (April 13th 2006), my italics.

deliberately fabricating false rape charges are reproduced through media discourse (Benedict 1992; Bourke 2008).

Hence, following Foucault (1976; 1980a), I would argue that defining geopolitics beyond the traditional conceptualization (interest politics between nation states competing for global dominance) to include the construction of national identity on the site of the female body, can operationalize how biopower is linked to geography. The control of bodies and sexuality occurs everywhere in the world, from the most fundamentalist theocracies in Iran to secularized countries like the U.S. Biopower is enacted in a myriad of ways from national censuses to policies regarding reproduction and sexual rights. Meanwhile, as noted by Benedict Anderson (1983), for a nation to successfully survive, people must remain loyal to the state project and share common beliefs about national identity. One way to create common national identity is to establish cultural conventions that a majority of people can comfortably consent to, for example what moral compasses should guard intimacy and sexuality. Because morality is tied to notions of honor and shame, nationalist values also penetrates discourses about rape.

Another illustrative examples of the bio-geopolitical discourse in my data include an opinion piece where the writer argues that because the U.S. has progressed with regard to human rights compared to “backward countries”, race is not relevant:

There is no question the "N word" had no place at the gathering of Duke lacrosse players but, while boorish, it's not criminal. Genocide and slavery continue in Africa today, yet America's history on race, events before any of us were born, is used to contend that only white Americans should be forever locked to mistreatment of races. The question is whether or not the three young men charged with raping this exotic dancer in Durham are guilty or innocent. If guilty they deserve the full punishment. If innocent those convicting them in the press should be ashamed⁴¹.

Carefully note how this discourse, though describing the defendants in a negative light (“boorish behavior”), forecloses the possibility to address rape as a larger societal issue where questions like the consumption of Black women’s bodies and feminized poverty are left out. The defendants are marked discursively as human beings (“young men”) whereas the accuser is marked as a sexual object (“exotic dancer”). Further, the

⁴¹ “The case, not race”, News & Observer (May 20th 2006)

defendants' race is left unmarked, as the reader chooses to write "white" in lower cases. The bio-geopolitical aspects of this discourse are brought to the fore with the reference to Africa, a place where genocide and slavery still exists, as opposed to America that is discursively constructed as exceptional, and supposedly more civilized⁴². The geopolitics between the liberal U.S. that has freed itself from its racist past, and the Other barbaric Africa, is literally played out on the woman's body as it becomes aligned with the nation itself. This mending of bio/geo-politics is a perfect illustrator of what Spike V. Peterson (2000) terms "nation-as-woman" in that the Duke lacrosse "rape" case becomes a metaphor for how the U.S. as a nation deals with gender and race issues. Simply stated, since "race is not the case" and the woman's femininity (Black, working class stripper) does not align with "good American values" like sexual purity, the nation as such does not have a problem with gender-based violence.

Regardless of whether race really was the case here, and charges later were dropped, these bio-geopolitical and conservative discourses are evident of a profound unwillingness to self-scrutiny with regard to sexual violence in society at large. This obscures the disturbing reality of widespread gender based violence in the U.S., and serves to protect the image of a progressive human rights nation and its fine men, more so than the legal protection of any rape victim, in particular a "snookering stripper", that does not conform to conservative gender ideology.

Yet another interesting example of how space is discursively coupled with shame includes an editorial in News & Observer where the staff writer argues that "Duke's stake as hometown hero" is jeopardized because of the case. In this discourse, meaning is created through geography. In the author's words, the case has become "the nation's latest Sickeningly Sensational Scandal". The dramatic word choice speaks to the bio-geopolitical nature of the case; the regulation of bodies and sexual politics has now merged into an issue of national concern. Duke University's relation to Durham is compared to that of New Haven, Connecticut, and the rape is then framed in relation to socio-geographical disintegration:

⁴² We do know, however, that though rape is more widespread in countries at war like Sudan and Kongo, the U.S. is far from being the champion in gender equality that the country purports itself to be. For rape, the prevalence rate in 2003/2004 was 1.0 in Johannesburg, South Africa (known as one of the most violent countries at peace) and 1.5 in New York, U.S. The rape rate in the U.S. is more than three times higher than in France and Germany, and almost double that of Norway (Dijk et al 2008).

President Richard Levin [at Yale University], who made town-gown relations a top priority, campaigns relentlessly on behalf of Yale's stake in New Haven's progress. If Duke is angling to make a quantum leap as a force for civic betterment -- and to help itself at the same time -- Dick Brodhead [at Duke University] can look to familiar territory for a textbook study in how to get it right⁴³.

In this text, interdiscursivity is created through blending the bio-geopolitical discourse with the conservative discourse. The comparison with another, supposedly more civilized space, New Haven, in opposition to the tainted space of Durham, is illustrative of the bio-geopolitical dimensions of the case. On the conservative side, the “rape” case is linguistically constructed as a microcosm of larger societal problems: lack of leadership, values gone astray and disintegration. The problem is represented to be a result of “drunken, obnoxious student behavior” and the solution to this problem, it is suggested, is resolute action from the University’s administration. They must assume social responsibility and realize that Durham’s wellbeing is dependent on Duke’s wellbeing. With regard to transivity, how events and processes are discursively linked with subjects and objects, the individual actors and their actions are hardly mentioned in the text, except as custodians of culture. The writer seems to be more concerned about the poor role model behavior on behalf of members of Duke’s lacrosse team than with the alleged rape. The accuser is mentioned only once in the beginning of the editorial, by virtue of her profession as a stripper, rather than as a human being.

Similar metaphors of “spaces of shame” are called upon in another editorial, written by the same staff writer. This time, he continues along the bio-geopolitical discursive path laid down the previous week, and is utterly worried about “the fate of the proud city of Durham”⁴⁴. Transivity is established through aligning a “boozy party” with rape: “No party, no rape complaint, no team members arrested, no media hullabaloo”. The party is then construed as the cause behind the effect, rape, and the nation’s Argus eye would not be directed at Durham had not the party been held in the first place. It is worth noting that the accuser and defendants are given modest roles in the editorial. She is not at all mentioned, only the complaint, whereas the guilt is placed on the party rather

⁴³ “Duke's stake as hometown hero” by Steve Ford, News & Observer (April 23rd 2006)

⁴⁴ “A city beyond stereotypes” by Steve Ford, News & Observer (April 30th 2006)

than its participants. This omission of agency has profound effects; it sidelines the seriousness of a possible assault and the harm rape can inflict on a person. The writer then goes on to argue that “however the pending rape charges are resolved, the case and those caught up in it should be treated and judged as individuals, not as figures in some rich vs. poor, white vs. black or gown vs. town morality play with predetermined plot and motives”.

In many ways, this rhetoric affiliates perfectly with classical liberal thought. A central tenet of liberal philosophy is that people are created free and equal, that they are endowed with certain unalienable rights (Declaration of Independence, 1776) and should be presumed innocent until proven otherwise (Bill of Rights, 5th amendment, 1789). To stress neutrality and universalism over gender and race sensitivity and difference therefore makes sense from a liberal point of view. However, the author’s rhetoric stands out as somewhat incoherent: How can he on one hand claim to defend the individuality of the implicated parties while at the same time downplaying human agency? If one were to adhere strictly to liberal principles, one would not reduce the accuser to her profession or hold her indirectly responsible for the image of the city. Within this textual structure human agency is erased and the reader is left with no other options than to blame the alleged rape on the party, rather than living human beings. Hence, typecasting a yet unsettled case as a bad party that went out of control appears in many ways to be more biased than to critically examine the power relations between the accuser and the defendants in order to get facts clear.

Further, the writer stresses the importance of the university’s community outreach program and claims that Duke cannot be accused of existing in an “upper-crust isolation bubble”. This is highly contradictive of the reasoning the previous week concerning Duke’s disintegration into Durham’s urban fabric. This rhetorical confusion can be interpreted in many ways, but my view is that the intensity of articles that figured nationwide at the end of April 2006 caused shame and discomfort among the locals who tried to grapple with the case in a meaningful way. Politically sensitive issues of division and subcultures illuminated themselves in a cultural context where race too often becomes proxy for class, and in a state that for a long time had a “progressive reputation” compared to other Southern states (Cooper & Knotts 2008). Perhaps this explains why

many were reluctant to accept the race argument. When the glue that holds the “imagined communities” together is dissolving, and peoples’ sense of national belonging is under siege, the natural thing to do is to stress universalism and local patriotism (Anderson 1991). The author continues:

As for Durham, North Carolina's fourth largest city with right around 200,000 residents, its image has been reduced to a simplistic and unflattering caricature. Durham long has offered a classic example of how no good deed goes unpunished by the jealous or the uninformed. The city does struggle with poverty and the crime and misery that go with it. But to suggest that poverty, or crime, is the city's defining feature is grossly off the mark. It is an intellectually lazy, if not racist, conclusion influenced by the fact that Durham's population has a higher than average quotient of African-Americans -- 43.8 percent as determined by the 2000 census⁴⁵.

It is not easy to ascertain what triggered this sudden need to defend Durham so determinedly. As I discussed in Chapter 3, one possible reading of the text is that it was a response to a polarized and intensified debate in other media channels. In order to control for this, I carried out a google search containing the keywords “rich- vs. poor, white vs. black or gown vs. town morality” and “rape” and “duke”. The search generated one article from Entertainment Sports Programming Network’s (ESPN) website titled “Turbulent times for Duke and Durham”⁴⁶. This article, a mix of a sports commentator column and news journalism, was a cornucopia of popularized feminist and sociological theory. The length of the article allowed the author to thoroughly unfold his argument and balance the number of sources. The author decided not to, however. Of the 14 different sources quoted in the text, 10 of them were sympathetic to feminist or sociological theory. Among the topics brought to the fore was campus culture, White male privilege versus Black working class, media culture reducing women (and in particular Black women) to sexual objects and the disintegration of an elite education institution in a predominantly African-American community. To be sure, more than anywhere else in my archive, I found a variety of representations that reinforced Durham and Duke as “spaces of shame”. Let us look at some examples:

⁴⁵ “A city beyond stereotypes” by Steve Ford, News & Observer (April 30th 2006)

⁴⁶ “Turbulent times for Duke and Durham” by Greg Garber, ESPN:
<http://sports.espn.go.com/ncaa/columns/story?id=2392159>, webpage accessed July 12th 2010.

Duke is often viewed as the gold standard by which scholar athletes are judged. Recently the image was sullied by allegations that a black exotic dancer was raped by three white Duke lacrosse players at a team party.

Though initially necessary for context, in the long run the concurring references to the accuser's profession reinforced the vamp stereotype. The interesting thing, in a political geographical perspective, however, is the description of Duke University as "sullied" by the allegations. The text continues with a quote from a representative from a center that provides programs and services for Black students at Duke University:

"The issues here," said Chandra Y. Guinn, director of the Mary Lou Williams Center for Black Culture, "go far deeper than a single incident. There are pockets of white privilege on this campus, pockets of class privilege [...] Our students are focusing on the feelings of hurt and shame of the negative portrayal of Duke students."

This provides a neat example of the discursive production of a "space of shame". Recalling Peterson's (2000) concept "woman as nation", utterances like this can be interpreted not only as an attempt to find out what happened, but also as a display of national values about sexuality and social relations. How this relates to religion will be elaborated under the section on social practice.

The ESPN article was printed April 3rd 2006, whereas the two aforementioned editorials in News & Observer featured April 23rd and April 30th 2006 respectively. In other words, there is no reason to believe that Steve Ford's last editorial is a direct answer to the one from ESPN. However, while the argumentation in the editorial on April 23rd is quite similar to that of ESPN, perhaps the editorial the following week is a delayed hedge, an attempt to moderate the critique of the lacrosse players' rowdy behavior and the disintegration of Duke in the first editorial. Looking at the temporal discursive change during the year the case was running, this resonates fairly well with the overall development. To begin with, though cautious and hesitant, people were slightly more willing to discuss rape as a structural issue, whereas these structural explanations became gradually invisible as the case went on. Overall, discursive actors preferred individualistic explanation models purported by conservative, liberal and neoliberal discourses.

In the local newspaper, News & Observer, people were particularly concerned about restoring the image of Duke, Durham and the reputation of the lacrosse players⁴⁷. At the end of the period, Durham and its neighboring cities not only struggled as a “space of shame”; its citizens also lived in a space of sorrow, left as they were with anxieties about whether the leaders of their society could realize liberal principles of equality before the law and conservative values of restraining hedonistic behavior like sexual promiscuity and underage drinking. This supports my initial hypothesis that geographical proximity to the scenery of events produced more affectionate discourses in the local newspaper than in the national newspapers (p. 52 above). Months later, Professor of Cultural Anthropology at Duke, Orin Starn drew a similar conclusion when he wrote that “these last months have held up a mirror to Duke and society itself,” and what they found was not pleasant⁴⁸. From the beginning, it seemed like this process was going to be a painful and emotionally exhausting one for the citizens of Durham. When the case was over, people were sick and tired of the entire thing. One reader in News & Observer thought that “all parties involved need to apologize to the rest of us for annoying us”⁴⁹.

There is a fine line between “spaces of shame” and “spaces of disillusion”. The analysis suggests that discourses along the entire continuum dealt with issues of shame and risk on a variety of geographical scales. On the scale of the body, shame was thematized by conservative and feminist discourses through notions of honorable sexuality. Conservatives and feminists found common ground in offender blaming statements (“rowdy behavior”/dishonorable masculinity), but diverged on accuser blaming statements. Conservatives attributed shame to all of the involved parties, whereas feminist discourses were slightly more sympathetic to the accuser. Some of the radical feminist discourses, however, also stressed the importance of purity through the notion of an ethical sexuality. It was particularly worth noting that the conjunctive working of bio/geopolitics was most clear where shame was attributed to the scale of the body. A few feminist discourses had analyses similar to masculinity studies and radical

⁴⁷ Andrew E. Taslitz (2009) has written an informative elaboration about the significance of reputation in relation to social status, and how this were managed by the media and the prosecutor in the Duke Lacrosse rape case. See Seigel (2009:175-210).

⁴⁸ “Let's talk sports” by Orin Starn, News & Observer (July 2nd 2006)

⁴⁹ “Name the accuser? Here’s your verdict” by Tedd Waden, staff writer, News & Observer (February 4th 2007)

feminism where structural issues of power and economy were discussed. Those pieces were either written by female editors or academics. On this educational level, shame was less of an issue. Liberal discourses dealt with shame on the scale of the community and the nation where the travesties of justice was discussed. Here, the case was framed as a symptom of a dysfunctional legal system that cast shadows on the reputation of the nation as a defender and guarantor of human rights. Neoliberal discourses typically mended with conservative discourses, and shame was attributed to individuals who failed to take adequate precautions in dealing with risk. One example of such interdiscursivity with a strong emphasis in individual risk management was an editorial where the writer framed the case as a “crisis” one had to learn from. This word choice alludes to sentiments of a state of emergency. This is linked to wider national concerns:

Americans increasingly have worried about counterproductive, antisocial or harmful campus behavior such as binge drinking. Duke, meanwhile, moved slowly in addressing its reputation for raucousness. To its credit it finally cracked down on booze-drenched parties on campus, but the revelry just moved to nearby residential neighborhoods⁵⁰.

The problem, the writer continues, is that left wing professors during the 1960s and 1970s “pushed college administrators to ease their controlling ways”. Put differently, the problem is represented to be a problem of risk or antisocial behavior caused by liberal politics. He especially appreciates that Duke’s dean, Richard Brodhead, has taken measures to teach students values about “personal responsibility”. Rape, at best, is framed as deviant behavior, and issues of sexism and racism are left out. Politically, then, the writer implicitly suggest that rape should be controlled on an individual level without interference from liberal politicians or professors who have failed to address the concerns of ordinary American people.

“Spaces of risk” were constructed on a variety of scales. As the case proceeded, the accuser’s body was perceived to be a space of risk that caused harm on the reputation of the defendants. This was particularly evident in the debate about whether the newspapers should name the accuser, but I found it to be persistent also outside my primary archive. Stuart & Johnson (2007:17-20) for instance portrayed the accuser as “a

⁵⁰ “Learning at Duke”, News & Observer (April 22nd 2006)

stick of dynamite” and linked it to detailed characteristics about her mental state, “slutty clothing” and hints about her lesbian sexual preferences and multiple partners, thereby linking a shameful femininity with risk. In this discourse, the twinning of space and risk on the scale of the body denies her subjectivity. She is reduced to an object (“stick”) and demonized as a dangerous vamp. Liberal discourses, on the other hand, constructed the newsroom and the legal system as potential “spaces of risk” where innocent people could get prejudged. For feminists, particularly those occupied with campus culture and masculinity, the university and the environment surrounding lacrosse as a sports discipline was constructed as a space of risk.

Shame discourses propagated by feminists, conservatives and neoliberals tended to individualize rape whereas liberals called for action on a structural level in order to repair the jeopardized legal system. Risk discourses, as conservatives and neoliberals framed them, also operated on the scale of the individual body, either through suggesting better morals or limiting young people’s access to alcohol. As I have explained in Chapter 2, feminists do not always agree on how to handle risk. Some suggest a change in economic and race relations (Brownmiller 1975; Collins 2000; Davis 1975; hooks 1984; Lorde 1984; MacKinnon) while others stress ethics, sexual consent (Friedman &Valenti 2009), self-defense courses and “speak outs” for rape victims. The empirical data suggest that the same disagreements about the most effective prevention strategies prevailed in the debate. While structural issues at times were mentioned, the feminist objections were often characterized by either offender blaming or victim sympathy, rather than solid analyses backed by statistical and contextualized evidence. Feminist perspectives in the articles were remarkably race blind. When taking stake with issues of masculinity, they often failed to take into consideration the multidimensional nature of masculinity, including men’s vulnerabilities and how they may experience possessing or dispossessing power.

4.3.3 DISCURSIVE BATTLES

Discursive battles between feminist and opponent discourses played out most intensely the first couple of months after the case came under public scrutiny. Both liberals and conservatives disagreed with debaters who proclaimed that rape in general, and the case in particular, had to be understood as a symptom of larger societal injustices.

Christine Brennan in USA Today boldly contended that the lacrosse team's collective silence obstructed the police investigation and that they should give up their musketeer "one for all-all for one" mentality⁵¹. As a truth witness to strengthen her authoritative voice, a leader of a national hockey team, Mike Eruzione, was quoted saying that "[t]here are degrees of protecting your teammates, but this crosses the line," and that rape charges were of a much more serious character than breaking curfew or sneaking beer into the room. As I elaborated in the theory chapter, focusing on intra-male relationships and masculinity culture has gained territory in gender research during the 1990s, and according to this frame of understanding, rape is not the outcome of predatory behavior, but an extreme expression of destructive and complicit masculinity. This analytical point of departure is quite different from those purported by conservative counter discourses. The following text actively opposes the idea that good guys can rape. They may be "stupid", but not criminal, the author argues:

I find Mike Eruzione's input for Christine Brennan's column about the Duke lacrosse team to be inflammatory and invalid. Equating a team's unity on the playing surface to concealing the details of a possible crime is a ridiculous comparison. Mike, and Ms. Brennan, have already apparently found these foolish young men guilty. While they are definitely guilty of incredible stupidity, we don't yet know what exactly took place here. To use the testimony of a young woman who agreed to strip naked and dance for these players doesn't exactly put her in the high credibility league now, does it? It is all too common that the financial wherewithal of these men, and their families, may have been a factor in her allegations. It's certainly happened before. So for now let's quit being inflammatory and wait for the details to surface⁵².

This reader comment, while perhaps not being the most typical example of conservative discourse in my data, alludes the virgin/vamp stereotype and can be defined as sexist because of the disrespectful tone. The writer suggests that the accuser somewhat "asked for it" and does not deserve to be trusted, simply because women who transgress puritan gender ideals intrinsic to conservative gender ideology cannot expect to be treated with dignity.

While to various degrees reader comments tended to be more outspoken than editorials, some journalists did not mince words after rape charges were dropped (but

⁵¹ "Wrong time for team unity in Duke Probe" by Christine Brennan, USA Today (March 29th 2006)

⁵² "No comparison" by Derek White, USA Today (April 4th 2006)

while sexual offense and kidnapping charges were still pending). The initial courtesy among staff writers in the leading news papers vanished considerably at the case came to its end. Staff writer in USA Today, Jon Sacareno, probed the same question as the aforementioned writer: “Were the dancers paid \$800 only to dance?” Such statements are exactly what many Marxist, radical and Black feminists have responded to in their theorizing about “woman as property” (especially Black women as White men’s property). These feminists disagree that a woman, who is basically doing her job, working as an exotic dancer, should be objectified or treated as property. Though one agrees to dance, one does not necessarily agree to have sex, and certainly not to get raped. Sacareno categorically concluded that the accuser either was lying or had brought the attack on her self. On a concluding note, “spaces of shame” and “spaces of risk” are discursively melted together like this:

This case looks a lot like the exotic performer who sought it -- threadbare. If the accuser is lying, she has injured the innocent and damaged a school's reputation and a city's already-tenuous race relations. Perhaps worse, she has done an unconscionable injustice to real victims of rape, sentencing them to future suspicion about the veracity of their serious claims⁵³.

Brennan’s editorial was countered by liberals who believed that one should not ignore “the bedrock principles of the justice system” and punish the entire team. To suggest otherwise, that collective identity and team loyalty among a group of men may influence attitudes towards rape, is “political correctness on steroids”, the reader argued.⁵⁴ The issue of masculinity and team culture was also debated in News & Observer, when staff writer Ruth Sheehan urged the team to come forward and placed sarcastic comments about “the good guys” at Duke University:

But I can see loyal team members sitting around convincing themselves that it would be disloyal to turn on their teammates -- why, the guys who were involved were just a little "over the top." In real life, they're funny. They call their mothers once a week. They share class notes with friends. They attend church. On this night, they were just a little too drunk, a little too "worked up." It was a scene straight out of "I am Charlotte Simmons" by Tom Wolfe. Indicative of the times. The alleged racial epithets slung at the strippers, who were black? Those were just ... jokes. Ditto for the ugly remarks overheard by a

⁵³ “Duke lacrosse case has no winners” by Jon Saraceno, USA Today (February 26th 2007)

⁵⁴ “Let Justice Play Out for Duke” by Kelly Gravelle, USA Today (April 25th 2006)

neighbor: "Thank your grandpa for my cotton shirt." Har, har. After all, these guys are not just Duke students, but student athletes. The collegiate dream. And the women? They were... strippers, for Pete's sake. I can see the team going down this path, justifying its silence. And it makes me sick⁵⁵.

Such allegations did of course not go unmentioned. One reply to her editorial came from a reader who spoke about the protection of "civil liberties", "the right to remain silent" and "the fifth amendment in the Constitution" where the principle of due process is enshrined. The bold tone of Sheehan was silenced eventually after the accuser withdrew the rape charges in December 2006. In a January column, she admitted that she had been "naive" and the editor of News & Observer excused on her behalf in a retrospective assessment of the paper's coverage after all charges were dropped in April 2007⁵⁶. In the section about temporal discursive change, I explained that feminist discourse was more widespread in the beginning of the analysis period, but it became particularly clear by the end of the period that initial attempts by feminists to address rape as a structural issue was short lived. In the battle over definition power within the discourse order, feminists suffered a tremendous defeat by liberals and conservatives. In Chapter 4.5, I will demonstrate why this is the case.

The purity narrative was not reserved to conservative discourses. Insofar as feminist discourses were present in the data, some of them also spoke about moral decay where women *per se* were framed as vulnerable creatures that need (feminist) protection. These feminist discourses called for "compassionate ethics"⁵⁷ on the individual level instead of structural change. One reader wrote about "degrading culture" and expressed concern with sexualization of women, underage drinking and "youthful indiscretion"⁵⁸. These are good examples of interdiscursivity where a writer brings radical feminism in conversation with conservative discourse⁵⁹. As illustrated in the theory chapter, discourses about female objectification, pornography and rape culture can be found

⁵⁵ "Team's silence is sickening" by Ruth Sheehan, Staff Writer, News & Observer (March 27th 2006)

⁵⁶ "Assessing The N&O's lacrosse coverage" by Ted Vaden, Staff Writer, News & Observer (April 15th 2007)

⁵⁷ "Emphasizing ethics" by Rebecca Putterman, News & Observer (May 9th 2006)

⁵⁸ "Degrading culture" by Leigh-Anne Krometis, News & Observer (January 20th 2007)

⁵⁹ It may come as a surprise that feminism and conservatism join forces, but history shows that feminism and puritanism have done so several times. Nineteenth century feminists and moral reformers on both the political right and left were closely affiliated with the temperance movement because men's alcohol abuse caused suffering in women's lives, including domestic violence and economic problems (Bourke 2008).

within particular versions of radical feminist theory. Radical feminists have, however, not always agreed with each other on the issue of “female nature”. The first piece cited above, “emphasizing ethics”, is a good example of a particular type of radical feminism⁶⁰, feminism of difference, where women by virtue are thought of as more vulnerable than men. Rather than changing those power and class relations that increase vulnerability to sexual violence, the author suggests a formative educational program:

Perhaps, instead of allowing children to grow up to become adults who make the front page for an alleged offense involving a vulnerable woman, or who otherwise ignore the thousands of rape cases each year, we could be teaching them about compassion, ethics and humanity through an artistic medium in the classroom.

What marks this piece as “feminist” is that it acknowledges the situation of the accuser. On the other hand, the author does not propose major changes on a structural level as radical or Black feminists typically would do. Portraying the accuser as a “vulnerable woman” collides with poststructuralist feminism concerned with the way language reinforces stereotypes. The author suggests that there is an attitude problem among young people that must be addressed. While neoliberal feminists do not share the radical feminist concern about the multitude of campus rape, they do stress the importance of ethics. According to Sommers (2000:65) naturally competitive boys must be turned into gentlemen. Like all children, they need moral guidance, more so than anti-sexual harassment programs, because “school behavior problems have little to do with misogyny, patriarchy, or sex discrimination...and everything to do with children’s propensity to bully and be cruel”. Interestingly, these two feminist positions correspond to some extent with applied sociobiology. Thornhill & Palmer (2000) have participated eagerly in the American rape policy debate. They have proposed to introduce an “evolutionarily informed” educational program for young men, aimed at making them acknowledge the power of their sexual impulses and “restrain men’s natural inclination for predatory sexual behavior”. Such a program should be completed before men should

⁶⁰ With radical feminism, I primarily refer to the political movement, rather than the body of theory presented in the theory chapter. Radical feminist theory is more concerned with analyzing women’s conditions under patriarchy than with celebrating moon goddesses, as claimed by Katie Roiphe (1993). However, as rightly pointed out by Sommers (2000) and Roiphe (1993), within the political movement some feminists have been interested in “ethics of care”, see for example Gilligan (1982) and Held (2005).

be granted a driver's license. A similar behavioral program for women is targeted towards reducing their own "risk-behavior": Dress less provocatively, don't wear too much make-up and avoid unsupervised dating and drinking in isolated environments such as automobiles. Perhaps, they suggest, young couples should be chaperoned a bit more (Kimmel 2005). Such policy proposals show that there is a fine line between research and politics. Though natural science tends to conjure upon "objectivity", it is no less politicized than feminist research (though people often mistakenly believe so), which strengthens Foucault's (1980b) claim that knowledge is delicately intertwined with power.

Several conservative feminist discourses framed rape as a moral issue, rather than a political one. One particularly illustrative reader comment featured in USA Today where a reader wrote:

Those boys at Duke should learn a much bigger lifelong lesson from this. The "hiring" of another human being for any sort of questionable pleasure is never right. To think they thought it was OK to pay a woman to perform for their pleasure, by dancing, or any other objectifying way, says a lot about who they are⁶¹.

Again, as we have seen in other texts influenced by conservative discourse, the defendants are called "boys" rather than men, and sexual objectification is more an issue of unconstrained moral character than gendered and racialized power relations. This individualization of rape also engages in the production of a "space of shame", this time targeted towards the defendants who have violated codexes of honorable masculinity. The widespread national and conservative anxiety the case provoked suggests that the enactment of nationalism in relation to rape may be more *gendered* than feminized. This line of thought will be further elaborated in the discussion about social practice.

The content analysis suggests that feminist discourses were not necessarily informed by academic feminism. In general, as demonstrated above, the texts were a mix of conservative and radical feminism that often engaged in discursive battles with conservatism. This finding corresponds fairly well with how the case was debated among leading feminists who tend to be informed by radical feminism, and to some extent,

⁶¹ "Object is..." by Tamela Gates May, USA Today (April 25th 2006)

Black feminism. This included statements by the local branch of NAACP in North Carolina⁶², National Organization for Women (NOW) who issued a press release in defense of the accuser⁶³ and recent debate books written about rape and sexual violence in the U.S. (Filipovic 2008; Mukhopadhyay 2008; Valenti 2008). One reply to David Brooks in New York Times⁶⁴ provides a classical example of radical feminism:

In a follow-up to the rape charge at Duke University, David Brooks writes, "There may have been a rape that night, but it didn't grow out of a culture of depravity." I would suggest, however, that any culture in which women are valued more for their bodies than for their brains remains a culture that is depraved. I am sick of seeing excuses made for the stripper culture, and I recognize the tragic fact that women like the accuser in the Duke case can make more money selling them selves than they can in almost any other arena of American life. We are a society that masquerades as one of gender equality; until the day that women's work beyond the realm of men's sexual fantasy earns them equal pay, it will remain a culture of depravity⁶⁵.

The rhetoric is determined and the reader seems clear about what agenda she will support. Larger structural issues of equal pay and sexual objectification, similar to those brought to the fore by theorists like Barnett (1976) and MacKinnon (1985), are thematized as causes behind rape. Moreover, using words like "gender equality", in an American context where many women refuse to identify as feminists or talk like them, makes it reasonable to assume that the sender is one.

In my understanding, however, there seems to be a divergence between feminist theory and practice - a gap between academic feminism and feminists activism. While the former has revised and refined its theorizing on rape considerably, the latter, as it figures in media, seems to be more polemic. Several of the activist feminists did not hesitate to label the other debaters sexist and/or racist and some times they also prejudged the defendants. I shall later argue that this might be a result of a polarized media culture and

⁶² "Defense of lacrosse team overlooked much" by Al McSurely, North Carolina NAACP Legal Redress Chair, Durham, News & Observer (June 3rd 2006)

⁶³ National Organization for Women's (NOW) press statement *Media Put Accuser on Trial in Duke "rape" case*, issued at June 15th 2006: <http://www.now.org/issues/media/061506duke.html>; Cash Michaels' article *Character Assassination by Media in Duke "rape" case*, 97 N.Y. AMSTERDAM NEWS, 4 (June 8th-June 14th 2006). http://findarticles.com/p/news-articles/new-york-amsterdam-news/mi_8153/is_20060608/character-assassination-media-duke-rape/ai_n50595469/, webpages accessed May 4th 2010.

⁶⁴ "The Duke Witch Hunt" by David Brooks, New York Times (May 28th 2006)

⁶⁵ "The Duke Case, Reconsidered" by Rebecca Lemaitre, New York Times (June 1st 2006)

habits of the newsroom (see Chapter 4.5.1).

4.4 ANALYZING DISCURSIVE PRACTICE

Taking the textual analysis further, coding texts and analyzing their distribution within and across data is the next step. Certain expressions, themes, metaphors and explanation models dominate some texts more than others. Liberals are occupied with “fairness” and how national values enshrined in the constitution and the legal system should be implemented in practice. Neoliberals find common ground with liberals but opt to a larger extent for rape prevention on the individual level. They are practically oriented, pragmatic and focus on risk management. Conservatives often utter concern for moral decay, while some branches of feminists explain rape as the outcome of structural arrangements, including power relations across sex and race. The production of “spaces of shame” and “spaces of risk” intersect with all these discourses. On the basis of these tendencies, I have developed a fivefold discourse typology consisting of liberal, conservative, neoliberal, feminist and bio-geopolitical discourses, and code texts accordingly. The following criteria for coding and ordering discourses into a particular typology were applied:

- References to instability and moral decay, such as under-age drinking, “rowdy behavior”, lack of discipline, irresponsible masculinity and female promiscuity were ordered into a conservative discourse.
- References to the constitution, due process, fairness and individual responsibility were ordered into a liberal discourse.
- References to individual risk-management, “spaces of risk” and skepticism to “big government” were ordered into a neoliberal discourse.
- References to links between race and gender, bodily autonomy, pornography, consent, cultural notions of masculinity and femininity and preventive measures that aim to change structural power relations between men and women and race- and class inequality were ordered into feminist discourses.
- The fifth, and last, discourse typology, bio-geopolitical discourse, operates independently in relation to the other discourses, but bear references to space and the politics of body and sexuality. Statements concerning moral, ethical and political issues

that affect the nation, especially with regard to the country's historical legacy and national values, were ordered into this discourse. Finally, references calling attention to V. Spike Peterson's (2000) metaphors "nation as woman" or "woman as nation" were also grouped into bio-geopolitical discourses. Because this discourse is crosscutting, I have not mapped its distribution in the same way as the remaining four discourses.

Acknowledging that the primary purpose of discourse analysis is to examine the production of subjects, meaning and identities, and that it may be problematic to force a discourse into one single typology because of their interdiscursive and intertextual nature, I still desired to discover larger patterns of distribution within and across data. A second purpose was to uncover their ideological nature, and therefore, when coding a discourse and order it into a typology, I applied the above-mentioned criteria and made a decision based on what ideological agenda the text primarily sought to promote. Inspired by Bacchi (1999), I asked how the problem was framed and represented, and what kind of intervention the sender suggested. To code discourses like that should thus be considered a *supplemental* strategy to reveal the ideological dimensions of discourse, not an attempt to violate the complex processes of meaning and subject production.

4.4.1 HEGEMONIC DISCOURSES

The coding of texts *across data* according to ideology suggests that in the overall coverage, conservative and liberal discourses were hegemonic. Discourses with a pro-feminist agenda constituted approximately 20% of the articles as illustrated in figure 2.

Distribution of discourses across data:

Conservative: 29 (31%)
Liberal: 34 (37%)
Neoliberal: 4 (4,3%)
Feminist: 19 (20%)
No code: 7 (7,5%)
Total: 94 (100%)

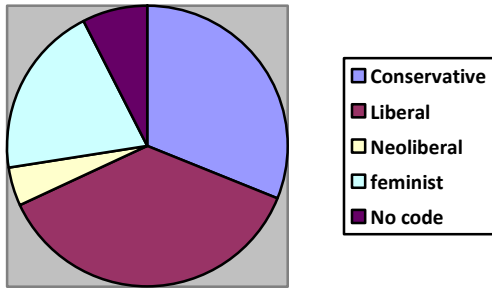


Figure 2: Coding of discourses across data

Examining the distribution *within data* presented in figure 3, 4 and 5, the coding suggests that conservative discourses were most dominant in New York Times (37%) whereas News & Observer had most liberal discourses (38%). USA Today is placed somewhere in the middle. With regard to feminist discourses, they were a little above the national average in News & Observer (22%) and significantly lower in New York Times (12%).

Distribution of discourses within data:

New York Times

Conservative: 6 (37,5%)
 Liberal: 5 (31,3%)
 Neoliberal: 0 (0%)
 Feminist: 2 (12,4%)
 No code: 3 (18,75%)
 Total: 16 (100%)

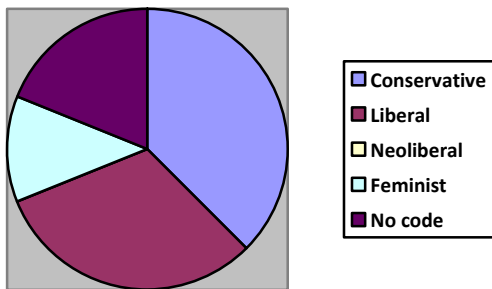


Figure 3: Coding of discourses within data, New York Times

USA Today

Conservative: 5 (31,3%)
Liberal: 5 (31,3%)
Neoliberal: 1 (6,25%)
Feminist: 3 (18,75%)
No code: 2 (12,4%)
Total: 16 (100%)

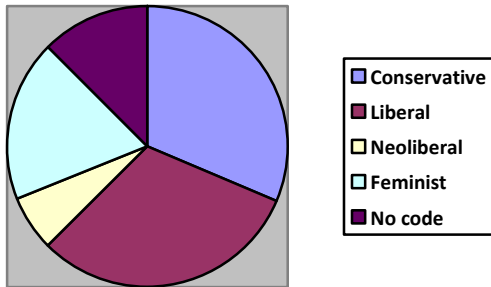


Figure 4: Coding of discourses within data, USA Today

News & Observer

Conservative: 18 (29%)
Liberal: 24 (38,7%)
Neoliberal: 4 (6,5%)
Feminist: 14 (22,6%)
No code: 2 (3,2%)
Total: 62 (100%)

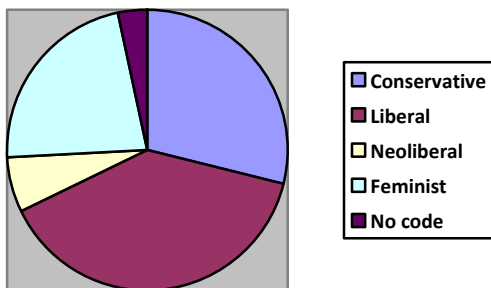


Figure 5: Coding of discourses within data, News & Observer

Because the sample in New York Times only covers texts written by staff writers, it is difficult to conclude with certainty that the overall debate in that newspaper was predominantly conservative. The overall picture, however, is clear. Feminist discourses

were marginal in all newspapers, both within and across data. It is therefore surprising that the hegemonic discourses often were constituted as poles to feminist discourses. Though feminist opinions did not occupy much space in absolute numbers in any of the newspapers analyzed, in peoples' consciousness, they were perceived as very powerful.

The commentator David Brooks is an important opinion leader in American media and has, in addition to New York Times, also served for The Wall Street Journal, Washington Times and Newsweek. He describes himself as originally being liberal "before coming to my senses"⁶⁶. But his stance in the Duke lacrosse "rape" case exemplified how rape is a field of division, not only between liberals and conservatives, but also among defenders of women's rights. Though he has supported a number of important feminist issues, including gay marriage, abortion and gun control, he strongly opposed the way other feminists approached the case:

There may have been a rape that night, but it didn't grow out of a culture of depravity, and it can't be explained by the sweeping sociological theories that were tossed about with such wild abandon a few weeks ago. Furthermore, when you look at the hyperpoliticized assertions made by Jesse Jackson, Houston Baker and dozens of activists and professors, you see how mighty social causes like the civil rights movement, feminism and the labor movement have spun off a series of narrow social prejudices among the privileged class. The members of the lacrosse team were male, mostly white and mostly members of the suburban bourgeois middle class [...] For many on the tenured left, bashing people like that is all that's left of their once-great activism⁶⁷.

Brooks' critique echoes the critique of neoliberal feminists who think that the Left wing "cultural war" has gone too far and are suspicious of what they believe is a too value laden research (Paglia 1992; 1994, Roiphe 1993; Sommers 1994; 2000). However, in my archives, these "left wing professors" were hardly visible – besides one column written by Cathy N. Davidson, professor at Duke University⁶⁸ and another written by Al

⁶⁶ Read David Brooks' biography here: http://en.wikipedia.org/wiki/David_Brooks_%28journalist%29, webpage accessed August 2nd 2010.

⁶⁷ "The Duke Witch Hunt" by David Brooks, New York Times (May 28th 2006). Jesse Jackson is a famous civil rights activist and Houston Baker is an American scholar specializing in African American literature, currently serving as professor at Vanderbilt University. Baker was a former Faculty member at Duke University and one of the Group of 88 professors who placed an ad in *The Chronicle* referring to the circumstances surrounding the allegations as a "social disaster" and quoting primarily anonymous individuals citing racism and sexism in the Duke community (see Appendix 2)

⁶⁸ "In the aftermath of a social disaster" by Cathy N. Davidson, professor at Duke University, News & Observer (January 5th 2007)

McSurely from the North Carolina branch of NAACP⁶⁹, none of the pieces in my archive were signed by faculty members or representatives of feminist organizations.

I call this the reversed “Elephant in the room” effect. “The Elephant in the room” is an English idiom for a taboo that is being ignored or goes unaddressed though everybody is aware of its presence. When I use this in a reverse manner, I mean to describe the situation where feminism, though marginal both as a discourse and a social movement, is perceived so powerful that everybody wants to talk about it. This effect illustrates that discourse, as proposed by Foucault (1980a), serves as much more than a way to communicate through the use of language and signs. When these merge into larger discursive formations, they have the power to structure social life and produce subjects in peculiar ways.

Contrary to claims made by leading feminists and feminist organizations, there was no extensive prevalence of victim blaming, racist or misogynist statements in the data. There was, however, a widespread tendency to frame rape more as a problem of “rowdy behavior” and “underage drinking”, which can be interpreted as evident of masculine stereotyping and conservatism. In Kosse’s (2007) analysis, such representations were categorized as “offender blaming statements”. I do not agree in this categorization. Though these representations did not exactly portray the defendants as “good guys”, reducing the case to a matter of “bad behavior”, may function as to excuse their actions: “They would not have done this if they not were so drunk”. The repeated references to out-of-control-partying conflate cause and effect. Even if alcohol may be a risk factor, it does not in itself cause rape. To be sure, most partygoers are not rapists, so for alcohol to correlate with rape, other variables (including masculinity and attitudes towards women) must be at play simultaneously. Though charges in this particular case were dropped, conservative discourses tend to leave out representations that question race, class and gender issues. Conservative discourses, concerned mainly with morality and order, framed this case as a result of bad individual behavior, but also feminist discourses engaged in production of “spaces of shame” on the scale of the male body (a disgraced masculinity) and the scale of the local community (lack of ethics and underage

⁶⁹ “Defense of lacrosse team overlooked much” by Al McSurely, North Carolina NAACP Legal Redress Chair, Durham, News & Observer (June 3rd 2006)

drinking). In conclusion, discursive actors from all sites of the ideological continuum engaged in discourses about shame, making it an issue of personal morality. One possible power effect of such framing is that rape is depoliticized because it is read outside the broader sociopolitical context in where it takes place. Had the discursive practice been different, say, if for instance, had Black feminists succeeded capturing discursive space, rape might have been understood differently. Rather than stressing generalist theories about female vulnerability and objectification, one could have followed Audre Lorde's (1984) proposal about looking into the particularities about Black women's livelihood and experiences with sexual violence. Had feminists resisted the temptation to take side with an "innocent woman" and buy into the virgin narrative, they might have had the chance to envision broader strategies for rape prevention and gender/race equality. Therefore, rather than asking "What does underage drinking and youthful indiscretion do to our society?", one could ask "How does the historical and institutional arrangements in our society make sexual consent and bodily autonomy impossible?"

Moreover, had feminists entered the media with a less condemning attitude, perhaps ordinary people would not so easily have dismissed their counter-claims. As we have seen, some pro-feminist editorials – regardless of whether they raised sound points about masculinity culture – were easy to reject as irrelevant as the case proceeded because they were judging and categorical. On either side, it is not possible to lead an informed debate if one is not prepared to acknowledge the concerns and arguments of other debaters. The discursive practice of the case illustrates that because many of the discursive actors made the case an issue of right versus wrong, innocent versus guilty, it became impossible to agree about a minimum of common denominators as to how the rights of alleged rape victims or defendants shall be protected in the American society.

4.5 ANALYZING SOCIAL PRACTICE

In this section, I will present and discuss two institutional frames wherein the discourse order about rape in the Duke lacrosse "rape" case is placed. First, because media culture defines what can be said by whom and how, the role of media as an ideological state apparatus (Althusser 1984; Hall 1985; 2003) is laid out. Throughout this thesis, I have argued that rape and sexuality can provide a window of understanding for how rape

contributes to the construction of space and people's sense of national identity. How people relate to rape and how it is framed within ideological state apparatuses can be interpreted as a display of American values and existing power relations because, as argued by Peterson (2000), sexuality and gender relations are central to group formation and national identity. Secondly, therefore, the geography of rape of the Duke lacrosse "rape" case will be carved out, and I will discuss how and why the values expressed came to the fore given the political and historical context.

4.5.1 HABITS OF THE NEWS ROOM

One of the conclusions in the thesis is that certain discourses, primarily those inspired by feminist theory and masculinity studies, are marginal in the data. During the course of my research, I was therefore surprised to see how many texts engaged in counter discourses with feminism and sociology. The tendency repeated itself in all the newspapers I analyzed: Columnists and journalists often referenced and discussed feminist and sociological theories, i.e. explanation models for rape that highlight issues of power relations between men and women, masculinity, culture and race. During the year the case was pending, editors received numerous letters from people who were dissatisfied with the coverage. Many complained that the case was framed as a race, class and gender issue while they thought the defendants either were victims of a bad legal system or a biased feminist and anti-racist academic elite. In the opinions I read and analyzed I found few that were explicitly feminist. At a first glance, therefore, it is difficult to understand why they were referred to as so widespread and powerful. But people do not invest in emotional discourses without reason – they respond to the debate climate and the rules of the game. I found myself pondering whether feminist activists and organizations used other media channels outside the textual universe I analyzed, and if the majority of counter discourses were a response to them? The absence of some discursive actors in the data may both have been influenced by the size and coverage of the textual universe and the skewed sample in New York Times. One should therefore be cautious in passing categorical judgments about hegemonic discourses because a different research strategy may have lead to other conclusions. By the same token, habits of the newsroom influence how cases are staged. Crime cases, and particularly sex crimes, have always attracted

American media consumers (Benedict 1992). According to Hernes (1978), the techniques governing how a case is framed include polarization and intensification, which means that the debaters' positions are simplified to create conflict, and emotional outbursts are used to catch and maintain peoples' attention (Hernes 1978 quoted in Nerisrud 2007). Those techniques and habits are widespread both in print and visual media.

Previous research in media sociology suggests that the television format tends to be characterized by superficial splashes, and prioritize the concrete and personal over the abstract and structural (Benedict 1992). The fact that Fox News was the first media channel to reveal the identity of the accuser (though customary media ethics and rape shield laws prohibit this) may support such an assumption. Hence, as discussed in the methodology chapter, an extension of my analysis to also incorporate visual media may have produced other conclusions than those I arrived at in this thesis, particularly with regard to the prevalence of sexism and racism. On the other hand, the relatively large scope of data I had available for analysis, and the fact that I did not often trace such attitudes, stands for itself. As I have argued throughout this thesis, this suggest that one should be cautious with labeling statements racist or sexist, if they in fact rather could be interpreted as *gendered*. Though conservative discourse and ideology may fuel a patriarchal system, or travel along with racist or sexist tropes, one cannot necessarily deduce that racism or sexism itself produce these discourses.

Another point to consider with regard to the dominance of radical feminist discourses is their interplay with American media culture. In many ways, it can be argued, the generalist theories and pointed statements offered by this faction of feminism satisfy the rules, practices and habits of the news room where enlightenment is sacrificed for the sake of conflict and entertainment. After all, from the perspective of a media institution, it is important that its consumers not are bored by too complicated analyses and shift to another channel. This would be disastrous for any media institution that has to survive in a highly competitive market and depends on revenues from advertising (which again is calculated by the number of consumers it serves). One could therefore rightfully ask if feminists during the debate about the Duke University rape case were forced to buy into conflict-seeking debates because of the preponderant media habits.

Does these processes explain the distribution of discourses and the configuration of the discourse order?

As previously elaborated, Althusser (1984) argues that media function as an ideological state apparatus. Media is a container of power and an arena where people fight over definition power. I do not believe it should be interpreted in the literary sense that media act as servants of the state, but as noted by Hall (1985), journalists engage in systems of representation and transform the field of ideological representation. They also do this *unconsciously*. Those unconscious processes are an important field of study under psychology, and it is beyond the scope of this thesis to discuss this any further. It is, however, worth considering how journalists and editors navigate in relation to ideology.

The role of ideology is to reproduce the social relations of production. This is done through culture and ideological state apparatus (i.e. the super-structure), where media and language are productive forces in shaping power relations. Social relations were produced, reproduced and negotiated in the Duke lacrosse “rape” case, with media as a platform whereupon discursive actors met and fought over definition power. As it turned out, people who sought to articulate the case in terms of race and class were despised in the court of public opinion, and editors and journalist had some confession work to do if they were to restore the social relations to their readers. Regardless of the injustices brought on to the defendants as individuals, it is clear that, at the end of the day, media patched this relation together through taking sides with people who belonged to the privileged class of American society. The question is not really whether this was the right or most fair thing to do – it might have been, given the misconduct of prosecuting attorney Michael Nifong – the interesting thing is how media on a larger societal level reproduced dominant modes of power. Hegemonic media discourses produced gendered and racialized subjects, and while opening some discursive windows of opportunity, others were effectively closed. Because the preoccupation with scandals, persons and emotions, rather than science, structure and statistics, directs the news room, media as an ideological state apparatus were complicit in the exclusion of feminist and sociological discourses from the discourse order. This resonates with the conception of hegemonic discourse presented earlier, as a structure that “works effectively when it ensures the consent and acceptance of the mainstream, and it has become so embedded in

a culture that it appears silly to ask "Why?" about its assumptions" (Bacchi 1999).

4.5.2 NATIONALISM AND IDEOLOGY

The U.S. is a young nation built by foreigners - immigrants and fortune seekers who were seduced by the prospects of The American Dream. Others did not voluntarily cross oceans or gained their share of the rich natural resources on the American continent. On the contrary, African-Americans faced The American Nightmare, and were brutally forced to sponsor the prosperity of the White entrepreneurs and the development of the modern capitalist nation state. With so few years to pass on tradition through generations, so many different cultures and religious convictions living side by side, let alone the stark class divides - in a country marked by pluralism, rather than homogeneity - is the notion of "American values" nothing but an oxymoron? To be sure, all these divisions, cutting across class, race, gender, sexuality and nationality, make it difficult to capture one such thing as an essence of Americanness. On the other hand, this plural landscape provides ripe opportunities to examine how people come together and define common denominators with regard to sexual morals, freedom, human rights and the relation between the state and the individual.

Shared values and norms are imperative for the construction of an imagined community (Anderson 1983). However, in the American context where the population is geographically dispersed and the federal power apparatus has limited authority compared to states, it can be challenging to achieve such consensus, because each state has its own particular cultural hegemony. Therefore, in order to stitch the nation together, people must identify as Americans and not only as citizens of the state they live in. This can be achieved most effectively if people voluntarily submit to ruling ideologies and power apparatuses (Althusser 1984) and engage in discourses about (imagined) cultural similarity. This has become particularly evident in the U.S. after 9/11 and in the aftermath of the financial crisis where loyalty to the flag and the nation in tandem with celebration of American exceptionalism has shot pace (Grewal 2005).

In president Barack Obama's speech in Chicago on the morning after he won the election in November 2008, he evoked the discourse about American exceptionalism and cultural similarity: "If there is anyone out there who still doubts that America is a place where all things are possible, who still wonders if the dream of our founders is alive in

our time, who still questions the power of our democracy, tonight is your answer”. Part of Obama’s success was explained with his ability to speak to the Americans as a united people. A central message of the election campaign was that the nation does not need parcellized politics, and that similarities rather than differences define what Americans have in common. The president went on to describe the election of him as “a defining moment”: “[...] the answer spoken by young and old, rich and poor, Democrat and Republican, black, white, Hispanic, Asian, Native American, gay, straight, disabled and not disabled. Americans who sent a message to the world that we have never been just a collection of individuals or a collection of red states and blue states. We are, and always will be, the United States of America.”⁷⁰.

Several rhetoric devices can be used to create national sentiments and feelings of unity. Notions of appropriate masculinity and femininity and political and sexual exceptionalism are among them.

Appropriate masculinity and femininity

In relation to social practice, the analysis suggests that *both* masculinity and femininity are detrimental to nationalist projects and construction of group identities. The conservative anxiety about “rowdy” masculine behavior is living proof that nationalism depends on binary and complimentary sex- and gender roles to fulfill its purpose. According to the norms prescribed by texts that discuss risk-triggering factors, none of the persons involved behaved appropriately according to gender ideals and American values. While conservatives expect women to be puritanic guardians of the private sphere, men must fulfill their duties as active, responsible members of the public sphere. As discussed in relation to discursive battles, this finding is somewhat at odds with previous feminist research on rape that underscores the role of women as the primary custodians of gender culture (Peterson 2000; Bourke 2008). Though the discursive climate changed considerably after charges were dropped and the accuser became the target of national moral condemnation, more so than the defendants who were described as “good boys” with girlfriends and sound academic credentials (Taylor & Johnson 2007), the moral panic while the case was still pending concerned both issues of

⁷⁰ <http://usliberals.about.com/od/electionreform/a/ObamaElection.htm>, webpage accessed August 7th 2010.

femininity and masculinity.

Translated into policy, one could easily conclude that solutions should be directed towards more chaperoning, limiting youth's access to alcohol, in short reinstalling discipline and leadership. Note that such policy proposals correlate with the policies suggested by socio-biologists like Thornhill & Palmer (1999) and Jones (1999), which demonstrate that *any* science, not only feminist, has political implications insofar as knowledge is tied to power (Foucault 1976; 1980a; 1980b) and theories of causation beget strategies for prevention (Scully 1999).

Three years ago, I interviewed Christina Hoff Sommers, a dominant voice among American neoliberal feminists, in her home outside Washington DC. She explained that the reason she criticized the “gender feminists” was born out of a concern for the movement, and in response to a pendulum that has moved too far to the left (Bitsch 2008). In the book *The War Against Boys*, Sommers (2000:92) quotes the liberal feminist Clare Boothe Luce:

It is time to leave the question of the role of women in society up to Mother Nature—a difficult lady to fool. You have only to give women the same opportunities as men, and you will soon find out what is or is not in their nature. What is in women's nature to do they will do, and you won't be able to stop them. But you will also find, and so will they, that what is not in their nature, even if they are given every opportunity, they will not do, and you won't be able to make them do it.

In the interview, Sommers argued that men and women are biologically different, and that these differences underpin the social order. But, rather than changing gender roles like “gender feminists” suggest, people should stick to conservative virtues that stress “honorable masculinity”. The problem, according to Sommers, is not – as radical or socialist feminists would have it – either capitalism or marriage as an institution, but lack of discipline and effective reinforcement of human rights by the legal system. “Boys”, Sommers argued in the interview, “should not be raised like girls, but taught how to be gentlemen” (Bitsch 2008). The relative hegemony of conservative discourses in the data analyzed shows that the debates between feminists, conservatives and neoliberals during the 1990s continue to inform the public conversation about gender, sex and power also today.

With regard to power effects, conservative discourses often carry with them the

notion that “nice guys can’t rape” or that rape is a matter of deviant behavior or social problems. This can lead to the production of “spaces of silence” where some types of rape – those that do not resemble conservative stereotypes about what a “real” victim or perpetrator looks like – are made invisible:

Some times explicit associations are made between the horrible fate of victims and their involvement in immoral sexual activities, such as prostitution. The vulnerability of the victims may reflect their own failure to follow the social rules that maintain the sexual economy of conventional families. By locating the genesis of sexual violence, sites of excess, such as racial hatred, open borders, and sexual perversion, interpretations of horrific events rarely evoke questioning about the origins of violence in domestic settings (Bumiller 2008:20).

As discussed in Chapter 2, feminists have opposed such ideology where sex is reserved to the heterosexual, monogamous marriage, and that purports the idea that women outside this institution (where she is granted protection of her husband through the sexual contract that reduces her to a property) deserve to get punished when they do not conform to these conservative ideals. Though some feminists and Marxist scholars may not hesitate to label conservative discourses sexist⁷¹, the underlying ideological foundation are more nuanced. As noted by Camille Paglia (1994), the *raison d’etre* of conservatism can be interpreted as a concern for procreation, rather than outright misogyny. Rather, I contend, that the biological basis of men’s natural sexual competitiveness and female coyness is offered as a complete explanation of rape produces these discursive power effects. Those assumptions are more *gendered* than sexist.

The early radical feminist cause for eradicating sexual violence portrayed it as a “gender war” (Bumiller 2008; Haag 1996; Hall 2003). The “war” or “sexual terrorism” metaphor was particularly widespread in the writings of radical feminists like Brownmiller (1975), Dworkin (1988) and MacKinnon (1985), and unleashed and supported conservative anxieties. Sex was depicted as dangerous and rape as endemic. To

⁷¹ See for example Barnet (1976); Brownmiller (1975); Benedict (1992); Filipovic (2008); Mukhopadhyay (2008); Valenti (2008); National Organization for Women’s (NOW) press statement *Media Put Accuser on Trial in Duke Rape Case*, issued at June 15th 2006: <http://www.now.org/issues/media/061506duke.html> and Cash Michaels’ article *Character Assassination by Media in Duke Rape Case*, 97 N.Y. AMSTERDAM NEWS, 4 (June 8th -June 14th 2006). http://findarticles.com/p/news-articles/new-york-amsterdam-news/mi_8153/is_20060608/character-assassination-media-duke-rape/ai_n50595469/, webpages accessed May 4th 2010.

a great extent, therefore, the geography of rape in the U.S. is written by the unholy alliance between conservatives and radical feminists:

This launching of a gender war, however, unleashed larger cultural anxieties about security and crime as well as race and class. In doing so, the modern feminist campaign against sexual violence fueled the conditions of sexual panic that reemerged in the late 1970s and opened the door to the routine marketing of violent images of women by the media (Bumiller 2008:19)

Contrary to feminist objectives, the power effect of this discursive practice is an extension of state biopower and justification of increased intervention to control non-normative sexual practices and gender identities. The “gender war” proliferated a neoliberal rape management regime in which everybody must protect them selves from lurking dangers in public “spaces of risk”, all the while rape and violence most often takes place in the private space. According to Hall (2004:3), “under the influence of the new space of risk, prevention discourses render rape virtual in women’s lives such that no social experience seems to escape the ever-present possibility of rape”. The observations made by Bumiller (2008), Hall (2004) and Haag (1996) resonate fairly well with the discursive patterns in the data analyzed.

In the attempt to counter liberal and conservative discourses, feminist discourses at times lacked a comprehensive and sophisticated understanding of the power dynamics at stake. For example, some feminists dismissed their counterparts’ opinions as conservative and innately sexist/racist. This rhetorical conflation is not peculiar to how feminists navigated the Duke lacrosse “rape” case. In the famous book *Backlash*, Susan Faludi (1991) gives an overview of the development of the New Right and its cooptation in the Republican Party during the Reagan Period. Here Faludi (1991) convincingly argues that the rhetoric of the Ku Klux Klan and political and intellectual opinion leaders became strikingly similar as they propagated messages about reinstating the man as head of the family and sought to strike back the feminist movement.

However, though related, there are shades of grey that must be dealt with separately and on their own terms. Ideologies themselves do not have to be intrinsically racist or sexist, but because practices often are, there is a tendency to “throw the baby out with the bath water”. This forestalls a thoughtful and critical engagement with these

forces, because there is a world of difference between sexism as hateful essentializing of women and an ideology that professes that women are, and should be, subordinate to men on one hand, and a conservative sexual ethics that prescribes different gender roles to men and women on the other. The same is true about the difference between racism as an ideology/political movement for White pride and supremacy, and xenophobia, i.e. the fear of others and the unknown. This is not to suggest that conservatism precludes sexist or racist attitudes. To be sure, American history shows that political conservatives have been among the most eager supporters of slavery (Collins 2000; hooks 1984) and that orthodox interpretation of religion support sexism (Dworkin 1988), but I contend that it is academically lazy and analytically insufficient to equate these terms. Such equations may violate cause and effect and make it difficult to find out how people make sense of their lives.

In the U.S., conservatism crosses racial and class fault lines and is often enmeshed with religious convictions. As I have demonstrated, this can be traced in the way feminist discourses are flirting with shame, but religion also plays a central role in the lives of many African-Americans. Many of the charismatic leaders in the civil rights movement, including Dr. Martin Luther King, drew their motivation to fight for freedom and equality from their religious faith. While Black feminists like bell hooks (1983) and Angela Davis (1975) call for a union between anti-racism and anti-sexism, some members of the African-American community were not equally concerned about sexual violence, if we are to believe Mark Anthony Neal, a professor in African-American studies at Duke University, quoted on ESPN: “North Carolina is the Bible Belt, and a fair amount of folks in the black community feel the sexual attack was something the young woman brought on herself. On a certain level, they're most concerned with the racial epithets”⁷². This shows that conservatism has many different expressions and effects. Some times it appears in conjunction with feminism, other times with religious fanaticism and other times it is just how relatively normal people give direction to how one should lead a moral and dignified life.

⁷² “Turbulent times for Duke and Durham” by Greg Garber, ESPN: <http://sports.espn.go.com/ncaa/columns/story?id=2392159>, webpage accessed July 12th 2010.

Political and sexual exceptionalism

Liberal discourses are marked by a strong belief in values like fairness and non-discrimination. Therefore, when many people felt that feminists and the “politically correct” intelligentsia prejudged the defendants, this was perceived a violation of fundamental civil rights. Furthermore, because rape is considered a very serious crime where perpetrators in some states risk capital punishment or life sentences⁷³, it is hardly a surprise that liberal discourses were so widespread in my data. Historically, the division between the public and private has been important in order to prevent improper abuse of state power. Americans are to some extent “all” liberals, but as opposed to their European counterparts, they do not define themselves primarily in opposition to a strong leftist or socialist party or political movement. Contemporary American politics is organized along a liberal continuum from egalitarian liberals to libertarian liberals, where the latter typically are referred to as conservatives (Sandel 1996). According to Louis Hartz (1955), American liberalism differs from liberalism in Europe because America never had a hereditary aristocracy. Americans gained their liberties early on, which precluded the formation of a powerful leftwing socialist movement in opposition to an absolute ruler, as it were the case in Europe around 1900. Paraphrasing Tocqueville, Hartz (1955) claims that “Americans were born free without having to become so”, and this explains why conservatives and liberals after all share many of the same values. The absence of a feudal past meant that many Americans thought of themselves as “independent entrepreneurs” (Hartz 1955: 89) and resisted being consigned permanently to some caste or class. Further, the nation was built on resistance to an external colonial power, Great Britain, and institutionalized a political ideology that opposed strong central rule. This can explain why many Americans are proud of their Constitution and believe that the legal system, at least ideally, is a good mechanism for ensuring justice and regulating the relationship between the state and the individual. Louis Hartz’ (1955) theory does of course not capture the experiences of colored people who have struggled for decades to achieve the same rights as the White population, but it resembles the construction of the

⁷³ In North Carolina, first degree rape is classified as a B1 felony and can result in a life sentence or minimum 40 years imprisonment and/or fine (NCSU Police Department/North Carolina Revised General Statutes, Chapter 14, Criminal Law: <http://www.ncsu.edu/police/Information/NCLaw.html>, webpage accessed May 10th 2010.

nation in my data. The representation is also compatible with the official construction of the U.S. abroad, as a champion in human rights than can and should promote these values elsewhere (Grewal 2005). This is also called political exceptionalism and refers to the discursive construction of a nation distinct from other nations because of its excellence (Puar 2007).

The current state of American foreign politics is marked by an expansion of biopower at home and abroad. Abroad the nationalist project takes the form of “White men saving Brown women from Brown men” (Spivak 1988) through civilizing missions, development aid and the war on terror. The wars in Iraq and Afghanistan was not only an attempt to defend the nation against weapons of mass destruction and terrorists, but also articulated as missions to spread democracy and human rights, and in particular to free women from oppressive patriarchies (Bacchetta, Campt, Grewal, Kaplan, Moallem & Terry 2002). At home, the U.S. nationalist project is invested in being exceptionally heteronormative even as it claims to be exceptionally tolerant of (homosexual) difference (Puar 2007:10) compared to Islamic countries.

In several of the articles, we saw that discursive actors drew on narratives about the progressiveness of Duke University, the city of Durham and the U.S. as a nation. The university was depicted as an excellent human rights institution⁷⁴; Durham was represented as the locus of economic prosperity and vibrant Black communities⁷⁵ and the U.S. was contrasted with the barbaric Africa⁷⁶. Hence, in relation to the social practice, the geography of rape is mediated and negotiated through technologies of political and sexual exceptionalism on multiple geographical scales; the power effects being a depoliticizing and individualizing rape at home, and a justification of political and military intervention in the name of gender equality and human rights abroad.

On another level, the conservative and liberal discourses bear witness of older ideological battles in the American political landscape, dating at least back to the Reagan era. According to Sandel (1996:4), liberalism is often juxtaposed with conservatism, as the outlook of those who favor a more generous welfare state and a greater measure of social and economic equality. In the history of political thought, however, liberalism is a

⁷⁴ ”District attorney's fate” by Graham Marlette, News & Observer (April 13th 2006)

⁷⁵ “Race and sex cast long shadow over Duke” by DeWayne Wickham, USA Today (April 18th 2006)

⁷⁶ “The case, not race”, News & Observer (May 20th 2006)

tradition that emphasizes toleration and respect for individual rights, running from John Locke, Immanuel Kant, and John Stuart Mill to John Rawls. So far, the public philosophy of American politics departs from these thoughts. Although the two sides disagree about *how* one should respect individual choice, *what* constitutes fair procedures and whether civil/political or social/economic/cultural rights should be given primacy, both assume that freedom consists in the capacity of persons to choose their own values and ends. However, while so called “communal conservatives”⁷⁷ see a role for the state in cultivating its citizens morally and culturally, liberals support a system based on value neutrality, i.e. it should not build on any particular conception of the good life. This is also called “the procedural republic”, where the right way to do things are given primacy over issues of ethics and morality: “The rights secured by justice are not subject to political bargaining or the calculus of social interests” (Rawls 1971 quoted in Sandel 1996: 290). Historically, there has been a transition from a communitarian liberal approach where the state should refine moral virtue as to enhance citizens’ capacity to self-government to a voluntarist conception of freedom that states that government should not legislate morality (Sandel 1996).

While the U.S. manifested as the world’s superpower after the Second World War and experienced three decades of economic growth, high birth rates and increased home ownership, from the end of the 1960s to the 1970s the nation was marked by increased public discontent. The fears of the age were loss of self-government and erosion of community, virtues traditionally nurtured by communitarian liberalism as expressed in Republican political theory. Events like the Vietnam War, the assassinations of Dr. Martin Luther King and Robert Kennedy in 1968, the oil crisis, federal budget deficits and stagnation of middle class incomes, the Watergate scandal and the exacerbation of crime, drugs and urban decay to name a few, caused public alienation and disillusion. The average American had lost confidence in the nation, as they increasingly felt incarcerated by impersonal powers in Washington as the moral fabric of communities unraveled around them (Sandel 1996). For Ronald Reagan, this became politically convenient and he united the public resistance to Big Government with the communal

⁷⁷ Sandel (1996:309) distinguish between libertarian conservatives and communal conservatives. The former seek a greater role for markets in public life and the latter a greater role for morals.

stand, thus tapping the mood of discontent. Supported by the New Right in the Republican Party, the U.S. once again became the site of state interventions to moral issues, such as the encouragement of family values, opposition to abortion and defeat of the Equal Rights Amendment for women. For liberals, feminists, intellectuals and the civil rights movement, the victories achieved in preceding decades came under siege, and this neo-conservatism was by many experienced as a backlash (Faludi 1991).

It is against the backdrop of this ideological battlefield the Duke Lacrosse rape case played out. Even as many Americans with Obama have now voted for “change” and “a new beginning”, the remnants of the political fault lines of the past persist, between the defenders of the procedural republic and those who feel that rape cases like this is nothing but a symptom of a morally and socially corrupt society. Whereas liberal and (radical/Black) feminist discourses in my data stressed either universal or redistributive justice, conservatives still had the old concerns about lack of virtue and distrust in the states’ ability to deal with larger societal issues of moral decay.

4.5.3 SUMMARY

In this chapter, I have analyzed the textual, discursive and social practice of the Duke lacrosse “rape” case where three White men were accused of having raped a Black woman at a party in March 2006. The analysis includes 94 articles New York Times, USA Today and News & Observer. I identified recurring themes like “fairness”, “rowdy behavior”, “risk management” and “gender and race relations” and proceeded to code them according to ideology. On the level of discursive practice, a fivefold discourse typology consisting of liberal, conservative, neo-liberal, feminist and bio-geopolitical discourses was established. The distribution of rape discourses within and across data suggest that feminist discourses on average accounted for 20% of the articles, whereas liberal and conservative discourses easily manifested themselves as hegemonic. Feminist discourses sought to counter these discourses either by referring to unequal race, gender and class relations in the American society or accusing other debaters of being sexist and racist. Liberal discourses, in the other hand, were concerned about the travesties of justice and the state of the legal system. Conservative discourses blamed a lack of ethics, moral decay and underage drinking. Neoliberal discourses spoke less to structural issues and stressed individual risk management. Though feminist discourses were marginal in

absolute numbers, they were perceived powerful by a majority of the discursive actors. I labeled this tendency “the reversed elephant in the room”-effect. Bio-geopolitical discourses were overarching and tapped into all of the remaining four discourses on a variety of geographical scales. Together, these discourses produced “spaces of shame” and “spaces of risk”. Discursive actors attributed shame to inappropriate femininity and masculinity at the level of the local community and the nation. Risk was either aligned with the erosion of the moral fabric of society or what was perceived to be a biased legal system.

I argued that the geography of rape is mediated and negotiated through technologies of political and sexual exceptionalism on multiple geographical scales where, at the end of the case, it became illegitimate to raise concerns about race, class and gender inequality. The power effects were a depolitization and individualization of rape at home, and a justification of political and military intervention in the name of gender equality and human rights abroad.

At the level of social practice, the political setting and geographical context in which the discourses unfolded were analyzed. I found that two institutional frames influenced the production and distribution of discourses: the habits of the newsroom and the configuration of older ideological fault lines in the American society. Because American media are driven by profit and sensation, and reporting on sex crimes historically are known to engage people, the public conversation about rape was marked by conflict and ideological divisions, rather than nuanced theoretical insights as those outlined in the theory chapter of this thesis.

With reference to Michael Sandel (1996), Susan Faludi (1991), Inderpal Grewal (2005) and Jasbir Puar (2007), I explained the architecture of the discourse order with the prevalence of political and sexual exceptionalism that profess that the United States as a nation is distinct because of its excellence with regards to democracy and human rights. Taken together, the power effects of how the media as an ideological state apparatus (Althusser 1984) managed these social relations and how hegemonic discourses defined appropriate femininity/masculinity, was that dominant modes of power were reproduced. At the end, it became impossible to understand rape within its particular geography and the specific configurations of power within the American society.

5. RAPE AND FEMINISM REVISED

If police officers and a district attorney can systematically railroad us with absolutely no evidence whatsoever, I can't imagine what they would do to people who do not have the resources to defend themselves. So rather than relying on disparaging stereotypes and creating political and racial conflicts, all of us need to take a step back from this case and learn from it. (Duke Lacrosse defendant at press conference after charges were dropped on April 11th 2007)

The insults, at that time, were rampant. It was as if defending [the defendants] necessitated reverting to pernicious stereotypes about African-Americans, especially poor black women. Many black students at Duke disappeared into humiliation and rage as the lacrosse players were being elevated to the status of martyrs, innocent victims of reverse racism. (Cathy Davidson, Professor in English at Duke University, News & Observer, January 5th 2007)

In this final chapter, I ask how the theoretical insights offered in this thesis may inform future research on rape among feminists and political geographers. Specifically, I ask how the intellectual community can advance the public discourse about rape so as to challenge stereotypical and common assumptions about rape.

5.1 THE HAPPY MARRIAGE BETWEEN FEMINISM AND POLITICAL GEOGRAPHY

The objective of this thesis has been to examine what discourses about rape can be traced in the media coverage of the Duke lacrosse “rape” case and what power effects they produced. I found that different branches of feminism competed for definition power with liberals, conservatives and neoliberals. The case sparked debates about the state of gender and race relations and American values. Specifically, issues such as the ability of the legal system to ensure justice and moral decay were accentuated by hegemonic discourses. One can say much about how guilt and responsibility were framed in the media’s coverage of the Duke lacrosse “rape” case, but as a political geographer, what struck me as most interesting was how rape became a platform for construction of national identity through bio-geopolitical discourses. It is peculiar what status rape holds in countries that consider themselves world champions in human rights. In cases where the victim and perpetrator have different race, the national debate circles around the state of the rule of law in a country that sends its women and men to war for equality's sake, and that engages in civilizing missions through international development efforts. To wake up one morning in America and find that how the nation portrays itself at home and

abroad, as the locus of human rights and democracy, is a truth with significant modifications, causes public discontent and disillusion. In this thesis, I have demonstrated that the power effects of bio-geopolitical discourses in conjunction with political and sexual exceptionalism are a depolitization of rape at home and a justification of geopolitics in the name of gender equality abroad.

As I explained in Chapter 2, contemporary discussions in political geography are centered on a possible bridging of feminism and political geography. While some feminists are calling for an increased scientific interest in the politics of the private sphere (England 2003; 2008), others regret that feminists are more concerned about politics of difference and representation rather than with class politics and coercive state power (Cox 2005). However, contrary to post-modern feminists' claim that one should be more concerned with "the multiple sites of women's oppression" instead of focusing on the state, I would argue that it is unnecessary to choose between the two. As the Duke lacrosse "rape" case demonstrates, nationalist projects are deeply intertwined with the regulation of bodies and sexualities. As I have demonstrated, the media as an ideological state apparatus (Althusser 1984) managed gender, race and class relations while hegemonic notions of appropriate femininity/masculinity reproduced dominant modes of power. This suggests that identity politics cannot be separated from class politics and that the feminist concern for sexual politics must be studied in light of contemporary ideologies, nationalist projects and state formations.

5.2 UNCHASTE WOMEN VERSUS "NICE GUYS"

In feminist theory, the past 40 years of research on rape and sexual violence has given birth to significant disciplinary disagreements. While some feminists understand rape as a manifestation of patriarchy (Brownmiller 1975; Dworkin 1987; 1988; MacKinnon 1985; Millett 1970), others have objected that universal theories cannot be formulated because no rape resembles another (Bourke 2007; Marcus 2002). Other perspectives contend that rape must be studied with sensitivity to race (Davis 1975; hooks 1984; Lorde 1984; Collins 2000) and the cultural production of masculinity (Connell 1995; 2000; Kaufman 2000; Kimmel 1994; 1996; 2005; Scully 1990). Unfortunately, however, theoretical development on rape has witnessed an impasse in academia after postmodernism

(Mardorossian 2002). This is problematic because the problem is not abating and conservative anxieties about the disadvantages of gender equality and sexual liberation are gaining momentum. As the case demonstrates, this is enforced by the hegemonic media culture where sexual encounters are portrayed as risky and rape is framed as the outcome either of deviant behavior or lack of individual risk management.

It is arduous when ordinary people and sensation-craving media yield judgments based on stereotypes rather than facts. In a modern constitutional state, national pride and people's subjective emotions should never hold primacy over the protection of fundamental human rights, neither on the victim nor on the prosecution side. Yet, the legal system in the U.S. is not the guardian of human rights it intends and portrays itself to be. A lot of work remains in revising current rape laws to fit the notion of consent, abandon Victorian gender ideology (that ultimately place the burden of preventing rape on the shoulders of women) and that perpetuate a system where White and colored perpetrators are not held equally accountable for their crimes. In the Duke lacrosse "rape" case this was reversed, but the general pattern is that people and jurors are likely to be more biased towards people of color (Rush 2009). Too often, in the court of public opinion, unchaste women are attributed guilt and the "nice guys" go free. In any event, there is reason to be concerned about the fact that on either side, the reputational damages in the Duke lacrosse "rape" case were huge. While the accuser continues to be subject to a merciless media Witch Hunt⁷⁸ and is described as "a Black lying ho"⁷⁹, the defendants were portrayed as "frat boys gone wild" (Orenstein 2009). Though rape shield laws prohibit release of rape accusers' names, several news channels revealed her identity, both while the case was pending and with a photograph after charges were dropped⁸⁰. Likewise, the defendants' names were disclosed from the beginning. Such customary

⁷⁸ The most recent piece was on print in Daily News while I still was based in the U.S. conducting fieldwork. It read: "The stripper who falsely cried rape and ruined the reputations of three Duke University lacrosse players was charged with trying to stab her lover, police said Thursday." *Crystal Gail Mangum, stripper in Duke lacrosse "rape" case, charged with arson and attempted murder*, Daily News (February 18th 2010): http://www.nydailynews.com/news/national/2010/02/18/2010-02-18_crystal_gail_mangum_stripper_in_duke_lacrosse_rape_case_charged_with_arson_and_a.html, webpage accessed May 10th 2010.

⁷⁹ On March 31st 2006, Rush Limbaugh described the incident as one in which the Duke Lacrosse team had "raped some ho's" on national radio. See Media Matters For America: <http://mediamatters.org/mmtv/200604030004>, webpage accessed August 17th 2010.

⁸⁰ See Appendix 4.

procedures may prevent rape victims from coming forward in the future and, from the defendants' perspective, to be named before a verdict is elicited violates the principle of "presumed innocent until proven otherwise". Insofar as the internet and the social media may release such information to the public, it can affect local attitudes and even reach the jury pool. As such, the media and the legal system as ideological state apparatuses (Althusser 1984) may be complicit, directly and indirectly, in human rights violations. This should be an issue of future research.

5.3 TOWARDS SPACES OF AUTONOMY

The metonymic treatment of *some* women's bodies as rape space builds on an American tradition in which the politics of race and sexual violation are inextricably linked. Historically, the treatment of white, middle-class women as uniquely vulnerable has worked in tandem with two other fictions: the myth of the black male rapist and the stereotype of the sexually voracious black female.
(Rachel Hall 2004:4)

During the work with this thesis, I found that feminist and sociological theory have advanced considerably and that initial theories that tended to be insensitive to geography, race and class have been revised. Theory that previously were mainly reminiscent of White, middle class women's position in patriarchal societies has been revised considerably thanks to efforts made by feminists of color, not only Black feminists. Masculinity studies, on the other hand, has directed the focus from victims to perpetrator and located the nexus between rape and the cultural, political and economic context in which it takes place. Though neither theory has established straightforward explanations and relations between cause and effect, they have shed light on the complexities of rape. Feminists and sociologists have also provided policy makers, urban planners and politicians with knowledge that have opened the door for multiple intervention points.

It is not an easy task to remain sober in a political climate where gender, race and class divisions are widespread, and where being a woman's rights defender may involve public and personal harassment, and even death threats⁸¹. In the U.S., abortion clinics are

⁸¹ See for example "In the aftermath of a social disaster" by Cathy Davidson, News & Observer (January 5th 2007) and "How the web became a sexists' paradise" by Jessica Valenti in The Guardian, April 6th 2007. <http://www.guardian.co.uk/world/2007/apr/06/gender.blogging>, webpage accessed May 9th 2010.

burnt down and the federal government will not cover abortion under the universal health care reform because of intense lobbying from political conservatives and the Catholic Church. Homosexuals are victims of hate crimes. The issue of racism is a defining feature of American society that cuts across almost every political issue in the country. 145 years after the country formally abolished slavery, racism and discrimination penetrates the economic, legal and social fabric of society, despite years of Black political struggle. Throughout the work with this thesis and my fieldwork in the U.S., it became clear that it is impossible not to encounter the complex ways in which race intersects with other systems of power. The legacy of slavery and the contemporary institutionalization of racism appear to be a national wound that has never healed. With regard to sexual and reproductive politics, race is particularly crucial to pay attention to, given the contentious past where men and women of color have suffered enormously, either being forced to breed new generations of slaves or, in more recent times, being victims of forced sterilization. In the context of rape and race, as argued by Hall (2004:4), it is pivotal to pay attention to the cultural production of (White) innocent and (Black) guilty bodies. With so many battles to fight and so many human lives at stake, it is no wonder American feminists are fierce in debates about race and gender equality.

But, as I have argued throughout this thesis, collapsing conservative or liberalist ideology with sexism and racism can be counterproductive. Though these ideologies and the discourses they evoke may to some extent produce power effects that are sexist and/or racist, dismissing them as intrinsically so is intellectually lazy. These ideologies and discourses do not operate in a historical vacuum. Only in combination with the specifics of American culture, including the growth of modern capitalism, the process of independence and nation building, and the significance of religion in many Americans' lives, can conservative and liberal ideology and discourse reproduce the political economy of rape. To label something or somebody sexist/racist is an effective way to silence people. When people are silenced, access to universes of meaning are closed, and we are left with nothing but divisions. Not only does this forfeit the development of a sound theory on rape, it also makes it harder to mobilize for progressive rape policies. When women either have to choose between a feminism they feel alienated to or conform to pervasive rape myths that ask women to chose between being a virgin or vamp,

definition power is effectively surrendered to reactionary conservative ideologues.

One promising account of how rape can be dealt with in a practical and scientific fashion is offered by Rachel Hall (2004:14) who lists three entry points of intervention: First, she argues, rape pedagogy should be directed towards men insofar as rape prevention should seek to promote a culture of sexual consent and bodily autonomy rather than exacerbate discourses of risk and shame. Secondly, we must let go of the abstract figure of woman as victim because “to the degree that the victim is made special by tragedy, she is at the same time distanced from other, everyday women who have not been victimized themselves.” Thirdly, the public mode of representation in which the performative recurrence of horror secures a sense of rape’s naturalness should be challenged. Current norms for the presentation of sexual violence statistics, Hall (2004) argues, empty individual rape cases of their specificity, erase the particular stories of the women who have been raped, assimilate them to numbers accumulated, and employ them as generic models with which to threaten other women into practicing “healthy caution”.

The contradiction between the race/class/gendered violence and inequality in U.S. institutions, practices, and among U.S. citizens, and the ideals of liberty and equality enshrined in the constitution can only be resolved through careful, concerted, long-term efforts at critically examining the American history to move the society toward practices that are truer to the ideals. Narratives of exceptionalism, not least the idea of American exceptionalism, and discursive connotation chains about rape must be dissected. This critical work must come out of its enclaves and into the mainstream. A theory of rape in feminist political geography begins thusly with examining the multiple sites of women’s oppression at the intersection of their material and legal conditions and the dynamics of the ideological state apparatuses (Althusser 1984). Only through a politics of compassion, integrity and solidarity can women be granted the right to “spaces of autonomy”.

BIBLIOGRAPHY

- Althusser, Louis. (1984). "Ideology and the Ideological State Apparatuses" in *Essays on Ideology*. Verso. London.
- Amnesty International. (2008). *Case Closed. Rape and Human Rights in The Nordic Countries*. Amnesty International Publications. London.
- Anderson, Benedict. (1983). *Imagined Communities. Reflections on the Origins and Spread of Nationalism*. Verso. New York.
- Anderson, Michelle J. (2002). "From Chastity Requirement to Sexuality License: Sexual Consent and a New Rape Shield Law" in *70 George Washington Law Review* 51. Washington DC.
- Archer, John. (1991). "The Influence of Testosterone on Human Aggression" in *British Journal of Psychology* 82, p. 1-28. The British Psychological Society. Leicester.
- Bacchetta, Paola, Camp, Tina Grewal, Inderpal, Kaplan, Caren, Moallem, Mino & Terry, Jennifer. (2002). "Transnational Feminist Practices against War" in *Meridians: Feminism, Race, Transnationalism*, vol. 2, no. 2, p. 302-308. Indiana University Press. Bloomington.
- Bacchi, Carol Lee. (1999). *Women, Policy and Politics. The Construction of Policy Problems*. Sage Publications. London.
- Barnett, Harold C. (1976). "The Political Economy of Rape and Prostitution" in *Review of Radical Political Economics* 1976; 8; 59. Sage Publications. London
- Barnett, Barbara. (2008). "Framing Rape: An Examination of Public Relations Strategies in the Duke University Lacrosse Case" in *Communication, Culture & Critique* 1 (2008) 179–202. International Communication Association. Washington DC.
- Barry, Andrew & Coyne, Jerry A. (2000). "Rape as an adaptation. Is this contentious hypothesis advocacy, not science?" *Nature*. March 9th 2000. Vol. 404, p. 12. London.
- Benedict, Helen. (1992). *Virgin or Vamp: How the Press Covers Sex Crimes*. Oxford University Press. New York.
- Bitsch, Anne. (2008). "Bråkmaker'n fra Venus" i *Fett* 2/2008. Oslo.
- Bondevik, Hilde & Rustad, Linda. (2006). "Kapittel 1.3 Humanvitenskapelig kjønnsforskning". Lorentzen, Jørgen & Mühleisen, Wencke (ed.). *Kjønnsforskning. En grunnbok*. Universitetsforlaget. Oslo
- Bourke, Joanna. (2007). *Rape: Sex, Violence, History*. Virago Press. London.
- Brooks, John H. & Reddon, John R. (1996). "Serum testosterone in violent and nonviolent young offenders" in *Journal of Clinical Psychology*, July 1996, Vol. 52, No. 4, p. 475 – 483. Wiley Periodicals.

- Brownmiller, Susan. (1975). *Against our Will. Men, Women and Rape*. Simon & Schuster. New York.
- Butler, Judith. (1990). *Gender Trouble*. Routledge. London.
- Cahill, Ann J. (2000). "Foucault, Rape, and the Construction of the Feminine Body" in *Hypatia vol. 15, no. 1 (Winter 2000)*. Seattle, WA.
- Castel, Robert. (1991). "From dangerousness to risk" in Burchell, Graham, Gordon, Colin & Miller, Peter (ed.). *The Foucault Effect: Studies in Governmentality*. University of Chicago Press. Chicago.
- Code, Lorraine (ed). (2000). *Encyclopedia of feminist theories*. Routledge. London.
- Collins, Patricia Hill. (2000). *Black Feminist Thought. Knowledge, Consciousness, and the Politics of Empowerment (Revised 10th Anniv 2nd Edition)*. Routledge. New York.
- Connell, Robert W. (1995). *Masculinities*. Polity Press. Cambridge.
- Connell, Robert W. (2000). *The Men and The Boys*. University of California Press. Berkeley.
- Cooper, Christopher A. & Knotts, Gibbs H. (2008). *The New Politics of North Carolina*. The University of North Carolina Press. Chapel Hill.
- Cox, Kevin R. (2005). *From Marxist Geography to Critical Geography and Back Again*. Department of Geography. The Ohio State University.
- Davis, Angela. (1975). "Joan Little: The Dialectics of Rape" in *Ms. Magazine, Vol. III, No. 12. June 1975*. Beverly Hills CA.
- Dawkins, Richard. (1976). *The Selfish Gene*. Oxford University Press. Oxford.
- Dworkin, Andrea. (1987). *Intercourse*. The Free Press. New York.
- Dworkin, Andrea. (1988). *Letters from a War Zone*. Secker & Warburg. London.
- Van Dijk, Jan, Van Kesteren, John, Smit, Paul, Tilburg University, United Nations Interregional Crime and Justice Research Institute (UNICRI) & United Nations Office On Drugs and Crime (UNODC). (2007). *Criminal Victimization in International Perspective: Key Findings from the 2004-2005 ICVS and EU ICS*. Ministry of Justice, WODC. Hague.
- Ekenstam, Claes. (1998). "Historisk mannsforskning". *Rädd att falla. Studier i manlighet*. Gidlunds Förlag. Hedemora.
- Ellis, Lee. (1989). *Theories of Rape: Inquiries into the Causes of Sexual Aggression*. Hemisphere Pub. Corp. Washington D.C.
- England, Kim. (2003). "Towards a Feminist Political Geography?" in *Political Geography 22 (2003) 611-616*. Elsevier. Amsterdam.
- England, Kim. (2008). "Welfare Provision, Welfare Reform, Welfare Mothers" in Cox, Kevin.

- (2008). *The Sage Handbook of Political Geography*. Sage Publications Ltd. London.
- Fairclough, Norman. (1992). *Discourse and Social Change*. Polity Press. Cambridge.
- Faludi, Susan. (1991). *Backlash. The Undeclared War Against American Women*. Crown Publishers Inc. New York.
- Federal Bureau of Investigation (FBI). (2006). *Crime in the United States 2004. Uniform Crime Reports*. U.S.. Department of Justice. Washington.
- Filipovic, Jill. (2008). "Offensive Feminism: The Conservative Gender Norms That Perpetuate Rape Culture, and How Feminists Can Fight Back..." in Friedman, Jaclyn & Valenti, Jessica. (2008). *Yes Means Yes: Visions of Female Sexual Power and A World Without Rape*. Seal Press. Jackson TN.
- Firestone, Shulamit. (1973). *Kjønnenes dialektikk*. Gyldendal. Oslo.
- Foucault, Michel (1976). "The Meshes of Power" (lecture given at the University of Bahia, Brazil, November 1st 1976). Crampton, Jeremy W. & Elden, Stuart (Ed). (2007). *Space, Knowledge and Power: Foucault and Geography*. Ashgate Publishing, Limited. Abingdon, OxonGBR.
- Foucault, Michel. (1980a). *Seksualitetens historie*. Spartakus forlag.
- Foucault, Michel. (1980b). *Power/Knowledge: Selected Interviews and Other Writings*. Gordon, Colin (ed.). Pantheon Books. New York.
- Friedman, Jaclyn & Valenti, Jessica. (2008). *Yes Means Yes: Visions of Female Sexual Power and A World Without Rape*. Seal Press. Jackson TN.
- Gilligan, Carol. (1982) *In A Different Voice*. Harvard University Press. Cambridge.
- Gramsci, Antonio. (1971). *Selections from the Prison Notebooks*. International Publishers Co. New York.
- Grewal, Inderpal. (2005). *Transnational America: Feminisms, Diasporas, Neoliberalisms*. Durham: Duke University Press.
- Guillaumin, Colette. (1995). *Racism, Sexism, Power and Ideology*. Routledge. New York.
- Haag, Pamela. (1996). "Putting your body on the line: The question of violence, victims, and the legacies of second-wave feminism" in *Differences: A Journal of Feminist Cultural Studies* 8 (2): 23–67. Duke University Press. Durham.
- Hall, Rachel. (2004). "It Can Happen to You. Rape Prevention in The Age of Risk Management". *Hypatia* vol. 19, no. 3 (Summer 2004). Seattle, WA.
- Hall, Stuart. (1983). "The Problem of Ideology: Marxism Without Guarantees". B. Matthews (ed). (1983). *Marx: 100 Years On*. Lawrence & Wishart Ltd. London.
- Hall, Stuart. (1985). Signification, Representation, Ideology. Althusser and the Post-Structuralist

- Debates. *Critical Studies in Mass Communication*. Vol. 2 (1985): 91-114. Routledge. London.
- Hall, Stuart. (2003). "The Whites of their eyes: Racist ideologies and the media" in G. Dines & J. M. Humez (Eds.), *Gender, race, and class in the media: A text-reader (2nd ed., pp. 89–93.)* Sage. Thousand Oaks, CA.
- Haraway, Donna J. (1988). "Situated Knowledges: The Science Question in Feminism and the Privilege of Partial Perspective" in *Feminist Studies Vol. 14. No. 3 (Autumn 1988)*. Feminist Studies Inc. College Park.
- Haraway, Donna J. (1991). *Simians, Cyborgs and Women. The Reinvention of Nature*. Routledge. New York.
- Hartmann, Heidi. (1981). "The Unhappy Marriage of Marxism and Feminism" in Sergent, Lynda (1981). *The Unhappy Marriage of Marxism & Feminism. A Debate On Class & Patriarchy*. Pluto Press. London.
- Hartz, Louis. (1955). *The Liberal Tradition in America: An Interpretation of American Political Thought since the Revolution*. Harcourt. Brace.
- Held, Virginia (2005). *The Ethics of Care*. Oxford University Press. Oxford.
- Holst, Cathrine. (2005). *Feminism, Epistemology & Morality*. [Phd dissertation]. University of Bergen. Bergen.
- Holst, Cathrine. (2009). *Hva er feminisme?* Universitetsforlaget. Oslo.
- hooks, bell. (1984). *Feminist Theory: From Margin to Center*. South End Press. Cambridge. MA.
- Houge, Anette B. (2008). *Wartime Rape and Sexual Violence. A Qualitative Analysis of Perpetrators of Sexual Violence During The War in Bosnia and Herzegovina*. University of Oslo.
- Hyndman, J. (2001). "Towards a feminist geopolitics" in *Canadian Geographer*, 45(2), p. 210–222. Malden.
- Hyndman, Jennifer. (2003). "Beyond Either/Or: A Feminist Analysis of September 11th" in *ACME: An International E-Journal for Critical Geographies*, 2 (1), 2003.
- Jaggard, Alison. (1983). *Feminist Politics and Human Nature*. Rowman & Littlefield Publishers Inc. Oxford.
- Johnston, Lynda. (2005). "Man:Woman" in Cloke, Paul & Johnston, Ron. (2005). *Spaces of geographical thought*. Sage Publications Ltd. London.
- Jones, Owen D. (1999). "Sex, Culture, and the Biology of Rape: Toward Explanation and Prevention" in *87 California Law Review: 827*. California Law Review, Inc. Berkeley.
- Jones, Owen D. (2000). "Reconsidering Rape" in *The National Law Journal, Podium Page, February 21, 2000: A21*. New York.
- Jørgensen, Marianne Winther & Phillips, Louise. (1999). *Diskursanalyse som teori og metode*.

Roskilde Universitetsforlag. Frederiksberg.

Kaufman, Michael. (2000). "Working With Men and Boys to Challenge Sexism and End Men's Violence". Breines, Ingeborg, Connell, Robert & Eide, Ingrid (eds). (2000). *Male Roles, Masculinities and Violence. A Culture of Peace Perspective*. UNESCO Publishing. Paris.

Kimmel, Michael. (1994). "Masculinity as Homophobia. Fear, Shame and Silence in the Construction of Gender Identity". Brod, H. & Kaufman, M. (ed.). *Theorizing Masculinities*. Sage Publications Ltd. Newbury.

Kimmel, Michael. (1996). *Manhood in America*. The Free Press. New York.

Kimmel, Michael. (2005). *The Gender of Desire. Essays on Male Sexuality*. State University of New York Press. New York.

Kofman, Eleonore. (2008). "Feminist Transformations of Political Geography" in Cox, Kevin. (2008). *The Sage Handbook of Political Geography*. Sage Publications Ltd. London.

Kosse, Susan Hanley. (2007). "Race, Riches & Reporters - Do Race and Class Impact Media Rape Narratives? An Analysis of the Duke Lacrosse Case" in *Southern Illinois University Law Journal 31: pp. 243-279*. Southern Illinois University.

Laclau, Ernesto & Mouffe, Chantal. (1985) *Hegemony and Socialist Strategy*. Verso. London.

Lorde, Audre. (1984). *Sister Outsider*. Freedom. CA: The Crossing Press.

Lorentzen, Jørgen. (2006a). "Kapittel 1.1 Biologi". Lorentzen, Jørgen & Mühleisen, Wencke (ed.). *Kjønnforskning. En grunnbok*. Universitetsforlaget. Oslo.

Lorentzen, Jørgen. (2006b). "Kapittel 2.3 Forskning på menn og maskuliniteter". Lorentzen, Jørgen & Mühleisen, Wencke (ed.). (2006). *Kjønnforskning. En grunnbok*. Universitetsforlaget. Oslo.

Marcus, Sharon. (2002). "Fighting Bodies, Fighting Words: A Theory and Politics of Rape Prevention" in Mui, Constance L. & Murphy, Julien S. (ed.) *Gender struggles: practical approaches to contemporary feminism*. Rowman & Littlefield Publishers Inc. Lanham.

MacKinnon, Catharine A. (1985). "Pornography, Civil Rights, and Speech" in *20 Harvard Civil Rights-Civil Liberties Law Review 1 1985*. Cambridge.

Mardorossian, Carine M. (2002). "Toward a New Feminist Theory of Rape". *Signs, Vol. 27, No. 3 (Spring, 2002), pp. 743-775*. The University of Chicago Press. Chicago.

Millett, Kate. (1970). *Sexual Politics*. Rupert Hart Davis. London.

Mosse, George L. (1996). *The Image of Man*. Oxford University Press. Oxford.

Mukhopadhyay, Samhita (2008). "Trial by Media: Black Female Lasciviousness and the Question of Consent" in Friedman, Jaelyn & Valenti, Jessica. (2008). *Yes Means Yes: Visions of Female Sexual Power and A World Without Rape*. Seal Press. Jackson TN.

- Nerisrud, Sissel. (2007). "Voldtektsbølgen" våren 2007. *En diskursanalyse av mediers vinkling av voldtekt*. [M.A thesis]. Universitetet i Oslo. Oslo.
- Obama, Barack. (2006). *Audacity of Hope: Thoughts of Reclaiming the American Dream*. Crown/Three Rivers Press. New York.
- Orenstein, Aviva (2009). "Presuming Guilt or Protecting Victims: Analyzing the Special Treatment of Those Accused of Rape" in Seigel, Michael. (2009). *Race to injustice. Lessons learned from the Duke lacrosse "rape" case*. Carolina Academic Press. Durham.
- Paglia, Camille. (1992). *Sex, Art, and American Culture*. Vintage Books. New York.
- Paglia, Camille. (1994). *Vamps and Tramps: New Essays*. Vintage Books. New York.
- Peterson, V. Spike. (2000). "Sexing Political Identities: Nationalism as Heterosexism" in Ranchod-Nilsson, Sita & Tétraut, Mary (eds.). *Women, States and Nationalism: At Home in the Nation?* Routledge. New York.
- Puar, Jasbir. (2007). *Terrorist Assemblages. Homonationalism in Queer Times*. Duke University Press. Durham.
- Purvis, Trevor & Hunt, Alan. (1993). "Discourse, Ideology, Discourse, Ideology, Discourse, Ideology..." in *The British Journal of Sociology, Vol. 44, No. 3 (Sep., 1993), pp. 473-499*. Blackwell Publishing. The London School of Economics and Political Science: London.
- Ringheim, Gunnar. (1987). *Menn som voldtar. 15 voldtektsmenn forteller*. Forlaget Liv. Oslo.
- Robinson, Guy M. (1998). "Ch. 13-16" in *Methods and Techniques in Human Geography pp. 407-482*. Wiley & Sons Ltd.
- Roiphe, Katie. (1993). *The Morning After: Sex, Fear, and Feminism on Campus*. Little, Brown and Company. Boston.
- Rubin, Gayle. (1975). "The Traffic in Women: Notes on the 'Political Economy' of Sex" in Rayna Reiter, ed. *Toward an Anthropology of Women*. Monthly Review Press. New York.
- Rush, Sharon. (2009). "The Town-Gown Relationship" in Seigel, Michael. (2009). *Race to injustice. Lessons learned from the Duke lacrosse "rape" case*. Carolina Academic Press. Durham.
- Sandel, Michael J., (1996). *Democracy's Discontent. America in Search of a Public Philosophy*. The Belknap Press of Harvard University Press. Cambridge.
- Scully, Diana. (1990). *Understanding Sexual Violence: A Study of Convicted Rapists*. Routledge. New York.
- Seigel, Michael. (2009). *Race to injustice. Lessons learned from the Duke lacrosse "rape" case*. Carolina Academic Press. Durham.
- Sommers, Christina Hoff. (1994). *Who Stole Feminism? How Women Have Betrayed Women*.

Simon & Schuster Inc. New York.

Sommers, Christina Hoff. (2000). *The War Against Boys: How Misguided Feminism Is Harming Our Young Men*. Simon & Schusters Paperbacks. New York.

Spivak, Gayatri Chakravorty. (1988). "Can the Subaltern Speak?" in Nelson, Cary & Grossberg, Lawrence (ed). *Marxism and the Interpretation of Culture*. University of Illinois Press. Urbana, IL.

Staeheli, Lynn & Martin, Patricia. (2000). "Spaces for Feminism in Geography" in *The ANNALS of the American Academy of Political and Social Science 2000: 571:135*. American Academy of Political and Social Science. Sage Publications.

Staeheli, Lynn A., Kofman, Eleonore, Peake, Linda J. (eds.) (2004). *Mapping Women, Making Politics; Feminist Perspectives on Political Geography*. Routledge, New York/London.

Sterling, Anne Fausto. (1992). *Myths of Gender. Biological Theories of Women and Men*. Basic Books. New York.

Stokke, Kristian. (1999). *Politisk geografi*. Tano Aschehoug. Oslo.

Taylor, Stuart & Johnson KC. (2007). *Until Proven Innocent. Political Correctness And The Shameful Injustices Of The Duke lacrosse "rape" case*. St. Martin Press. New York.

Thagaard, Tove. (2009). *Systematikk og innlevelse. En innføring i kvalitativ metode. 3. utgave*. Fagbokforlaget. Bergen.

Thornhill, Randy & Palmer, Craig T. (1999). *A Natural History of Rape: Biological Bases of Sexual Coercion*. The MIT Press. Cambridge, MA.

U.S. Department of Justice. (2000). *Full Report of the Prevalence, Incidence, and Consequences of Violence Against Women, Findings from the National Violence Against Women Survey*. Washington.

Valenti, Jessica. (2008). "Purely Rape: The Myth of Sexual Purity and How It Reinforces Rape Culture" in Friedman, Jaclyn & Valenti, Jessica. (2008). *Yes Means Yes: Visions of Female Sexual Power and A World Without Rape*. Seal Press. Jackson TN.

Valenti, Jessica. (2009). *The Purity Myth. How America's Obsession with Virginity Is Hurting Young Women*. Seal Press. Jackson TN.

Valentine, Gill. (1989). "The Geography of Women's Fear" in *Area (1989). 21.4. p. 385-390*. The Royal Geographical Society/Institute of British Geographers. Blackwell Publishing. London.

Wennstam, Katarina. (2005). *En riktig våldtäktsman. En bok om samhällets syn på våldtäkt*. Albert Bonniers Förlag. Viborg.

APPENDIX 1

Articles analyzed:

New York Times (16)

April 9th 2006: "Blue Devils Made Them Do It" by Allan Gurganus
April 9th 2006: "Virtues And Victims" by David Brooks
April 23rd 2006: "Covering the Duke Lacrosse Team Case" by Byron Calame
April 30th 2006: "Other Voices: Debating the Fairness of the Duke Coverage" by Don L. Keller (response to Byron Calame)
May 28th 2006: "The Duke Witch Hunt" by David Brooks
June 1st 2006: "The Duke Case, Reconsidered" by Rebecca Lemaitre
June 11th 2006: "Jocks And Prejudice" by Nicholas D. Kristof
August 25th 2006: "Files From Duke "rape" case Give Details but No Answers" by Duff Wilson & Jonathan D. Glater (news)
August 29th 2006: "Duke and DNA Evidence" by Thomas F. Schlafly, lawyer
December 23rd 2006: "Charges of rape against 3 at Duke are abandoned" by David Barstow & Duff Wilson (news)
March 25th 2007: "Closing a Case Will Not Mean Closure at Duke" by Selena Roberts
April 12th 2007: "Duke prosecutor throws out case against players" by David Barstow & Duff Wilson (news)
April 12th 2007: "The Duke Case: What Was Learned?" by William Stephens
April 12th 2007: Letter to the editor (no title) by Charles Fred Maspeth
April 12th 2007: Letter to the editor (no title) by Henry Belch Fairfax
April 22nd 2007: "Revisiting The Times' Coverage of the Duke "rape" case" by Byron Calame

USA Today (16)

March 29th 2006: "Wrong time for team unity in Duke Probe" by Christine Brennan
April 4th 2006: "Let the courts decide truth, consequences" by Leonard A. Anderson
April 4th 2006: "No comparison" by Derek White
April 4th 2006: "Truth in unity" by Mark Hammert
April 7th 2006: "Alcohol turns tide of culture" by Jon Saraceno
April 12th 2006: "Internet buzz shows people taking sides in Duke case" by Erik Brady
April 18th 2006: "Race and sex cast long shadow over Duke" by DeWayne Wickham
April 25th 2006: "Let justice play out for Duke" by Kelly Gravelle
April 25th 2006: "Lack of innocence" by Jim Denny
April 25th 2006: "Object is..." by Tamela Gates May
May 9th 2006: "Not possible" by Warren Knight (not possible to code)
June 21st 2006: "As time ticks by in Duke's rape case, facts grow short"
December 27th 2006: "As Duke "rape" case unravels, focus turns to prosecutor"
February 26th 2007: "Duke lacrosse case has no winners" by Jon Saraceno
April 12th 2007: "Duke "rape" case implodes, revealing 'world of injustice'"
April 13th 2007: "A rush to judgement on Duke lacrosse men"

News & Observer (62)

March 27th 2006: "Team's silence is sickening" by Ruth Sheehan, Staff Writer
March 28th 2006: "Lacrosse time-out"
March 29th 2006: "Cancel the season" by Ruth Sheehan, Staff Writer
March 30th 2006: "The right of silence"
March 30th 2006: "Games can wait"
April 2nd 2006: "Mrs. Easley's cause"
April 8th 2006: "A view from Duke's chapel" by Anthony Hatcher
April 13th 2006: "District attorney's fate" by Graham Marlette
April 15th 2006: "The law must watch its tongue" by Nick Herman, correspondent/ professor at the N.C. Central University Law School
April 16th 2006: "More questions about the lacrosse story" by Ted Vaden, Staff Writer
April 19th 2006: "At a crossroads"
April 20th 2006: "Name their accuser" by Sarah McDade
April 22nd 2006: "Learning at Duke"
April 23rd 2006: "Duke's stake as hometown hero" by Steve Ford, Staff Writer
April 29th 2006: "Means nothing" by Caroline Ring
April 30th 2006: "A city beyond the stereotypes" by Steve Ford, Staff Writer
May 1st 2006: "Simply students" by Jan Dunlap
May 4th 2006: "Prosecution's heavy hand"
May 5th 2006: "Duke and drink"
May 5th 2006: "...and a crossroad"
May 9th 2006: "Emphasizing ethics" by Rebecca Putterman
May 17th 2006: "Standards of fairness"
May 19th 2006: "DNA and labs" by O. Nathaniel Smith
May 25th 2006: "43 players, certified as not guilty" by Alex Charns (attorney and author of "How Hockey Saved the World.")
May 31st 2006: "A worthwhile test" by Robinson O. Everett, Professor of Law, Duke University
June 3rd 2006: "Defense of lacrosse team overlooked much" by Al McSurely, North Carolina NAACP Legal Redress Chair, Durham (The length limit on letters was waived to permit a fuller response.)
June 7th 2006: "Lessons and chances"
June 13th 2006: "Special prosecutor should take over Duke case" by James E. Coleman Jr., Duke Law School, Durham, (The writer, a law professor, recently led Duke's study of the men's lacrosse program. The length limit on letters was waived.)
June 17th 2006: "Rape case's gaps?"
June 28th 2006: "Wait for the trial" by Scott A. Weir
June 28th 2006: "Abusive Nifong" by Debrah Correll
July 2nd 2006: "Let's talk sports" by Orin Starn, Professor in Cultural Anthropology, Duke University.
July 3rd 2006: "Not a credible case" by Dale Hollar
July 19th 2006: "Wrong turn for justice in the state" by Rick Martinez, Correspondent
August 13th 2006: "Lacrosse error clouds story's credibility" by Ted Vaden, Staff Writer
November 12th 2006: "No gong for Mike Nifong – yet" by Steve Ford, Staff Writer
December 20th 2006: "Shaky case"
December 23rd 2006: "Nifong's move"
December 27th 2006: "Name, please" by Faye Joseph
December 27th 2006: "Too mild on Nifong" by Michael MacDonald
December 28th 2006: "Where's justice?" by Harvey Johnson
December 29th 2006: "Will Duke take a look at itself?" by Rick Martinez, Correspondent

December 30th 2006: "Justified statements" by Kevin Smith
December 30th 2006: "Removal time"
January 5th 2007: "Name that accuser" by Mark Kinlaw
January 5th 2007: "In the aftermath of a social disaster" by Cathy N. Davidson, Ruth F. DeVarney professor of English and interim director and professor of interdisciplinary studies, John Hope Franklin Humanities Institute at Duke University
January 14th 2007: "Nifong's only choice"
January 17th 2007: "To be fair"
January 20th 2007: "Degrading culture" by Leigh-Anne Krometis
January 28th 2007: "Tricky issue: naming sex case accusers" by Ted Vaden, Staff Writer
February 4th 2007: "Name the accuser? Here's your verdict" by Ted Vaden, Staff Writer
February 7th 2007: "The governor's tale"
February 15th 2007: "A brave woman" by Jamie Batey
February 18th 2007: "Suspects, identifications and the paper" by Ted Vaden, Staff Writer
February 25th 2007: "One-sided policy"
April 12th 2007: "Judgment day"
April 14th 2007: "DA's judgment"
April 15th 2007: "Assessing The N&O's lacrosse coverage" by Ted Vaden, Staff Writer
April 27th 2007: "Just the facts"

APPENDIX 2

The group of 88 ad (The Chronicle, April 6th 2006)

We are listening to our students. We're also listening to the Durham community, to Duke staff, and to each other. Regardless of the results of the police investigation, what is apparent everyday now is the anger and fear of many students who know themselves to be objects of racism and sexism, who see illuminated in this moment's extraordinary spotlight what they live with everyday. They know that it isn't just Duke, it isn't everybody, and it isn't just individuals making this disaster.

But it is a disaster nonetheless.

These students are shouting and whispering about what happened to this young woman and to themselves.

... We want the absence of terror. But we don't really know what that means. . . . We can't think. That's why we're so silent; we can't think about what's on the other side of this. Terror robs you of language and you need language for the healing to begin.

This is not a different experience for us here at Duke University. We go to class with racist classmates, we go to gym with people who are racists. . . . It's part of the experience.

[*Independent*, 29 March 2006]

If it turns out that these students are guilty, I want them expelled. But their expulsion will only bring resolution to this case and not the bigger problem. This is much bigger than them and throwing them out will not solve the problem. I want the administration to acknowledge what is going on and how bad it is.

Being a big, black man, it's hard to walk anywhere at night, and not have a campus police car slowly drive by me.

Everything seems up for grabs--I am only comfortable talking about this event in my room with close friends. I am actually afraid to even bring it up in public. But worse, I wonder now about everything. . . . If something like this happens to me . . . What would be used against me--my clothing? Where I was?

I was talking to a white woman student who was asking me "Why do people -- and she meant black people -- make race such a big issue?" They don't see race. They just don't see it.

What Does a Social Disaster Sound Like?

You go to a party, you get grabbed, you get propositioned, and then you start to question yourself.
[*Independent*, 29 March 2006]

... all you heard was "Black students just complain all the time, all you do is complain and self-segregate." And whenever we try to explain why we're offended, it's pushed back on us. Just the phrase "self-segregation"; the blame is always put on us. *Independent*, 29 March 2006]

... no one is really talking about how to keep the young woman herself central to this conversation, how to keep her humanity before us . . . she doesn't seem to be visible in this. Not for the university, not for us.

I can't help but think about the different attention given to what has happened from what it would have been if the guys had been not just black but participating in a different sport, like football, something that's not so upscale.

And this is what I'm thinking right now – Duke isn't really responding to this. Not really. And this, what has happened, is a disaster. **This is a social disaster.**

The students know that the disaster didn't begin on March 13th and won't end with what the police say or the court decides. Like all disasters, this one has a history. And what lies beneath what we're hearing from our students are questions about the future.

This ad, printed in the most easily seen venue on campus, is just one way for us to say that we're hearing what our students are saying. Some of these things were said by a mixed (in every way possible) group of students on Wednesday, March 29th at an African & African American Studies Program forum, some were printed in an issue of the *Independent* that came out that same day, and some were said to us inside and outside of the classroom.

We're turning up the volume in a moment when some of the most vulnerable among us are being asked to quiet down while we wait. To the students speaking individually and to the protestors making collective noise, thank you for not waiting and for making yourselves heard.

We thank the following departments and programs for signing onto this ad with African & African American Studies: Romance Studies; Psychology; Social and Health Sciences; Franklin Humanities Institute; Critical U.S. Studies; Art, Art History, and Visual Studies; Classical Studies; Asian & African Languages & Literature; Women's Studies; Latino/a Studies; Latin American and Caribbean Studies; Medieval and Renaissance Studies; European Studies; Program in Education; and the Center for Documentary Studies. Because of space limitations, the names of individual faculty and staff who signed on in support may be read at the AAAS website <http://www.duke.edu/web/africanameric/>

APPENDIX 3

Poster distributed around the Duke campus March 29th 2006

PLEASE COME FORWARD.

"We're not saying that all 46 were involved. But we do know that some of the players inside that house on that evening knew what transpired and we need them to come forward."

- Durham Police Cpl. David Addison

ABCNews 3/26/2005

Please call Durham CrimeStoppers at 683-1200. Callers may remain anonymous.

NOTE: There are four more players that were not retrieved from the GoDuke.com website before Duke took down the lacrosse team's roster on Monday morning, March 27th.

APPENDIX 4

The New York Post, April 12th 2007



The image shows the front page of the New York Post newspaper from April 12, 2007. At the top left is the newspaper's masthead with the American flag and the text "NEW YORK POST". To the right of the masthead is a red box with "25 CENTS". Below the masthead is a red banner that says "LATE CITY FINAL". Underneath that is a thin line of text: "TODAY: APR 12, 2007 / Weekly news, hot gossip and more! / Weather Page 12-14 www.nypost.com".

The main headline is "Imus bombshell" in large yellow letters on a dark blue background. To the left of this headline is a small portrait of Ed Bradley. Below the main headline is a sub-headline in white: "MSNBC CUTS THE IGNOR-IMUS". Below that is a red box with white text: "FULL STORY, PLUS ADAM BUCKMAN: PAGE 7".

Below the Imus story is a large white headline: "Now America can see her face". To the left of this headline is the word "THE" in large white letters. Below "THE" are the words "DUKE" and "LIAR" in very large, bold white letters. To the right of this text is a large black and white photograph of a woman's face, identified as the "Duke" (Dorinda Carter). She has a small "EP" tattoo on her forehead. In the bottom right corner of the photo is the word "AUTO".

Below the "THE DUKE LIAR" headline is the text "Sex case dropped" in white. To the right of this text is a small white box with black text: "More on the Duke...". Below this box is a red box with white text: "SEE PAGE 4, 5".

