

# Can television promote a more progressive definition of rape and help delegitimize it?: Rape in Law and Order: Special Victims Unit

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Boston College Electronic Thesis or Dissertation, 2016

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Can television promote a more progressive definition of rape and help  
delegitimize it?: Rape in *Law and Order: Special Victims Unit*

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Senior Honors Thesis

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May 15th 2016

## ABSTRACT

Rape is a socially constructed behavior used in patriarchal societies to devalue women and ensure male supremacy. Being socially constructed means that the definition of rape can change. This thesis addresses the question of whether an established institution—television—can promote a more progressive definition of rape and help delegitimize it. It uses a feminist content analysis to examine the main themes on 14 episodes of *Law and Order: Special Victims Unit (SVU)* aired from 2012-2015. It is qualitative and inductive in nature, approached from a grounded theory perspective. The data demonstrate that *SVU* does, to some extent, present a more progressive view of rape instead of perpetuating the common stereotypes of rape. Essentially, *SVU* represents a new variety of definitions of rape that are reflective of *white, privileged, heterosexual* and *young women's* experiences in the United States. Race, class, sexual orientation and identity are barely taken into account even though many social inequalities based on them characterize American life. There was a pattern of not blaming the victims for the social problems depicted but rather of accusing the patriarchy for many of these problems. Some aspects that can make *SVU* a feminist program are: the debunking of rape myths; blaming the rape culture for legitimizing rape; positive depiction of anti-rape feminist activism; and the reaffirmation that victims are never to blame for their assaults. Other aspects do not fit the feminist agenda. Some of these are: the frequent repetition of rape myths; stereotypical notion that it is harder for men to be feminists (which was characterized by the male detectives); lack of information about the social causes of rape; and the sometimes negative characterization of female victims.

## ACKNOWLEDGMENTS

This thesis would not have been possible without the help of several people.

I wish to express my sincere thanks to Lynda Lytle Holmstrom for guiding and supporting me since I came to Boston College. It is because of your constant encouragement that I have discovered my passions and have proudly achieved and surpassed many goals. Having you as a mentor has greatly impacted my experience at Boston College.

I want to thank Lara Birk for helping me develop my thesis topic and William Gamson for his guidance.

I want to thank my family for their continuous support through this process and for encouraging me to always believe in myself. I am especially grateful to my parents for giving me the opportunity to study at Boston College and for teaching me there is nothing more important than pursuing your dreams.

Lastly, I am thankful for everyone in the Sociology department and in the Women's and Gender Studies Program who have taught me during these last three years, motivating me to become a better student.

## INTRODUCTION

Rape is a socially constructed behavior used in patriarchal societies to devalue women and ensure male supremacy. Being socially constructed means that the definition of rape can change. This thesis addresses the question of whether an established institution—television—can promote a more progressive definition of rape and help delegitimize it. Rape is one of the many weapons used to oppress and control women in society. At an ideological level, the culture in the United States upholds a belief system that supports and promotes rape in many ways. Multi-dimensional approaches have been taken to understand its definition, ubiquity and pervasiveness. More importantly, feminists, scholars from various disciplines, lawyers, students, doctors, nurses, politicians, social workers and others have worked incessantly to delegitimize it and offer safe spaces for victims to be heard. Nevertheless, violence against women continues to be prevalent in the United States. Historically, creating awareness and redefining rape as a social problem was a central focus of the Women's Movement. Today, many women continue courageously fighting to delegitimize rape by changing social and legal definitions of the crime and therefore allowing the elimination of the rape culture.

I have been interested in understanding different forms of violence against women for many years. I have studied different spaces where violence against women is present: film, music, books, political movements and on college campuses. Coming into contact with feminist activism in college allowed me to discover innovative ways to combat violence against women. One of the first sources that informed me about sexual violence against women and its pervasiveness was the television show *Law and Order: Special Victims Unit*, which I started to watch when I was around 14 years old. *Law and Order: Special Victims Unit* is the longest-running primetime television drama currently on television (it premiered in 1999). The series

chronicles the life and crimes of the Special Victims Unit of the New York City Police Department, an elite squad of detectives who investigate sexually based crimes.<sup>1</sup> For a while, it was my only source of information on the subject. Now, as a critical consumer, I decided to explore the content of the show more closely by making it the focus of my study for this honors thesis.

The goal of this thesis is to contribute to the rethinking of rape. By exploring the representations of rape in *Law and Order: Special Victims Unit* it offers a unique insight into current discourses on sexual violence against women today in the United States. This thesis hopes to open up a dialogue about the problematic aspects of the discourse, which can ultimately help create safe spaces for victims<sup>2</sup> of sexual violence to be heard.

### *Redefining Rape*

Estelle Freedman argues in her book *Redefining Rape* that rape has never had a universally accepted definition and that present struggles to define a "legitimate rape" confirm that rape remains a term in flux subject to political power and social privilege.<sup>3</sup> Furthermore, she states that the goals of many in the past to redefine rape have not been completely met; many of the goals, criticisms and techniques used to change its definitions are still visible today. She explores how the struggles to redefine rape today are evidence of conflicts that have recurred for almost two centuries.<sup>4</sup> Freedman concludes that as long as social inequalities based on race and gender exist on America, contestations over the meaning of sexual violence will continue to

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<sup>1</sup> As stated in: <http://www.nbc.com/law-and-order-special-victims-unit>

<sup>2</sup> The term victim (instead of survivor) will be used to remain consistent with the terminology used in *SVU*.

<sup>3</sup> Estelle B. Freedman. *Redefining Rape: Sexual Violence in the Era of Suffrage and Segregation* (Cambridge, Massachusetts: Harvard University Press, 2013).

<sup>4</sup> *Ibid.*, 11.

exist.<sup>5</sup> Thus, even if definitions of rape have changed, they have usually changed in the interest of the powerful (white, privileged, heterosexual men).

The present project explores changing definitions of rape by focusing on the part that media plays in this process. While studying definitions of rape on *Law and Order: Special Victims Unit (SVU)*, this project inquires if the media, as part of the establishment, can actually help the less powerful redefine their experiences. It questions whether TV programs like *SVU* can work to redefine rape in a more modern and progressive way, thus empowering victims more than before, or if these representations of changing definitions mostly serve the interest of the powerful.

Rape is a fluid term whose definition is continually reshaped by specific social relations and political contexts, rather than a natural imperative result of male aggression.<sup>6</sup> Feminists have worked to change the public's attitudes and understandings of rape through activism. Women's Movements have rallied to both make a change in law reforms so that it can be more just to victims and have made an effort in the realm of consciousness raising to change social attitudes about rape. A multidimensional approach has been used to redefine rape, but these approaches have not always supported one another. As cultural studies scholar Lisa M. Cuklanz explains, most feminists have generally agreed that "rape is a result of gender inequality in economic, political and social terms, but have differed in their formulations of how these inequalities variously contribute to the problem of rape and the likelihood of meaningful change within a

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<sup>5</sup> Ibid., 289.

<sup>6</sup> Ibid., 3.

patriarchal and capitalist system.”<sup>7</sup> A number of feminist activists and scholars have drawn attention to these different formulations and to how they can be used to create social change.

The lawyer Susan Estrich recognizes that the history of rape in the criminal justice system is one both of sexism and racism. She believes that by the mere fact that the crime involves sex, traditional gender and sex roles (like male aggression and female passivity) have led the legal system to provide restricted understandings of rape (rape might be seen as an inevitable result of gender and sex roles).<sup>8</sup> The journalist Susan Brownmiller defines rape in terms of violence while the lawyer Catharine MacKinnon defines it in terms of sex.<sup>9</sup> Feminist scholar Ann J. Cahill sees rape as a crime of violence but also as a crime against the embodiment of selfhood, as an assault on self-determination.<sup>10</sup> Previous understandings of rape focused on dichotomies to explain the causes of this behavior (violence and sex; power and sexuality). Sociologists like Lynda Lytle Holmstrom and Pauline Bart and nursing professor Ann Wolbert Burgess, among others, argue that rape is an act of aggression and violence, motivated primarily by power or anger, rather than sexuality.<sup>11</sup> More recent analyses of rape focus on explaining rape as an experience instead of an event.<sup>12</sup> Finally, taking into account previous discourses on the definitions of rape, the historian Estelle Freedman argues that

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<sup>7</sup> Lisa M. Cuklanz. *Rape on Prime Time: Television, Masculinity, and Sexual Violence*. (Philadelphia: University of Pennsylvania Press, 2000), 11.

<sup>8</sup> Susan Estrich. "Rape." *The Yale Law Journal* 95, no. 6 (1986): 1089.

<sup>9</sup> Susan Brownmiller. *Against Our Will: Men, Women, and Rape*. 1st Ballantine Books ed. (New York: Fawcett Columbine, 1993).; Catharine A. MacKinnon. *Toward a Feminist Theory of the State* (Cambridge, Massachusetts: Harvard University Press, 1989).

<sup>10</sup> Ann J. Cahill. *Rethinking Rape* (Ithaca: Cornell University Press, 2001).

<sup>11</sup> Lynda Lytle Holmstrom and Ann Wolbert Burgess. *The Victim of Rape: Institutional Reactions* (New Brunswick, N.J.: Transaction Books, 1983) (Reprint. Originally published: New York: Wiley, 1978. With new introduction.), 263.

<sup>12</sup> Cahill, Ann J., 2.; Ian Ward. "Rape and Rape Mythology in the Plays of Sarah Kane," *Comparative Drama* 47, no. 2 (2013): 225-48.; Carine M. Mardorossian. "Toward a New

at its core, *rape* is a legal term that encompasses a malleable and culturally determined perception of an act. Different societies define which nonconsensual sexual acts to criminalize, which to condone, and how forcefully to prosecute the former. Indeed, the history of rape consists in large part in tracking the changing narratives that define which women may charge which men with the crime of forceful, unwanted sex, and whose accounts will be believed.<sup>13</sup>

Rape is about all power, violence, sexuality and fear, consequences of a patriarchal society that teaches men to maintain their supremacy and keep women inferior. Rape cannot be understood in one single way, but rather as a consequence of many social factors that have been constructed with time. As all socially constructed notions that promote specific behaviors, they can also be deconstructed.

Different Women's Movements have focused on making rape a social problem through activism, helping to redefine the term at ideological and legal levels. Feminist movements have been the most vocal and active anti-rape groups out of other interest groups that have expressed concern over rape through activism.<sup>14</sup> As Sarah Projansky states, feminist activism radically redefined rape by showing how widespread a social problem it is.<sup>15</sup> For example, one way of doing this was by demystifying rape myths, thus making people more informed about rape's misunderstandings and presence in different aspects of everyone's lives. The relationship

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Feminist Theory of Rape," *Signs: Journal of Women in Culture and Society* 27, no. 3 (2002): 743-75.

<sup>13</sup> Freedman, 3.

<sup>14</sup> Vicki McNickle Rose. "Rape as a Social Problem: A Byproduct of the Feminist Movement," *Social Problems* 25, no. 1 (1977): 75-89.

<sup>15</sup> Sarah Projansky. *Watching Rape: Film and Television in Postfeminist Culture*. (New York: New York University Press, 2001), 7.

between feminist activism against rape and the representation of rape in mass media is of foremost importance because of what it can tell us about public perceptions about rape.

Anti-rape movement stirrings started during the late 1960's as women began to meet in consciousness raising groups and planned how to act on issues concerning the cause.<sup>16</sup> Some of these events that these groups of women, like the "New York Radical Feminists," hosted were "speak outs" of testimonies of rape victims, "which defined talking openly about rape as part of a politicized consciousness raising and drew attention to rape as a widespread problem."<sup>17</sup> These conferences provided the "means of spreading the feminist ideology, including the legitimacy of questioning traditional assumptions about rape."<sup>18</sup> In part, anti-rape movements focused on rendering assistance to victims to ease the trauma of their experiences. During the 1970's Rape Crisis Centers started opening, then rape crisis telephone lines became available in almost all main cities in the country and college communities. By 1976, four hundred centers which provided counseling, social services, and legal support for women who had experienced sexual violence were established. Later, women organized "Take Back the Night" marches around dangerous urban districts to show their strength in numbers and refusal to limit their mobility.<sup>19</sup> In 1977, the National Organization for Women (NOW) developed almost two hundred rape task forces. As well, activists replaced the term 'victim' with 'survivor' to "emphasize women's agency in response to their victimization and to address the complexity of women's *post* rape experiences."<sup>20</sup>

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<sup>16</sup> Rose, 75.

<sup>17</sup> Projansky, 7.

<sup>18</sup> Rose, 76.

<sup>19</sup> Freedman, 278-279.

<sup>20</sup> Projansky, 9.

During the 1970's, academic and feminist activists offered many counter-formulations about rape that got public attention. These counter formulations included that rape happens and is common in all classes, rape is an attack on the whole person not simply an assault, rape is an attack of hostility and aggression, and rape is the ultimate act of women's objectification.<sup>21</sup> Additional counter formulations included the ideas that rape does not only happen by strangers; that rapists do not look "depraved," rather they look like "normal" men; that intraracial rape, rather than interracial, was one of the most common types of rape; the victim's past sexual history was irrelevant to particular accusations; and previous consent does not mean future consent.<sup>22</sup> Scholars also interviewed rape victims to better understand their experiences and were able to establish the "Rape Trauma Syndrome" as a concept that reveals the psychological trauma experienced by rape victims.<sup>23</sup> As well, scholars studied institutional reactions to the crime, which helped bring awareness of how these responses can diminish or heighten the profound suffering of victims.<sup>24</sup> Even language changed as a result of feminist activism. During the 1980's, different terms were coined to differentiate experiences of rape; for example, marital rape, date rape and acquaintance rape.<sup>25</sup> By 1990's, an impressive agenda was achieved by modern campaigns against sexual violence. Educational and medical institutions started implementing more responsible approaches to identify assaults, and fiction, film and personal memoirs addressed power dynamics that feminists identified as central.<sup>26</sup> In the 21st century, anti-rape movements continue to expand. Discourses are taking place around street harassment,

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<sup>21</sup> Kurt Weis and Sandra S. Borges. "Victimology and Rape: The Case of the Legitimate Victim," *Issues in Criminology* 8, no 2. (1973): 71–115.

<sup>22</sup> Projansky, 9.

<sup>23</sup> Ann Wolbert Burgess and Lynda Lytle Holmstrom. "Rape Trauma Syndrome," *American Journal of Psychiatry* 131, no. 9 (1974): 981-986.

<sup>24</sup> Holmstrom and Burgess.

<sup>25</sup> Projansky, 8; Freedman, 282.

<sup>26</sup> Freedman, 283.

"SlutWalks," rape within the military, rape in Native American schools and reservations, and international movements' efforts to prosecute sexual and gender violence as war crimes.<sup>27</sup>

Nevertheless, as Freedman discusses, today some disheartening continuities with the past still exist demonstrating the limits of legal reforms. Statistics on incarceration, prosecution and assaults reveal how race and gender continue playing decisive roles on how rape is experienced. Rape continues to be a highly underreported crime, racial profiling of perpetrators is common, sexually victimized children continue to be silenced, victims are blamed for their assaults because of the clothes they wear and their past sexual histories, higher education institutions' reactions to sexual assault on their campuses are being challenged, and the ineptitude of criminal justice procedures to deter the crime are questioned, among other issues.<sup>28</sup> Furthermore, women of color are more frequently discredited as victims and white men are treated more leniently by the law. Many present discourses reveal how gender and race continue to influence how rape is conceived in society and the difficulty of successfully delegitimizing rape even if the law has come a long way in defining sexual assault and rape.<sup>29</sup>

#### *Media as a case study*

Television shows, as one of the most prevalent forms of mass media, have been analyzed to study the representation of less powerful groups (like women) and what this representation reveals about cultural attitudes.<sup>30</sup> Besides entertaining, television shows can serve as barometers of cultural attitudes and ideologies. Understanding the study of mass media as a study of social

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<sup>27</sup> Ibid., 288.

<sup>28</sup> Ibid., 289.

<sup>29</sup> For for current legal definitions of these see: National Institute of Justice. (2010). Rape and Sexual Violence. Retrieved from: <http://www.nij.gov/topics/crime/rape-sexual-violence/Pages/welcome.aspx> for current legal definitions of these.

<sup>30</sup> Brinson, Susan L. "TV Rape: The Representation of Rape in Prime-Time Television Dramas," (Doctoral dissertation, University of Missouri--Columbia, 1990), 4.

myths, Susan L. Brinson (1990) states, “television programs may be viewed as vehicles through which cultural values and attitudes are absorbed and redistributed.”<sup>31</sup> Cultural stereotypes of expected behaviors can be measured through television shows’ characters. As John Fiske explains, the analysis of programs can identify main cultural discourses, although it cannot by itself identify what the reader might grasp in a way that it is relatable to him or her.<sup>32</sup>

Hegemony theory helps us better understand the relationship between these representations and dominant ideologies. Antonio Gramsci explains that hegemony is the “‘spontaneous’ consent given by the great masses of the population to the general direction imposed on social life by the dominant fundamental group; this consent is “historically” caused by the prestige (and consequent confidence) which the dominant group enjoys because of its position and function in the world of production.”<sup>33</sup> Fiske explains that this consent happens when the subordinate starts viewing social systems and their everyday embodiment as ‘evidently natural’ or ‘common-sense.’<sup>34</sup> The dominant group uses media as a tool of ideological persuasion. As William Gamson and colleagues explain, “[T]he lens through which we receive these images is not neutral but evinces the power and point of view of the political and economic elites who operate and focus it. And the genius of this system is to make the whole process seem so normal and natural that the very art of social construction is invisible.”<sup>35</sup> Understanding that mass media reflects our culture, hegemony theorists who study television are interested in comprehending this give and take between representation on television and events in the area of

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<sup>31</sup> Ibid.

<sup>32</sup> Fiske, John. *Television Culture*. (New York: Routledge, 1988).

<sup>33</sup> Antonio Gramsci, Quintin Hoare, and Geoffrey Nowell-Smith. *Selections from the Prison Notebooks of Antonio Gramsci*. 1st ed. (New York: International Publishers, 1972), 145.

<sup>34</sup> Fiske, 40-41.

<sup>35</sup> William A. Gamson, David Croteau, William Hoynes and Theodore Sasson. "Media Images and the Social Construction of Reality," *Annual Review of Sociology* 18 (1992): 374.

social change and politics. Studies examining this relationship have shown that television programs do reflect both contemporary social issues and the results of interest group advocacy for and against specific subject matter.<sup>36</sup> By analyzing the main themes presented on *SVU*, evidence of how rape is conceptualized in society today can be found. These representations do not necessarily demonstrate facts about the definitions of rape. Rather, these representations offer a unique insight into the discourses about sexual violence against women that are prevalent as social issues today.

## METHODOLOGY

### *Feminist Content Analysis*

Feminist research is often characterized by its multidimensional approach. Feminist media researchers draw from various disciplines to analyze texts and can be flexible in their methodological approaches.<sup>37</sup> Feminism and cultural studies have in common various elements: they are interdisciplinary, collaborative, self-reflective and politically engaged.<sup>38</sup> Feminist media researchers work across different disciplines. The research emerges from a collaborative creation of ideas. That is why a range of ideas from different disciplines is used to analyze the data. They maintain awareness of their own influences in the research process. And they are politically engaged in that their motivations are other than personal. Rather, they seek to raise awareness of specific issues to bring up social change.<sup>39</sup> All of these elements are present in my data collection process and analysis.

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<sup>36</sup> Cuklanz, 12.

<sup>37</sup> Patricia Lina Leavy, "The Feminist Practice of Content Analysis" in *Feminist Research Practice*, ed. by Sharlene Nagy Hesse-Biber and Patricia Lina Leavy (Thousand Oaks, CA: SAGE Publications, Inc., 2007), 8.

<sup>38</sup> Heather McIntosh and Lisa Cuklanz "Feminist Media Research" in *Feminist Research Practice: A Primer*. Second ed. Ed. Sharlene Nagy Hesse-Biber (Thousand Oaks, California: SAGE Publications, Inc. 2014), 265.

<sup>39</sup> *Ibid.*

## *Content Analysis and Grounded Theory*

This project uses a feminist content analysis to examine the data. It is qualitative and inductive in nature, approached from a grounded theory perspective. A content analysis is defined as “the systematic study of texts and other cultural products or nonliving data;” thus the data are preexisting and non-interactive.<sup>40</sup> As Patricia Lina Leavy explains, one aspect that differentiates feminist content analysis from other forms of content analysis is that feminists “critically interrogate the texts and products that comprise culture to resist patriarchal understandings of social reality that push women and other minorities to the peripheries of their culture and social interpretive processes.”<sup>41</sup> Feminist content analysis is flexible, serving for qualitative, quantitative, inductive, and deductive or a mix of different kinds of approaches. By using a qualitative approach, I was able to distinguish patterns in authorship, subject matter and interpretations, allowing me to analyze the texts as a whole and/or in parts.<sup>42</sup> Grounded theory, which is the systematic methodology that allows for patterns, or in this case, codes, to emerge as the data are being analyzed, is comparative and interactive in nature, keeping the researcher in constant interaction with the data collected and his/her emergence of ideas (see Appendix A for an image describing this process more in detail).

I used Kathy Charmaz’s application of grounded theory to collect and analyze the data. She explains that grounded theorists “study early data and begin to separate, sort, and synthesize these data through qualitative coding. Coding facilitates attaching labels to segments of data that depict what each segment is about. Coding distills data, sorts them, and gives us a handle for

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<sup>40</sup> Leavy, 227.

<sup>41</sup> Ibid., 224.

<sup>42</sup> Ibid, 159.

making comparisons with other segments of data.”<sup>43</sup> Charmaz differentiates her method of practice from that of Barney G. Glaser and Anselm. L. Strauss<sup>44</sup> (founders of grounded theory) by highlighting the researcher’s goal in constructing grounded theories through his/her past and present involvement with research practices. Charmaz states that her approach “offers an *interpretive* portrayal of the studied world, not an exact picture of it.”<sup>45</sup> Using Charmaz’s approach to grounded theory gave me flexibility in analyzing the representations of rape in a more interpretive way.

### *Sample*

The sample in the present study consists of 14 episodes of *Law and Order: Special Victims Unit* aired from 2012-2015.<sup>46</sup> I accessed episode guides with airing dates through Wikipedia and IMDb (Internet Movie Database).<sup>47</sup> From 2012 to 2015, 75 episodes were released. Thus, to have an equal yearly sample, I decided to sample 5 episodes from each calendar year (not season). One episode was ultimately excluded from the final sample because its main theme was an exception to the coding categories; it presented a storyline about sex trafficking. Seasons of *SVU* start in September and end in April. Therefore, to sample a year, episodes might be from the end of one season and the beginning of another. To choose the episodes, using an episode guide, I selected a random number from the episode airing numbers. For example, in the year 2013 the episodes range from episode #305 to #328. I then chose

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<sup>43</sup> Kathy Charmaz. *Constructing Grounded Theory: A Practical Guide through Qualitative Analysis*. (London; Thousand Oaks, Calif.: Sage Publications, 2006), 3.

<sup>44</sup> Barney Glaser and Alsem L. Strauss. *The Discovery of Grounded Theory; Strategies for Qualitative Research*. (Chicago: Aldine Pub., 1967).

<sup>45</sup> *Ibid.*, 10.

<sup>46</sup> See Appendix B for a list of episodes selected, airing year and descriptions.

<sup>47</sup> "List of Law & Order: Special Victims Unit Episodes." Wikipedia. Accessed April 01, 2016, [https://en.wikipedia.org/wiki/List\\_of\\_Law\\_&\\_Order:\\_Special\\_Victims\\_Unit\\_episodes](https://en.wikipedia.org/wiki/List_of_Law_&_Order:_Special_Victims_Unit_episodes); "Law and Order: Special Victims Unit." IMDb. Accessed April 01, 2016, <http://www.imdb.com/title/tt0203259/>.

random numbers from that interval. I decided to focus solely on episodes about sexual assault and rape done to women.

After choosing random numbers, I looked at the episodes' description on Netflix and IMDb to exclude episodes depicting child and male rape or assault and themes unrelated to sexual assault. If the episode did not meet my criteria, I looked at the episode aired before and/or after each one. If I could still not find one meeting my criteria, I proceeded to choose a different random number and so on. I decided to do it this way because, having seen many episodes, I could stay unbiased on which episodes I chose—since I was firstly just looking at numbers instead of episode titles. For episodes where the description was unclear, I watched them and then decided whether to include them. Exclusion only happened once.

Even after deciding upon a specific methodology to select the episodes, I encountered some problems. Sometimes, after selecting random numbers twice and looking at the episodes before/after each one, I still did not find one meeting my criteria based on the description. Therefore, I read the descriptions of the episode numbers I had not randomly selected yet and proceeded to select the first episode I found meeting my criteria. It was especially difficult for episodes in the year 2014. Many of the 2014 episodes' descriptions revealed that episodes were about detectives' personal lives, discussed themes other than sexual assault/rape; in other cases, the description did not say anything about sexual assault or rape.<sup>48</sup>

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<sup>48</sup> Some examples of the descriptions of episodes that led to the episode being excluded are as follows: “The beating of a priest exposes a secret long hidden by the Church, but is the wrong man in prison for the crime?”; “Detective Rollins is shot by a sniper, and all of the sniper's victims have a connection to Fin and a disabled ex-partner who once took a bullet for him”; “A famous television producer is accused by his ex-wife of molesting their daughter, but is she just trying to get revenge for leaving her for her younger sister?”; “A child may be in grave danger when a child broker puts him in the hands of a couple with a history of child pornography.”; “Detective Nick Amaro shoots a suspect who turns out to be an unarmed African-American 14-year-old boy and suffers the wrath of the city, internal affairs and the justice system.”

I watched each episode twice, most of the time consecutively and others not. Upon the first viewing, I did not take any notes. The second time, I took notes and watched the episodes with the captions on. I watched the episodes on Netflix and Hulu Plus (without advertisements). I then coded the notes by following patterns of themes and different categories emerged. These led to the subheadings in the findings section.

The emerging themes led to the following coding categories: 1) rape culture, 2) rape myths, 3) college sexual assault and rape, 4) causes of rape, 5) aftermath of rape, and 6) solutions to rape. After carefully consideration, I used the main and repeating themes in the episodes to explore the depiction of sexual violence.

The rape culture category includes themes like victim blaming, objectification of women, rape jokes, slut shaming and cat calling. The rape myths category includes instances where rape myths were addressed either directly or indirectly. These myths were identified based on previous literature that outlines different types of rape myths. Since rape myths are part of the rape culture, some overlapping occurred. The college sexual assault and rape category included themes from four episodes that focused on sexual assault on college campuses like blaming college campuses for being unsafe spaces for women, response of the universities to the assaults and students' perception of sexual violence. The rape causes category consists of themes that were directly or indirectly addressed as determinants or explanations for rape like the psychology of rapists and societal factors. The aftermath of rape category includes themes explaining the effects that the rape had on victims. Finally, the solutions to rape category includes codes explaining failed solutions to rape, how the criminal justice system treats cases of sexual violence and characters' attitudes towards it. I also coded the basic characteristics of the rapes;

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victims and perpetrators' demographics (race, class and age), types of rapes (acquaintance, stranger and marital), location of rapes (public or private spaces), type of violence of the attack, and the verdict of the cases.

### *Limitations*

There are some limitations to my methodological approach. First, being a fan of the show and having watched almost all of the episodes, I had a preconceived notion of the themes depicted on the show. However, doing a systematic and theory-based viewing helped me remain unbiased. Another limitation of my data analysis, which is also a critique of media research in general, is textual analysis' impossibility of predicting how an audience will read and interpret a text. Therefore, this study does not focus on making assumptions about its effects. I was constantly aware of the polysemic (having various meanings) nature of media imagery and representation. This study focuses specifically on patterns and themes represented throughout the episodes.

## FINDINGS

It is important to keep in mind the broader theoretical issue of this study—how rape has been redefined with time and how its rethinking has been in the interest of the powerful. The question in my study is, can the media, as an institution of the powerful, be used to redefine women's experiences of sexual violence in a more modern, progressive way, thus helping a less powerful group.

Some broad characteristics of the episodes analyzed are worth presenting before exploring more in depth the six major themes presented in the program. All the victims presented, except one, were white—even those who were not American were white. The only non-white victim was a brown Indian woman. All victims were young (approximately under the age of 35). This was deduced based on their physical attributes and their occupation. Of the

fourteen main victims, two were destroyed after the rape (one committed suicide and another one died as a result of the attack), nine were positively recovering or coping with the aftermath of their attack, and in three cases, the effects were unknown. All of the rapists were white and mostly young or middle age men. All except one of the attacks occurred in private places. Eleven out of the fourteen rapes were acquaintance rapes and three of the rapes were committed by strangers. Six were presented as repeating offenders or “serial rapists.”

Under my belief that all rapes are violent, but in different ways, I categorized the type of violence in the attacks. Five of the fourteen rapes were multi-faceted violent (included physical harm in addition to genital trauma) and one resulted in the death of the victim. Nine were only genitally violent (no physical evidence besides genital trauma, victim was drunk and/or unconscious). Finally, out of the seventeen accused perpetrators, only two were found guilty, but one guilty conviction was overturned by the judge.<sup>49</sup> The other outcomes were: two were not charged, three were found not guilty, five accepted plea bargains and in five cases, the verdicts were not presented. Finally, it can be argued that eight of the fourteen episodes were based on real life events, or as it is also referred to, they were “ripped from the headline” stories. Some of these characteristics will be further explored, but others are not simply because they are not the main focus of the study, not because they are not deemed important.

### *Rape Culture*

American society can be recognized as having a rape culture. The pervasiveness of rape supportive attitudes in the United States as well as statistics on victims of sexual violence demonstrates this. For decades, feminist scholars have studied this phenomenon and have identified different ways that the rape culture can be measured. In a rape culture, rape is seen as

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<sup>49</sup> There were 14 rape cases but 17 accused perpetrators because one case involved a gang rape of three individuals and another one a gang rape of two individuals.

an inevitable fact of life.<sup>50</sup> These social values are a result of patriarchal order. As Cahill explains, "rape is, for many *feminists*, the ultimate expression of patriarchal order, a crime that epitomizes women's oppressed status by proclaiming, in the loudest possible voice, the most degrading truths about women that a hostile world has to offer."<sup>51</sup> However, this violence is an expression of social values and attitudes that can be challenged and changed.<sup>52</sup> *SVU* presents some examples of how these social attitudes and values can be challenged.

Rape culture has been defined as a "complex of beliefs that encourages male sexual aggression and supports violence against women. It is a society where violence is seen as sexy and sexuality as violent...women perceive a continuum of threatened violence that ranges from sexual remarks to sexual touching to rape. A rape culture condones physical and emotional terrorism against women as the norm."<sup>53</sup> As such, the term targets practices that reproduce and justify sexual violence instead of focusing on its perpetrators.<sup>54</sup> Susan Brownmiller, one of the first to discuss the rape culture, saw rape as an intimidation process by which men try to keep women in a permanent state of fear.<sup>55</sup> Today there are various forms that men can use to continue keeping women in fear.

Most of the episodes, nine out of fourteen, presented factors that explain what a rape culture is or incidents when the rape culture was directly challenged by detailing how harmful it is to women. Different understandings of the rape culture that are directly or indirectly challenged in *SVU* are as follows:

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<sup>50</sup> Emilie Buchwald, Pamela Fletcher and Martha Roth. *Transforming a Rape Culture*. (Minneapolis, MN: Milkweed Editions, 1993) xi.

<sup>51</sup> Cahill, 2.

<sup>52</sup> Buchwald, Fletcher and Roth, xi.

<sup>53</sup> Ibid.

<sup>54</sup> Carrie A. Rentschler. "Rape Culture and the Feminist Politics of Social Media," *Girlhood Studies* 7, no. 1 (2014): 67.

<sup>55</sup> Brownmiller.

SVU criticizes the rape culture as a society where,

- women are blamed for being sexually assaulted while men are protected when they commit a crime
- victims of sexual violence are discredited by judging their past sexual behavior
- men are encouraged to rape by not punishing them when acting sexually aggressive towards women
- victim blaming becomes institutionalized by the law
- masculine hypersexuality is celebrated
- women are “cat called” while walking on the streets
- for a detective of sex crimes, a “drunk 16-year-old girl” wandering in the street is ‘fair game’ to be assaulted
- TV programs that focus on sexual assault cases are extremely popular because rape and sexual violence is normalized and trivialized
- while everyone knows how prevalent campus sexual assault is, universities continue being unresponsive
- comedians can use cultural practices as material to make rape jokes—allowing for the existence of ‘rape comics’
- it is normal to know in which public and private spaces women are more vulnerable and in advantageous positions for sexual attack

*Victim Blaming.* A common societal response to sexual violence is to see victims as responsible for their assault. Studies have found that observers often assign blame to rape victims.<sup>56</sup> People often blame adult sexual assault victims for being provocative, seductive, suggestive, teasing, or “asking for it.”<sup>57</sup> Laura Niemi and Liane Young argue that sexism and moral valuation of purity and authority may relate to attitudes about female sexuality that

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<sup>56</sup> Laura Niemi and Liane Young. "Blaming the Victim in the Case of Rape," *Psychological Inquiry* 25, no. 2 (2014): 230-33.

<sup>57</sup> "The Canadian Resource Centre for Victims of Crime Centre ..." August 2009. Accessed April 9, 2016. [http://crcvc.ca/docs/victim\\_blaming.pdf](http://crcvc.ca/docs/victim_blaming.pdf).

contribute to blame judgments.<sup>58</sup> Specifically, it has been shown that people tend to blame rape victims when they believe the victim could have ‘resisted’ more or when alcohol is involved.<sup>59</sup>

A common theme that emerged in the episodes was victim blaming. *SVU* repeatedly criticizes victim blaming attitudes and depicts its pervasiveness negatively. They present victim blaming as a common social attitude. Male characters blamed victims for their assaults more often than female characters did and female characters usually, although not always, challenged men's sexist attitudes. *SVU* is worried about the institutionalization of victim blaming by the law and criticizes this attitude for legitimizing rape on college campuses. The following examples will explain *SVU*'s depiction of the rape culture.

In the episode “Girl Dishonored,” three young men gang rape Lindsey, a young college student, at a party in a fraternity. When the detectives investigated and questioned many involved in the incident (her sorority sisters, college officials, fraternity brothers, among others), the existence and degree of the rape culture was depicted. Everyone involved in the incident blamed the victim for the assault. When Detective Olivia Benson interviews Alison, one of Lindsey’s sorority sisters, Allison discredits Lindsey’s claim of being raped by saying: “If Lindsey is saying something happened, maybe she’s embarrassed [pause] that she got slutty.” Benson refers to this as ‘slut shaming.’ As well, other fraternity brothers question Lindsey’s sexual character. One of them says “walk of shame is one thing, but calling it rape[...],” another one says, “[she was] drunk and wild...she said no, as in no, don’t stop,” and finally, another fraternity brother discredits her claim by saying that she wanted to experiment sexually.

Another common attitude in patriarchal societies is that women are judged more harshly

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<sup>58</sup> Niemi and Young, 232.

<sup>59</sup> Jericho M. Hockett, Donald A Saucier, and Caitlyn Badke. "Rape Myths, Rape Scripts, and Common Rape Experiences of College Women," *Violence Against Women* 22, no. 3 (2016): 309.

than men for comparable sexual behavior. Slut shaming, “the act of attacking a woman’s character based upon her perceived or real sexual activity,” is a form of discrimination common in rape cultures where women are marginalized for having a high number of sexual partners.<sup>60</sup> This is an all too common response to rape victims: their claims are not believed and are discredited. *SVU* criticizes these attitudes. The episode “Devastating Story,” shows a video of a girl walking down the stairs of a fraternity after being assaulted while people start throwing beer cans and red cups at her. Students are heard shouting repeatedly “Go to church!” and at the end, her perpetrator who is taking the video, refers to it as a “slut shaming video.” Upon discovery of this video, the detectives persuade the District Attorney (D.A) into pressing charges against the young man who made the video.

*SVU* suggests that usually, men were the ones who blamed victims for their assault. In their study, Eliana Suarez and Tahany M. Gadalla found that rape myth acceptance (like victim blaming) is higher in men than in women. They also found that rape acceptance is more prevalent in people with sexist attitudes and behavior towards women, validating feminists' claims that sexism perpetuates sexual violence.<sup>61</sup> Even if one of the previous examples shows how one of the victim’s sorority sisters blamed her for the assault, in the majority of the cases, most of the victim blaming came from male characters. In the episode “Beautiful Frame,” Detective Nick Amaro questions the victim’s character when investigating the incident. He insinuates that the victim might have done something wrong by having sexual relations with a married man (who she is accusing of raping her). The victim responds to Detective Amaro’s

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<sup>60</sup> Leanna Papp, J. Hagerman, Charlotte Gnoleba, Michelle Erchull, A. Liss, Mindy Miles-McLean, and Miriam Robertson. "Exploring Perceptions of Slut-Shaming on Facebook: Evidence for a Reverse Sexual Double Standard," *Gender Issues* 32, no. 1 (2015): 58.

<sup>61</sup> Eliana Suarez and Tahany M. Gadalla. "Stop Blaming the Victim: A Meta-Analysis on Rape Myths," *Journal of Interpersonal Violence* 25, no. 11 (2010): 2025.

questions by saying, “Am I on trial or is he?” Even those who are supposed to be more conscious of these insensitivities, detectives from sex crime units, still to some extent, blame the victim. By not intervening in the scene, Detective Benson’s sometimes contradictory behavior, since she usually calls out male characters who treat women unfairly, shows how there exists a fine line between victim blaming and collecting facts about the incident that can help build up a case.

In most instances, Detective Benson challenges male detectives' sexist attitudes. In the episode “Brief Interlude,” a homeless man rapes a tourist from Canada and leaves her unconscious in the park. While trying to identify the woman, facts like the clothes she was wearing and having alcohol and ecstasy in her system seem to play an important role. After the medical examiner says that the victim had drugs and alcohol in her system, Detective Amaro says, “Oh, so she was partying!?,” to which Detective Benson responds to him with a look of confusion for jumping to that conclusion, “OR she was drugged!” Later in the episode when evidence that three different strains of male DNA were found on the victim’s body, Detective Benson labels the DNA as corresponding to three separate assailants. Detective Amaro once again questions the victim's sexual character by saying “we don’t know if they are [assailants], she came to party to the city, maybe she fell into a bad crowd,” insinuating that she could have instead been sexually adventurous and promiscuous. As they identify the woman, Captain Don Cragen asks his detectives, “a married woman, mother of two, what was she doing *alone* [emphasis added] in NYC?” It is absurd and sexist for the Captain to ask this. It is not a police matter of finding out facts about her whereabouts, but rather a matter of victim blaming. If a man had been assaulted, found unconscious, and known to be a married father, the first question would not had been *why* he was alone in the city.

It is important to highlight that in this episode, victim blaming and shaming was more salient than in others. One reason could be that the victim was literally silenced (she was left unconscious after the attack) thus robbing her of her voice and making it impossible for her to defend herself. This example is illustrative of the extent to which women can be judged and shamed when their voices are taken away in a rape culture. Everyone, especially the media (in the story), participated in shaming and attacking her character. As many of these examples reveal, the male characters usually blamed or shamed the victims for their attacks and the female characters denounced these sexist attitudes.

Victim blaming can take place on many levels of social life. To some extent, victim blaming has been institutionalized. As many actual cases prove, many universities want to silence students who are rape victims to avoid drawing attention to the school since it can damage their reputation.<sup>62</sup> The recent documentary *The Hunting Ground*, reveals several stories of how institutions have reacted to sexual assault accusations. In some cases, universities do not believe rape victims and a thorough investigation of the events does not take place. In other instances, even when the perpetrator is found responsible for his actions, he receives minimal punishment. This is an example of how violence against women is not taken seriously by many in the United States. Women are blamed and questioned when they make an accusation while perpetrators are not. Traditional notions of the female gender are used to question victims' accusations, while the celebration of masculine hypersexuality is not seen as problematic. As Cahill points out, the rape culture is "a social environment where the crime of rape is not only assumed, but necessary for the perpetuation of other, more subtle forms of gender inequity."<sup>63</sup> To maintain the patriarchal order on college campuses and for men to continue being privileged over

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<sup>62</sup> *The Hunting Ground*. Directed by Kirby Dick. USA, 2015.

<sup>63</sup> Cahill, 4.

women when they pose a threat because of the possibility of becoming empowered, rape can be seen as necessary. *SVU* criticizes the institutionalization of victim blaming and universities' responses to rape victims.

In "Girl Dishonored," while talking about the victim's drunken condition when she was raped, highlighted as an important detail of her case, Detective Benson addresses how common it is to blame the victim for her inability to consent instead of focusing on how the culture ignores men taking advantage of women. When her Captain says that Lindsey's being drunk does not help their story, Benson exclaims mad, "So boys will be boys and girls get raped?" In the same episode, another incident highlights how higher education institutions form part of the rape culture. The university counselor explains to the detectives investigating the case that college sexual assault stories are complicated because they involve "alcohol, young and emotional women." To this statement Detective Benson responds fiercely, "AND privileged, aggressive boys." By adding this comment, Benson is accentuating how the incident takes place in a society that blames women for their victimization instead of focusing on how men are taught and encouraged to be violent and to feel sexually entitled to women.

Another example of victim blaming on college campuses is the response of a campus police officer when asked why he did not investigate the rape victim's accusation any further. He tells Detective Amanda Rollins "[I can't investigate] every time a girl puts out and doesn't get flowers the next day," to which Detective Rollins reacts with rage: "Excuse me!" These incidents demonstrate how *SVU* denounces the existence of the rape culture. They emphasize how female detectives challenge and attempt to transform common misconceptions about rape and victims of sexual violence. Female detectives do this by calling out and providing the opposite side of the argument to encourage a transformation of the rape culture.

Another way that *SVU* criticizes the rape culture is by blaming it for the normalization and legitimization of rape, specifically on college campuses. In their study about sexual assault on college campuses, Elizabeth Armstrong, Laura Hamilton and Brian Sweeney explain that the rape culture approach can be used to explain why sexual violence is very common in these spaces. By using this approach, sexual assault is seen as a "consequence of widespread belief in 'rape myths, or ideas about the nature of men, women, sexuality, and consent that create an environment conducive to rape".<sup>64</sup> For example, the disrespectful treatment of women by men is normalized by the idea that men are naturally aggressive. On *SVU*, these ideas of the nature of men, women, sexuality and consent were constantly present at school's administrative level.

In the same episode mentioned above, the D.A calls into question the university's reaction to accusations of sexual assault to prove his case and support the victim's accusations. D.A Rafael Barba puts on the stand previous victims of sexual assault who the University ignored and blamed when they reported their assault. The D.A asks a previous victim to recount how the university reacted when she made an accusation against the same student that raped Lindsey. On the stand, the young woman says that the campus policeman told her to think of sex as a football game, "he said that sometimes when you watch your game tape, you can see your mistakes and do better next time." This analogy makes it seem like it was the victim's fault. By accentuating how everyone involved in the incident (campus police, the university counselor, the dean of the school, sorority sisters, fraternity brothers, among others) automatically responds with blame, shame and silencing of the victim, *SVU* calls attention to how prevalent rape culture is specifically in the university subculture. They emphasize how rape culture is partly to blame for what happens to many women, and specifically, for the fatal consequences that it can have on

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<sup>64</sup> Elizabeth A. Armstrong, Laura Hamilton, and Brian Sweeney. "Sexual Assault on Campus: A Multilevel, Integrative Approach to Party Rape," *Social Problems* 53, no. 4 (2006): 485.

victims of sexual assault. In order for Lindsey to be believed, she had to die. After her suicide, one of her rapists admits to one of the male detectives that “it did happen, she was telling the truth. All of us, including me, we just—we laughed at her.”

One of the perpetrators admits that the victim was wrongly being blamed. This reveals how normalized victim blaming is in rape cultures. It also calls into question the legitimization of victim blaming since it is seen as unacceptable attitude only to some extent—in this case, only when it results in death. *SVU* criticizes how even if rape is an illegal behavior, it is often celebrated and trivialized on college campuses. Benson discusses how men getting away with rape can influence young men's attitudes. The program presents the idea that young men can ultimately feel untouchable when committing such a felony on college campuses if they are not held accountable. Female detectives are not the only ones that stand against the rape culture by creating awareness of its existence. Other college students do too. This theme will be explored in a later section.

In these examples, *SVU* highlights the prevalence of the rape culture and presents different ways that the rape culture can be changed. More in depth analysis of institutional reactions to college sexual assault will be discussed in a separate section. A final example in the program of how rape is normalized and trivialized in a rape culture, is the video that the fraternity brothers make after gang raping Lindsey. The video shows the boys moments after the assault, laughing and drinking beer saying to the camera:

*Student 1: Lindsey couldn't say no with her mouth full*

*Student 2: [standing up and imitating sexual movements] We raped her dead, we raped her gang-bang Gangnam style!" [all laugh]*

*Student 3: [lying in bed and drinking beer] The three of us at the same time, that girl was airtight [while recreating with his hand how he held his penis inside her mouth] All laugh and high five each other while saying "yeah!"*

Everyone (detectives, school administrators and the D.A) who watched the video was disgusted by its content. Only after this video became public did the school and other students believe the survivors and the police arrested the young men.<sup>65</sup>

*Rape Jokes.* As a systemic problem, rape prevails in many spheres of social life including comedy. Some feminists explain that rape jokes are the norm in rape cultures like the U.S, making comedians' rape jokes nothing extraordinary.<sup>66</sup> Many comedians, both men and women, make rape jokes. After Daniel Tosh's incident,<sup>67</sup> a heated debate developed centering on the question of whether rape jokes can ever be "funny" or as Lara Cox questions, "can a rape joke ever be 'funny' in a way that is subversive of the common misconceptions surrounding rape?"<sup>68</sup> Some feminists spoke out against Tosh's joke for being unacceptable, explaining that in some cases, rape jokes can shed light on what is wrong with rape without seeming threatening, but that Tosh's joke was not this case. Some consider rape jokes to be subversive in a culture that, by perpetuating gender norms, accepts rape.<sup>69</sup>

Most likely in response to Daniel Tosh's incident since *SVU* typically depicts ripped from the headlines stories, the episode "Comic Pervasion" presents the story of a fan who makes accusations of rape against a comedian known for joking about sexual violence. With this episode, *SVU* participates in the discourse about whether or not rape jokes are ever funny. In the episode, the content of the comedian's performance reveals disturbing perceptions about sexual

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<sup>65</sup> See picture in Appendix C for a screenshot of the video.

<sup>66</sup> Valenti, Jessica. 2012. "Anatomy of a Successful Rape Joke." *The Nation*, July 12. <http://www.thenation.com/blog/168856/anatomy-successful-rape-joke#>.

<sup>67</sup> For information on the story of Daniel Tosh and its controversy, see <http://www.thedailybeast.com/articles/2012/07/11/why-daniel-tosh-s-rape-joke-at-the-laugh-factory-wasn-t-funny.html>

<sup>68</sup> Lara Cox. "Standing Up against the Rape Joke: Irony and Its Vicissitudes," *Signs: Journal of Women in Culture and Society* 40, no. 4 (2015): 963

<sup>69</sup> *Ibid.*, 966.; Valenti (2012).

violence that are present in rape cultures. The detectives' attitudes against the content of the jokes exemplify how *SVU* does not tolerate this form of subversive language. Some of the jokes the comedian makes in his show at a bar near the university are as follows:

- *What does TSU [name of school] even mean, Totally Swallowed You?"*
- *Rape trolley on campus, what about men?*
- *When men get raped, it's called getting lucky.*
- *Rape isn't funny, gang rape on the other hand is freaking hysterical!*
- *One guy rapes you, it's not funny, two guys, it's funny, three, that's comedy!*
- *It's hard for girls to say no, treat with respect, have a good time if her mouth is full of members only.*

When the comedian is being prosecuted at the end of the episode, he says, "our screwed up culture is my material, if you don't joke about it, you cry."<sup>70</sup> Most of the detectives opposed this line of comedy. However, *SVU* shows how the jury still finds the comedian not guilty after being accused of sexually assaulting various girls. To answer the question, "is joking about rape every funny?" *SVU* says NO. With the storyline, they imply that those who joke about rape, might be rapists themselves. As well, *SVU* depicts how frustrated the main detectives were with the jury's not guilty verdict. *SVU* encourages its viewers not to tolerate this form of "subversive" irony and language.

Many of the examples presented reveal how *SVU* exposes and challenges practices that encourage sexual violence as part of a rape culture. Characters do not always directly address these issues as problems of the rape culture. But, the recurrence of themes that exemplify rape culture in many episodes serve as evidence of the show's representation of the ideological discourses around its existence. Two of the most prevalent themes challenged in the episodes

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<sup>70</sup> This is almost a direct response to Daniel Tosh's apology after being criticized for his joke on twitter. Daniel Tosh's tweet stated: "the point i was making before i was heckled is there are awful things in the world but you can still make jokes about them."

were personal and institutional victim blaming and the idea of rape as a joke. As discussed, many of these social values and attitudes that encourage sexual violence against women come from the men and women's acceptance of rape myths. The next section will discuss how *SVU* addresses rape myths.

### *Rape Myths*

It is common for feminists to focus on the extent that rape myths are accepted in society and particularly how they are ideologically dispersed in order to challenge them. This section explores the depiction of rape myths on *SVU*.

Feminist media scholars studying rape usually focus on how rape myths are addressed, if they are perpetuated, challenged, debunked, ignored or various simultaneously. Although various definitions of rape myths have been proposed by many scholars,<sup>71</sup> the term was first defined by Martha A. Burt and Clyde Hendrick as “prejudicial, stereotyped, or false beliefs about rape, rape victims, and rapists—in creating a climate hostile to rape victims.”<sup>72</sup> Their definition and others’ has been criticized for not being thorough and theoretical enough and often inconsistent with specific circumstances. In response, Kimberly Lonsway and Louise F. Fitzgerald argue that if rape myths are studied with an interdisciplinary approach, similarities in nature and function emerge.<sup>73</sup> They propose three additional characteristics to explain myths. Rape myths are false beliefs that are widely held, they explain some cultural phenomenon, and they serve to justify existing cultural arrangements. When using this perspective with cultural theory, they came up with a new definition: “rape myths are attitudes and beliefs that are generally false, but are

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<sup>71</sup> For more definitions of rape myths see: Kimberly A. Lonsway, and Louise F. Fitzgerald. "Rape Myths. In Review," *Psychology of Women Quarterly* 18, no. 2 (1994):134-135

<sup>72</sup> Martha R. Burt and Hendrick, Clyde. "Cultural Myths and Supports for Rape," *Journal of Personality and Social Psychology* 38, no. 2 (1980): 217.

<sup>73</sup> Lonsway and Fitzgerald, 134.

widely and persistently held, and that serve to deny and justify male sexual aggression against women.”<sup>74</sup> Some people tend to passively accept these rape myths. Both definitions support that rape myths are detrimental to women and victims of sexual violence.

*SVU* both supports and challenges rape myths in various ways. Sometimes rape myths were partially challenged while other times they were completely demystified. *SVU's* representation of rape myths is ambiguous. In many instances, rape myths are aggressively challenged, especially by female characters. In other moments, they support rape myths when characters (usually male) repeat these myths without being challenged by others in the scene. *SVU* verbally and constantly supports the idea that rape is never the victim's fault, which debunks a commonly held stereotype about rape victims. Meanwhile, *SVU* perpetuates other false beliefs about the types of women who are victimized. This thesis argues that by demystifying some, but not all, rape myths, *SVU* fails to successfully challenge the degree of rape myth acceptance in the United States.

I used some of Burt and Hendrick's and Ian Ward's examples of rape myths to organize this category. Some of the rape myths Burt and Hendrick discuss are: “only bad girls get raped,” “any healthy woman can resist a rapist if she really wants to,” “women ask for it,” “women ‘cry rape’ only when they’ve been jilted or have something to cover up,” “rapists are sex-starved, insane, or both.”<sup>75</sup> To these, Ward adds that currently, commonly believed rape myths also are: only women get raped, perpetrators are somehow led on so they are not responsible for their actions, rape is always violent, and rapists are always strangers.<sup>76</sup>

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<sup>74</sup> Ibid.

<sup>75</sup> Burt and Hendrick, 217.

<sup>76</sup> Ian Ward. "Rape and Rape Mythology in the Plays of Sarah Kane," *Comparative Drama* 47, no. 2 (2013): 227.

The profile of the rape victims presented on the show can seem diverse. Some were sex workers, mothers, college students, news reporters, artists, and the detectives themselves. Initially, I had the impression that *any* type of woman could get raped because of the profile of the victims mentioned before. However, upon more careful consideration of these profiles, I became aware that all of these women were white (except one), heterosexual and young, providing limiting representation of the age, race/ethnicity and sexual orientation of women who get raped in the United States. Furthermore, many of the victims were women who were depicted as sexually promiscuous because, for example, they were being unfaithful to their partners, thus perpetuating while challenging the belief that "only bad girls get raped," because it was "some" bad girls who got raped.

Similar to Brinson's findings,<sup>77</sup> the current study suggests that even if rape myths were constantly present in the show they were usually repeated and supported by male characters and mostly debunked or challenged by female characters. Anyhow, contradictory statements were evident. In many occasions, rape myth acceptance attitudes were reflected through the rape victims. Even if women were viciously attacked, they usually blamed themselves for the assault because of commonly held beliefs that justify male aggression towards women. For example, even if the majority of the times female detectives repeatedly told victims that the assault had nothing to do with anything they did, challenging the belief that women "ask to be raped," in some cases, *SVU* depicts victims as sexually promiscuous (for example, they were being unfaithful to their partners) thus contradicting the statement that women's sexual behavior has nothing to do with their assault. *SVU* verbally addressed the reality that rape is never the victim's

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<sup>77</sup> Brinson.

fault but fails to discuss why many of the victims' past and present sexual history and psychological or emotional state were related to their victimization.

*Myth: Rape is the victim's fault.* A frequent theme in the episodes was that even if many victims blamed themselves for their assault, the detectives (especially female detectives) *always* reminded the victims that rape is never the victim's fault—debunking the myth that the victim is responsible for her assault. As declared by the United Nations, everyone has the right to refuse sexual activity at any time, regardless of any past sexual relations or sexual activity earlier in the interaction.<sup>78</sup> Some examples of how this belief was constantly reiterated in the episodes are analyzed.

The episode “Wonderland Story” recounts the story of how a young woman is raped for a second time by a different offender. After blaming herself, she says “I’m so stupid, I shouldn’t have gone out.” Detective Benson reassures her that “it is nothing that you did.” In the episode “Pornstar’s Requiem,” after a college student who works in the porn industry is raped, Detective Rollins reminds her that “whatever you did before has nothing to do with you being assaulted.” Even if the perpetrators say it does have something to do with her attack—the young men state that they were "recreating" her porn video—the emphasis is on reassuring the victim that her sexual past can never justify someone sexually attacking her. In another case when the victim does not remember her attack and blames herself for being in a vulnerable situation, one of the detectives reminds her that “it’s okay, you didn’t do anything wrong.” When a young woman is raped by her lover, Detective Benson tells her that it does not matter if they had been intimate

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<sup>78</sup> United Nations. (2008). *The universal declaration of human rights*. Retrieved from <http://www.un.org/en/events/humanrightsday/2007/udhr.shtml>

together or if she initially consented to the sexual encounter because “You can say NO at any time.”

*SVU* explicitly takes a human rights perspective when it comes to sexual violence regardless of institutional and male detectives’ negative attitudes and perception towards rape victims. In these examples, it is evident that “non-consent” can be defined in many ways, making rape’s definition less narrow which is one of the many goals of feminist anti-rape movements. Freedman explains that during the late 1990s, anti-rape movements working toward new definitions of rape were criticized for ‘over defining’ the term, thus making it too inclusive and creating the possibility of hindering institutional success.<sup>79</sup> *SVU*’s arguably broad definitions of rape and consent reflect the agenda of many anti-rape movements.

*Myth: Rapists are sex-starved, insane, or both and are usually strangers.* As discussed earlier, it is common for victims to blame themselves for not predicting the incident, especially when they know their assailants or when it happens during a romantic or sexual encounter that they might have initially consented to. Contrary to the belief that most rapists are strangers, it has been found that most sexual assaults occur among people who know each other (51.1% women reported being assaulted by an intimate partner, 40.8% by an acquaintance, and 15.1% by a stranger). Usually the assault happens during what begins as a normal romantic or sexual encounter.<sup>80</sup> These facts also debunk the myth that most rapists are sex-starved, insane.

In the episodes, most of the rapists were men the victims knew and many lived "double lives," meaning that they had “normal” functional lives in which no one suspected them of being

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<sup>79</sup> Freedman, 284.

<sup>80</sup> M.C. Black, K.C. Basile, M.J. Breiding, S.G. Smith, M.L Walters, M.T Merrick, J. Chen, and M.R Stevens (2011). The National Intimate Partner and Sexual Violence Survey (NISVS): 2010 Summary Report. Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention: 1.

rapists. As one of the victims stated, “I thought he was one of the good guys...” The episode “Maternal Instincts” tells the story of how a female violinist accuses a famous flutist who is performing with her on tour of raping her at their hotel. A hooker that the flautist contracted for the night drugged him and he forgot everything that happened after that. He is shown on video camera going to the room of the violinist, naked, and leaving minutes after. In this case, rape myths are inverted because more typical stories of rape cases involve a woman saying that she was drugged by a man and therefore, unable to consent to sex. In this story, the rapist's drugged condition creates the question of whether or not he was responsible for his actions. Meanwhile, the victim remembers the attack entirely and is affected by the fact that a jury might not find him guilty. She truly believes he should be held responsible and that the drug story is false. The episode fails to clarify whether or not he is actually drugged, but the actuality of the attack is unquestionable. In other episodes, besides having seemingly normal lives, rapists are shown as sociopaths, psycho stalkers or men with weird fetishes, whose behavior is not explained by anything else. Thus, this rape myth is partially challenged while still perpetuated. Not all rapists are strangers, and many can be friends or acquaintances who are perceived as somehow psychologically sane.

*Myth: Husbands cannot rape their wives.* A rape myth that was considered a behavioral fact until not long ago was that husbands cannot rape their wives. Studies have estimated that 10% to 14% of married women and at least 40-50% of battered women will be raped by their husbands at least once.<sup>81</sup> Cassia Spohn and Katharine Tellis explain how less than 20 years ago, marital rape or rape within intimate relationships was not only considered legal but also an

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<sup>81</sup> Spohn and Tellis, 181.

oxymoron.<sup>82</sup> During the 1970s, various sociologists who studied marital violence by interviewing married women found that a number of women were forced into having sexual relations with their husbands through intimidation or physical force.<sup>83</sup> At the same time, women's movements in the 1970s raised awareness on the seriousness of marital rape and advocated for reforms in the legal system.<sup>84</sup> It was not until 1993 that marital rape was criminalized in all 50 states, although definitions, sentencing, and prosecutorial practices vary from state to state.<sup>85</sup> Even if *SVU* does not frequently depict domestic violence or marital rape, one episode's description of marital rape is worth describing.

The episode "Downloaded Child" presents the story of a victim of child and domestic abuse. The focus of the episode is finding the men who downloaded images of the victim when she was sexually exploited as a child and forced to make porn videos. During the investigation, the fact that her husband rapes her comes to light. It is unclear if the husband is prosecuted for it because it is not the main focus of the episode, but in this episode, the detectives try to get the husband to admit raping his wife by making him describe what he does to her—the husband truly believing that marital rape does not exist. The couple is from a lower socioeconomic class and the victim's husband is now her incarcerated ex-pimp's brother. The scene is as follows:

The detectives bring the husband to the station to discuss his stepdaughter's living arrangement since she wants to divorce him. He says he wants nothing to do with it [his wife and rape victim] because his "lady friend would saw his nuts off." He

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<sup>82</sup> Cassia Spohn and Katharine Tellis. "The Criminal Justice System's Response to Sexual Violence," *Violence Against Women* 18, no. 2 (2012):181.

<sup>83</sup> Gelles, Richard J. "Power, Sex, and Violence: The Case of Marital Rape," *The Family Coordinator* 26, no. 4 (1977): 339-47.

<sup>84</sup> Freedman, 281.; Elaine K. Martin, Casey T. Taft, and Patricia A. Resick. "A Review of Marital Rape," *Aggression and Violent Behavior* 12, no. 3 (2007): 331.

<sup>85</sup> Martin et al., 131.

sits down and the detectives offer him donuts. As he starts eating, the conversation ensues:

*Husband: Hey, I do my share. I'm not a deadbeat. [detectives nod] Jenny didn't tell you I pay her rent?*

*Tutuola: Nah.*

*Amaro: It's amazing how many women take that for granted.*

*Tutuola: And she gives you nothing in return? You'd think she'd be grateful, man.*

*Husband: [smirks] Well, I didn't say she gives me nothing.*

*Tutuola: Oh, you mean that wild sex you was' talking about? [looks at Amaro]*

*Husband: Yeah, she'll be like—"No, please, no" and then it's like 0 to 60 in like five seconds, man. You just got to hold on.*

*Amaro: All right, so when she says no, that's when you know you're just getting started.*

*Husband: Oh yeah, man. She'll be like "No, please, no, ugh." [zoom in on detectives with confused face] it's like trying to get a car engine to turn over, man. You just gotta—just gotta give it a little push.*

*Det. Tutuola: She wants you to hurt her.*

*Husband: Oh yeah, knocking her around, it's our foreplay. [zoom on Amaro, smirks]*

*Tutuola: See the problem Gary, the jury won't see it that way.*

*Husband: [while chewing donut] What are you talking about?*

*Amaro: It's just that, if you weren't married, what you do to her would be considered rape, right?*

*Husband: [chuckles] Yeah, I guess. But then, that's the point isn't it. We are married. I can do whatever I want to her. There's no such thing as raping your wife [snorts and finishes his donut—Fin and Amaro look at each other in awe]*

The man truly believes that marital rape is not a crime. He then proceeds to give a written statement about what he does to her. In this example, *SVU* completely debunks the rape myth that husbands cannot rape their wives and explain the reasoning behind those who support it.

*Myth: Women "cry rape: only when they've been jilted or have something to cover up.* Studies confirm that rape myths appear in the belief system of people and professionals who interact with rape victims and assailants.<sup>86</sup> The episode "Pattern Seventeen," presents an example of how rape myths can be both supported and challenged among those directly involved with bringing justice to rape victims. While tracking a serial rapist, detectives from *SVU* travel to Atlanta, Georgia where there are three cases with similar M.O.'s (modus operandi) but untested DNA samples. When the Atlanta detective refers to the accusations as "claims," Detective Amanda Rollins repeats, "claims?!" and the Atlanta detective answers: "these girls weren't exactly virgins—a prostitute, a junky and a teenage mother, all out in early morning hours each insisting they were attacked in the middle of the street by a complete stranger." Even if this is a detective from the sex crimes unit in Atlanta, his comments reveal rape myth acceptance attitudes.

In another episode, one of the male detectives accuses a rape victim of 'crying rape' when her story does not hold up because she cannot remember her attack. He says that she is a 16-year-old who was drinking, had sex and is afraid of telling her parents so she lies about getting raped. No one challenges him. Later in the same episode, when more evidence points to the victim's uncle as responsible for the assault, the detective is very disturbed by it and takes the case personally—after victim shaming her and accusing her of lying. It takes personal involvement or physical evidence for male detectives to change their attitudes against women and sexual violence.

Rape myths are ambiguously depicted in *SVU* making it harder to singularly argue how these are represented. Sometimes they were simply stated, other times directly and actively

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<sup>86</sup> Burt, 217.

challenged or opposed, and other times they were verbally opposed while perpetuated by victim characterization. Female detectives were more prone to challenge rape myths, while male detectives were more inclined to confirm these societal beliefs. *SVU*'s treatment of rape myths exemplifies how pervasive rape myths are in American culture and how even if many try to debunk them, these false beliefs continue being problematic when trying to delegitimize rape. Many of these myths are maintained on college campuses. The next section explores institutional responses to rape in higher education settings.

### *College Sexual Assault and Rape*

Rape is the most common crime on American college campuses today.<sup>87</sup> A study from 2000 estimated that between one-fifth and one-quarter of women are victims of completed or attempted rape while in college.<sup>88</sup> By studying college sexual assault, Bonnie Fisher and colleagues argue that college women are at "greater risk for rape and other forms of sexual assault than women in the general population or in a comparable age group."<sup>89</sup> Even if colleges and universities have been aware of this problem and have directed numerous resources to address it, rates of sexual assault have not declined.<sup>90</sup> These facts question universities' ability to successfully stop sexual violence on their campuses.

Different approaches have been studied to explain why college women are more at risk to be assaulted. Armstrong and colleagues present two explanations known as the rape culture and proximity approaches. They explain that besides having high levels of rape myth acceptance

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<sup>87</sup> Rana Sampson and United States. Department of Justice. Office of Community Oriented Policing Services. *Acquaintance Rape of College Students*, 2002. 1.

<sup>88</sup> Bonnie Fisher, Francis T. Cullen, Michael G. Turner and National Institute of Justice. *The Sexual Victimization of College Women*, 2000.10.

<sup>89</sup> *Ibid.*, iii.

<sup>90</sup> Leah E Adams-Curtis and Gordon B. Forbes. "College Women's Experiences of Sexual Coercion: A Review of Cultural, Perpetrator, Victim, and Situational Variables," *Trauma, Violence & Abuse* 5, no. 2 (2004): 95; Armstrong, Hamilton and Sweeney, 848.

attitudes, college campuses enable specific contexts or settings where men and women interact that are more sexually dangerous, such as college bars and fraternities.<sup>91</sup> *SVU* depicts examples of both of these explanations. For instance, two of the rapes presented occurred in fraternity houses and one in a college dorm.

Given the pervasiveness of the problem and *SVU*'s reputation for "ripped from the headline" stories, four episodes from the sample focused solely on college sexual assault and rape. A common theme in all episodes was the criticism of institutional reactions to accusations of rape. It has been previously discussed how the studies reveal that the rape culture exists in subcultural settings like college campuses and that rape myth acceptance attitudes are very common in these spaces. This section will focus more on the institutional reactions to rape. *SVU* presents and denounces reasons why universities blame and silence victim while favoring perpetrators. In one of the episodes the mother of a victim who committed suicide tells the detective that "It's the boys, the school, they killed my baby." She means that it was society and the rape culture that promotes and accepts rape that are responsible for the death of her daughter. *SVU* states that boys who are taught to devalue women and a school that does not regard violence against women important and defends men, are responsible for the continuation of sexual violence on college campuses.

*Mistrust of the University.* *SVU* presents many examples of how victims, detectives and others involved in sexual assault incidents do not trust the university to bring justice to victims. In the episode "Pornstar's Requiem," a resident advisor (RA) calls the NYPD directly because he does not trust campus security when he finds a young woman on a couch who discloses being raped. The detectives thank the RA for calling them and start their investigation separate from

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<sup>91</sup> Armstrong, Hamilton and Sweeney, 484-485.

the university's campus police department. Later on, they admit to keeping the university "off the hook" (they do not inform campus police of the investigation) because the detectives believe that the university is more concerned with the Clery act than discovering the truth.<sup>92</sup> In another episode, the detectives and the D.A accuse the university of hiding reports to keep their statistics down.<sup>93</sup> During the airing of "America's Worst Crimes," a TV program that Detective Benson is watching at her house, the presenter tells the story of a young woman who was gang raped at a fraternity and is accusing the university of ignoring her claims. The presenter refers to college campus sexual assault cases as incidents when universities are "unresponsive."

*SVU* presents universities' unfair and inefficient responses to sexual assault and rape as normal responses in the higher educational system. Detective Benson instructs her team of detectives to investigate the accusation, even if it comes from an invalid source (TV program) because "we have been down that road before," insinuating that it is not the first time that they have encountered a case where a university discredits a rape victim's story. In the same episode, after the perpetrators are identified, the school does not expel them even after several female students make similar accusations against them. As a result, Detective Benson talks with the president of the school and criticizes her decision. In some instances, victims express their mistrust of the university. One victim tells the detectives about rumors that her university has

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<sup>92</sup> As stated in <http://www.cleryact.info/>, "the Clery act requires colleges and universities, both public and private, participating in federal student aid programs to disclose campus safety information, and imposes certain basic requirements for handling incidents of sexual violence and emergency situations."

<sup>93</sup> This might be a direct response to how currently in the U.S, more than 90 universities are being investigated for Title IX violations since the U.S. Department of Education Office for Civil Rights (OCR) has received many complaints stating that universities mishandled sexual assault cases by treating victims poorly. See: <http://www.publicintegrity.org/2010/02/24/4360/lack-consequences-sexual-assault> <http://thinkprogress.org/health/2015/01/13/3610865/title-ix-investigations/> and [http://www.huffingtonpost.com/entry/title-ix-corporations-aaup-report\\_us\\_56f2f882e4b02c402f663b88](http://www.huffingtonpost.com/entry/title-ix-corporations-aaup-report_us_56f2f882e4b02c402f663b88)

previously expelled female students after making sexual assault accusations. Both detectives and female students express their attitudes of skepticism when it comes to disclosing and investigating rape accusations from the "inside" (higher education institutions).

*Universities' Victim Blaming.* *SVU* depicts that a common response by the universities to sexual assault accusations is to blame the victims for the assault. In two of the episodes, the university asks the two young women who were assaulted to leave the school for violations of the honor code and for violation of the school's moral conduct code. In one of the cases, Detective Benson confronts the president of the school, the president says that there are as many false accusations as proven ones and that in the situation that they are discussing, there was poor judgment on both sides (victim and perpetrator). Regardless, only the young woman was expelled. Detective Benson tells the president that what she is stating about bad judgment is code for victim blaming. In another episode, Detective Benson talks with the president of the university about a rape accusation. She questions the school's decisions to not fully investigate. The president tells Detective Benson that there was not enough proof to support the victim's accusations, especially as the young men accused were "well regarded" and from "good families"—meaning that their parents are important donors to the school. The school indirectly admits ignoring the victim based on the financial interests of the university, thus maintaining the privileged position of wealthy, white young men. Aside from presenting examples of the reality on U.S college campuses, *SVU* portrays how common such university responses are.

When presented with a case of a fraternity gang rape, the squad takes it seriously since they know universities tend to cover-up rapes and the squad does not tolerate this response. As Captain Cragen tells them "schools circle the wagon, frat boys laugh it off, *no more*, go after

them hard.”<sup>94</sup> In the same episode, a young woman who is assaulted by a fraternity brother is discredited, accused of making unsupported accusations against a fellow student and charged with violation of the honor code because by accusing the young man, she was “intimidating her rapist.” Even when a victim is brave enough to make public accusations about her rapist, the university looks for reasons to blame *her* instead of the perpetrators. The school forced the female student to enter a psychiatric facility. To criticize the school's decision, the D.A accuses the school for violating the Title IX. This incident represents how men are not being justly punished for their acts regardless of the psychological trauma inflicted on the victim. The consequences that the schools' responses can have on victims will be explored in another section on the aftermath of rape.

These examples and others previously stated in the section on rape culture demonstrate how institutionally, blame is usually placed on victims instead of perpetrators. *SVU* presents the national problem of college sexual assault and rape by criticizing universities' negative responses to victims, which in turn helps maintain the patriarchal order. By dedicating four episodes to present topics around college sexual assault and rape, it can be argued that *SVU* is concerned with depicting social realities relevant to contemporary issues in American culture and denouncing when victims receive unequal treatment because of their gender.

### *Causes of Rape*

As discussed in the introduction, since the 1970's, feminist scholars have proposed various macro and micro level theories that explain the causes of rape. Scholars agree that rapists are motivated by power, sex, violence and anger. Feminist theories describe rape as an expression of patriarchal social systems, a construct inherent to the significant powerlessness of

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<sup>94</sup> This episode addressed Mariska Hargitay's (actor who plays Olivia Benson) campaign to end domestic and sexual violence by giving out information about "No More" and using the phrase to combat the rape culture. See: [www.nomore.org](http://www.nomore.org)

women in male dominated societies. Others have argued that rape is a result of asymmetrical gender socialization in which men are taught to be aggressive and dominant while women are taught to be passive and submissive.<sup>95</sup> At a structural level, in patriarchal societies where men hold more power than women, rape and the fear of rape are seen as tools by which men as a group oppress and control women as a group.<sup>96</sup> Violent pornography has been shown to influence male aggressive behavior and as discussed before, cultural acceptance and promotion of rape in rape cultures also explains why rape happens. Nonetheless, some of these theories have been criticized for diminishing the degree to which women can resist the power dynamic imposed by patriarchy. Patriarchy determines and controls most of women's lives, but its power is neither unidirectional nor omnipotent.<sup>97</sup>

This section explores various concepts, experiences, attitudes and behaviors that were represented in *SVU* as possible causes or determinants for rape. These were not always directly referred to as causes of rape, although sometimes they were. They were usually presented in separate episodes. One criticism about *SVU* is its lack of portrayal or focus on the social causes of rape. Even if the rape culture was emphasized, *SVU* does not provide much explanation as to what causes the rape culture—a widely studied phenomenon among feminist scholars and an essential aspect to consider when looking for ways to promote anti-rape activism. Nevertheless, examples of what *is* mentioned rather than of what *is not* will be discussed.

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<sup>95</sup> Weis and Borges; Diana E. H. Russell, *The Politics of Rape: The Victim's Perspective*. (New York: Stein and Day, 1975).; Susan, Griffin, "The All-American Crime" *Ramparts*, (September 1971) as cited in Larry Baron and Murray A. Straus. *Four Theories of Rape in American Society: A State-level Analysis*. New Haven: Yale University Press, 1989.6.

<sup>96</sup> Holmstrom and Burgess, xxvii; Their reformulation as a response of disagreeing with Brownmiller's statement. In addition, they emphasize how not all men project this desire to rape.

<sup>97</sup> Cahill, 4.

The findings demonstrate that *SVU* constantly emphasized the idea that we live in a society that encourages male aggression by failing to legally delegitimize it. *SVU* highlighted the faults of the criminal justice system in acting as a deterrent by unsuccessfully prosecuting perpetrators. As well, mediums like pornography, video games and other social media outlets were seen as responsible for exposing young men to violence against women, thus possibly affecting young men's behaviors. Another prevalent theme was the discussion of the psychology of rapists or rapists' excuses to explain *why* men rape. However, as many feminists argue, women are not passive victims of the rape culture. Women resist these power dynamics imposed by the patriarchy by engaging in activism—these will be the discuss in the last section.

*Rapists' Excuses: "I'm Not Ghandi."* A common question that is explored when analyzing different micro level causes of rape is directly exploring why men rape. A recurring theme in *SVU* was to give the perpetrators the space (during interviewing processes) to vocalize their justifications for sexually assaulting their victims. As explained earlier, there are various social theories that explain how different social attitudes about sex and gender teach men to devalue women. But, a more practical way to understand why men rape is to ask convicted rapists for their justifications for committing sexual violence. Rhiana Wegner and colleagues interviewed 183 men who self-reported committing at least one sexual coercion act to study perpetrators' justifications for their behavior.<sup>98</sup> They found that significant predictors of perpetrators' post-assault use of justifications were rape supportive attitudes, expectations for having sex, misperception of sexual intent, victims' alcohol consumption, attempts to be alone with her, and the number of consensual sexual activities prior to the assault.<sup>99</sup> When justifying their behavior, many perpetrators in *SVU* revealed sexual entitlement attitudes, misconceptions of sexual intent

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<sup>98</sup> Wegner et al.,1018-1837.

<sup>99</sup> Ibid.

due to alcohol consumption and others simply did not regard women's sexual wishes as important.

In the episodes, there are instances when the perpetrators admitted to the assault but argued that it was consensual. In doing so, they also explained how their victims "wanted it." For example, in "Devastating Story," two of the fraternity men who gang raped a young woman say, "Okay, look I didn't want to say this before, because I thought it would look bad, but after she finished with Brian, she moved on to me like that [snaps his fingers] I didn't rape her, ask Brian." In the next scene, when they tell Brian that his friend ratted him out, he says to the detectives "For her to be acting all prim and proper now [pause and exhales] she wants to act the whore on Saturday and play the virgin on Sunday." In this episode, there is no evidence of the assault presented. Rather the episode starts three months after the attack happened with the victim telling her story—thus the audience has no concrete evidence of what happened and the victim admits to being drunk or drugged and to not fully remember the attack. By these comments, it is clear that these men hold rape supportive attitudes. The myth that victims desire to be raped and that alcohol consumption creates misconceptions of sexual intent are present.

The example of when an artist is offended when accused of rape also depicts how a mix of power dynamics with sexual entitlement attitudes can result in sexual violence. In "Maternal Instincts" when the detectives tell the flutist that the violinist is accusing him of rape, he acts surprised and even offended. The interview is shown from outside, where Detective Benson is watching. The flutist says: "Rape?! why would someone like me need to rape anyone? Do you know who I am?!" Detective Benson replies to the other detective with an ironic tone: "I get it, he's a celebrity why would you need to rape anybody?" The man is emboldened by his celebrity status and recognizes that in a setting where men are privileged and entitled to women, he has an

advantageous position in finding sexual partners, thus making it unnecessary for him to engage in sexually violent behavior. Similar to this example, in "Girl Dishonored," when the detectives question a perpetrator's friend, he defends his friend by saying: "I'm sorry she had a bad night, but why would a guy like that need to rape anyone?" The young man implies that like the flutist, his friend's social popularity and attractive physical appearance make it unlikely for him to force a woman to sexually please him.

Wegner and others also discuss how feelings of sexual entitlement were prevalent in their study and that misperceptions of women's sexual intents were more common when alcohol was involved.<sup>100</sup> As mentioned, this was a common depiction of rapist's justification in *SVU*. In the episode "Wonderland Story," the detectives investigate a handsome, wealthy young man for sexually assaulting several women while they were unconscious. In order to gather evidence against him, the detectives tell a possible victim that he might have raped her because of evidence that points to his M.O. The young woman decides to confront him, since they are friends, and goes to his house. She tells him that she is pregnant and that she has not had sex with anyone recently but remembers feeling sore after a party she went to at his beach house. He tells her that she was "pretty sloppy, flirty" and that he found her naked on a lounge chair the morning after the party "passed out cold." Crying and angry, she tells him to give her a list of the names of the men who were at the party because someone had sex with her while she was passed out and she wants a DNA test. The conversation continues:

*Perpetrator: You don't need their names*

*Victim: What do you mean?*

*Perpetrator: You're an attractive girl. You were coming on strong. I was a little high... I'm not Ghandi.*

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<sup>100</sup> Ibid., 1031.

*Victim: [with tears coming down her cheeks] So wait, we had sex? You and me?  
We had sex and you didn't tell me?*

*Perpetrator: I figured you knew [laughs nervously and turns around] I thought  
you were cool with it, besides, I wore a condom so I really don't see how...*

He then proceeds to offer her money to terminate the pregnancy and reassures her that “he will take care of her.” When the detectives knock on his door and he realizes that it was a set up, he tells her that she is a 'bitch.' She cries back “you raped me and you raped Sarah! (her friend).”

Another example that depicts how misconceptions about women's intents due to substance consumption leads to sexual violence is the story of the young male college student who is not sure if he assaulted a female friend. In “Girl Dishonored,” when the detectives tell a young man that his female friend is accusing him of raping her, the conversation between him and two male detectives is as follows:

*Accused: I know this wasn't a rape, I asked the head of campus security.*

*Fin: [with a confused face] You reported yourself to campus security?*

*Accused: I was ...confused about what happened.*

*Amaro: You mean you'd knew you crossed the line.*

*Accused: I wasn't sure. We were all kind of stoned.*

*Amaro: [raises his voice] It doesn't matter, Joe! She says she didn't want it!!*

*Accused: She's saying that now, but after it happened I texted her and asked her out. She said yes.*

*Fin: This Leo Barth's idea? You weren't sure if you raped her so afterwards you asked her out?*

*Accused: Barth told me to, as a test. She texted back right away “Joe, I can't wait!” I showed Barth and he said there was no way a rape victim would say that.*

His confusion also demonstrates how damaging contradictory messages about masculinity and gender roles can be. In a patriarchal society where men are favored and where constricting

gender role socialization is challenged by the rise in gender equality, men can misinterpret their role in sexual relationships with women.

Overall, some of the rapists reported not caring about the woman feeling victimized. Others did not know that their actions were violent and unwanted. Others knew it, and some lied about it and blamed the victim for the “behavior” that “led” to the attack. In one episode wherein a porn actress is assaulted, one of the accused says that he was doing what his friend told him to, that he did not even know that a girl “like that” could be raped. These examples demonstrate how rapists' excuses allude to broader societal causes of rape in male dominated societies. A combination of power, anger, violence and sexual motivations are evident in perpetrators' excuses and justifications. The perpetrators' comments reveal disturbing examples of how gender restrictive ideologies affect men's relationships with women. The next section will discuss other more specific micro social causes that promote sexual violence against women.

*Social Influences: Violence Against Women in Pornography and Video Games. SVU* addresses in two episodes an important cause of rape: exposure to sexual violence in pornography and video games. In these two episodes, *SVU* promotes the idea that society teaches men to act sexually violent towards women, rather than explaining this behavior as innate to men. Even if *SVU* does not focus on exploring this cause more in depth, by slightly addressing them, it at least allows for a dialogue to emerge.

Gail Dines argues that porn is so embedded in American culture that it has become synonymous with sex.<sup>101</sup> Feminists discuss that gonzo (violent) pornography eroticizes violence, increasing violent behavior. Anti-pornography feminists insist that violent porn inspires violence

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<sup>101</sup> Gail Dines. *Pornland: How Porn Has Hijacked Our Sexuality*. Boston: Beacon Press, 2010, x.

against women.<sup>102</sup> It has been shown that an important way boys and young men learn about sexuality is through porn. In many instances, the porn accessible to them is violent and one that objectifies and dehumanizes women. Thus, feminists have advocated for its elimination since it influences young men in developing sexist attitudes.

Even if research demonstrates that watching violent porn influences men's sexual behavior, in the episodes sampled, porn was mildly addressed as a cause of sexual violence only on one occasion. In "Pornstar's Requiem," after a young college woman who works in the porn industry is assaulted by two young men after they see one of her "rape fantasy" porn videos, Detective Carisi tries to explain to other detectives the young men's behavior by saying "hello, a third of the traffic on the internet is porn. That's how much of these college boys learn about sex." Benson then responds that it does not matter, insinuating that they still acted inappropriately. However, her quick dismissal of his comments could imply that Detective Carisi's comment was irrelevant—failing to address an important discussion about the causes of rape.

In the episode "Intimidation Game," *SVU* criticizes the effect that video games with sexually violent content can have on young men. Video game sales have risen exponentially in recent years in the United States. It is estimated that 73% of American households hold a device for gaming.<sup>103</sup> Along with this growth, there has been an increase in the development of games that sexually objectify women and allow gamers to engage in virtual violence against women. In their study, Victoria Simpson and others found that sexual objectification of women and violence against women in video games increase rape myth acceptance, possibly actually promoting

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<sup>102</sup> Baron and Straus, 7.

<sup>103</sup> Victoria Simpson Beck, Stephanie Boys, Christopher Rose and Eric Beck. "Violence against Women in Video Games: A Prequel or Sequel to Rape Myth Acceptance?" *Journal of Interpersonal Violence* 27, no. 15 (2012): 3016-031.

sexually violent behavior like rape.<sup>104</sup> Excessive exposure to the content of some of these video games can be very problematic. As a result, feminist video game producers have launched numerous blogs to create awareness of the problematic nature of certain video games.

Arguably in response to the Anita Sarkeesian and the GamerGate controversy,<sup>105</sup> "Intimidation Game" presents the story of the kidnapping and brutal rape of a female video game developer. Three young men who assault her claim that women should not be allowed in the video game industry. During the episode, *SVU* poses the question of whether boys are born being violent or if they learn it through different socialization processes. At the beginning of the episode, Detective Benson discusses with her psychologist that her son (less than 2 years old) is starting to act out when playing—breaks tea pots, throws toys off the couch and books off the bookshelf, etc. Her psychologist assures her that she has nothing to worry about by saying that he “sounds like a boy” and that “boys run around, break things, it’s in all their DNA.” The episode continues to depict the horrific and violent kidnapping and rape of a video game inventor who is attacked by three young men, “gamers,” who oppose women being in the industry and who used another video game’s plot to plan their assault. One of the detective’s responses to the incident is that the video games are not necessarily the problem (since he plays them and is not a rapist) but rather that the problem is not being able to discern between reality and fantasy. Studies have confirmed the causal link between these, but have not focused on explaining other factors that could influence young men's sexually aggressive behavior other than excessive exposure to sexual violence on video games.

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<sup>104</sup> Ibid.

<sup>105</sup> More information about the GamerGate controversy and Anita Sarkeesian rape threats can be found at <http://www.vocativ.com/culture/society/anita-sarkeesian-threats/> and [https://en.wikipedia.org/wiki/Gamergate\\_controversy](https://en.wikipedia.org/wiki/Gamergate_controversy).

In response to this question, Detective Carisi is convinced that something traumatic must have happened to one of the perpetrators since his mother is truly convinced that her son is a good young man. He tells the mother that “Anthony is a good kid, somewhere along the line he got confused...he didn’t think about the person he was hurting...that usually comes from a place of pain, a feeling like you don’t matter.” The mother continues to explain that he has become reclusive after the recent death of his father. *SVU* explains that this trauma, in addition to his exposure to video games, could explain his violent outrage. When the young men are captured, one surrenders, but the other two continue using the same language as in the video game to talk to the police and justify their actions. At the end they present an adult, Detective Tutuola, who plays the same video game that is extremely violent towards women (one level of the game is completed by raping a woman) who does not act on it. They leave it open to interpretation whether age makes a difference on how video games can impact the men who play them. In a broader context, *SVU* addresses how different social factors can influence young men's development of gendered self and understanding of sexuality. Besides criticizing the existence of these types of video games, the storyline presented serves as evidence of how pervasive the legitimization of rape is in American society and how such sources can hinder feminists' goals of redefining and ending rape.

*Rape Kit National Backlog.* It has been brought to national attention and the federal government confirms that hundreds of thousands of rape kits remain untested in police and crime lab storage facilities across the United States. Feminists have engaged in activism to create awareness of this issue and demand a change.<sup>106</sup> Scholars have studied what factors might explain why many law enforcement agencies do not submit sexual assault kits to crime labs.

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<sup>106</sup> See website of the campaign Mariska Hargitay started: <http://www.endthebacklog.org>

Even if DNA evidence can be a powerful tool to serve and prevent crime, a study found that 58% of rape kits are never submitted to crime labs.<sup>107</sup> Factors like documented nonanogenital injuries, involvement with sexual assault nurse examiner programs, kits collected after victims cleaned themselves, and police enforcement understandings of the importance of the kits are linked to the statistics of the backlog.<sup>108</sup> At an ideological level, these high statistics might suggest that violence against women continues to not be taken seriously by many and using the legal system to combat it is not seen as an option. Most probably, cases involving other types of serious crimes other than sexual violence are taken more seriously by law enforcement, especially if the victims are white men. In *SVU*, one episode addresses this issue.

In the episode “Pattern 17,” Detective Benson criticizes the criminal justice and the legal systems for not regarding violence against women seriously, using as an example the national backlog of untested rape kits. Because rape kits were not tested and DNA and other information was not put on CODIS<sup>109</sup> and other systems that keep records of M.Os, the detectives in *SVU* have difficulty investigating and catching a rapist on a spree. Thus, when presenting the case at a hearing with her superiors, Detective Benson says that the rapes in NYC could have been prevented if previous kits had been tested and put into the system; after being criticized for inefficient police work and finally after one of her superiors (all white men) sides with her and validates her argument, she explains some of the causes and consequences of the national rape kit backlog. The scene goes:

[with suspense music in the background and with a serious tone]

*Benson: We did catch the rapist within one week of his first assault here...New*

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<sup>107</sup> Debra Patterson and Rebecca Campbell. "The Problem of Untested Sexual Assault Kits: Why Are Some Kits Never Submitted to a Crime Laboratory?" *Journal of Interpersonal Violence* 27, no. 11 (2012): 2268.

<sup>108</sup> Ibid.

<sup>109</sup> Definition of CODIS: <https://www.fbi.gov/about-us/lab/biometric-analysis/codis>

*York attacks could have and should have been prevented. Albert Beck is a career rapist who has moved from state to state year after year, but because many cities have under funded departments and many cities do not regard crimes against women seriously, they never tested thousands of their rape kits. What is the point of having a national DNA database if the rapist's DNA is never entered into it?*

As the examples in this section demonstrate, there is not a solid pattern of themes addressed as possible causes of rape throughout the show, but rather different factors are addressed separately in various episodes. The more widely studied causes and theories of rape are rarely addressed. These examples in *SVU* depict how sexually violent behavior can be learned from different sources such as porn, socialization processes and video games. The continuation of sexual violence can be seen as the result of systematic and institutionalized gendered inequalities, thus complicating the goal of feminists to redefine understandings of rape.

#### *Aftermath of Rape*

As a traumatic event, rape and sexual assault can have immediate and long-term effects on victims. As coined by Ann Wolbert Burgess and Lynda Lytle Holmstrom, rape trauma syndrome is "the acute phase and long-term reorganization process that occurs as a result of forcible rape or attempted forcible rape. This syndrome of behavioral, somatic, and psychological reactions is understood as an acute stress reaction to a life-threatening event."<sup>110</sup> Even if not all victims respond the same to being assaulted, some patterns are found among the effects that rape can have on victims. Burgess and Holmstrom found that even if the rape can have devastating impact on victims for some period of time, all the victims in their study were able to maintain a certain equilibrium and none showed ego disintegration, bizarre behavior, or self-destructive behavior.<sup>111</sup>

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<sup>110</sup> Burgess and Holmstrom, 982.

<sup>111</sup> *Ibid.*, 985.

Most (ten out of fourteen) of the episodes analyzed depicted rape victims' characterization after the assaults or the effects of the rape in their lives. In most of the cases presented, the victims' lives undoubtedly changed after the rape but it did not necessarily ruin them. An important finding about the relationship between the types of assaults, victims' personality and networks of support was found. *SVU's* representation of rape demonstrates that an important determinant of the victims' ability to recover, cope or deal with their assault in a positive or successful way was their ability to receive support, either personal or institutional. In only one episode was this irrelevant and it had to do with the violent nature of the attack (the most violent case presented in the sample). In only two episodes the rape completely devastated the victims: one committed suicide and another one died as a result of the attack. The effects of the assault are widely explored in the episodes up to a certain time point, since episodes usually ended during the trial phase after the convictions were doled out. *SVU* only depicts the parts of their lives relevant to the legal cases.

Regardless of the type of assault and the women's personal past, if they received appropriate support from either friends, counselors, family members or law enforcement agents, the victims were presented as able to positively deal with their assault. In cases when the criminal justice system failed to serve the victim, if no other networks of support were available, the victims were more negatively affected by the outcome of the case. Support networks overshadowed the criminal justice system's ability to help victims. When the cases had positive outcomes (resulted in guilty conviction, seemingly just plea bargains, or legally served justice to victims) it also had a positive effect on the victim's ability to cope with the event. When both successes by the system and support networks existed, victims dealt with their assault in the most

positive manner.<sup>112</sup> Victims were affected differently and even if they were psychologically affected, the majority were presented as managing. If not, the detectives (usually the females) encouraged and helped victims achieve an optimistic attitude toward their future. Longer term effects of rape were not usually presented. *SVU*'s portrayal of the effects of rape was linked to the existence of support networks (including institutional ones) suggesting that it would be harder or impossible for victims to recover from their rape by themselves. I counted the detectives' support strategies as personal support and not support from the criminal justice system because of the exceptional female police involvement in victims' personal lives.

One way that *SVU* depicts the aftermath of rape was through a change in the victim's physical appearance. In many episodes, when *SVU* presented the victim before and after the attack, her physical depiction changed. The program depicted pre-assault empowered victims wearing nice clothes, with make up, smiling, lively. After their assault, even if coping with it, most of them were depicted crying, screaming, with bags under their eyes, without make up, glasses, baggy clothes and barely smiling. None of the victims presented, even those who became aware of the power of anti-rape activism and got involved in different support groups, were shown the same as before. Only one victim, whose story is a year old, is shown finally empowered, looking good, happy, smiling and positive after she gets help from the detectives. This visual depiction of the aftermath of rape in victims reflects how *SVU* focuses on the effect that rape has on victims. Is it an accurate depiction of survivors? Or is it part of the dramatic component of the program? Could the depiction include a greater feminist perspective? These could be addressed in future research studying the accuracy of the representations of rape and victims in *SVU*.

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<sup>112</sup> It is worth mentioning that in two cases, women's "motherhood" was used to encourage victims to audaciously deal with their assaults and case outcomes.

*Moving on and personal support system.* Even if rape victims undergo a period of a disorganized lifestyle after their assault, various factors such as ego strength, social network support and the way people treat them as victims can influence their coping behavior.<sup>113</sup> As stated before, many of the victims who were portrayed as positively moving forward after their assault had the support of different networks. One characteristic of the rape trauma syndrome from the acute phase is the fear of physical violence.<sup>114</sup> In “Wonderland Story,” a young woman (Sarah) is assaulted for a second time. After Captain Cragen makes a comment asking how it is possible for her to live in an apartment building without security cameras after what happened to her, Detective Benson responds “It’s been two years, she doesn’t want to live in fear.” A friend of Sarah’s, surprised by Sarah’s re-victimization, says to Detective Benson while she is interviewed, “Sarah was finally ready to move on” (referring to going out to party at night). These two examples demonstrate how the young woman had successfully moved on from her previous experience, even if she had initially feared recurrence of an attack, and started to live her life normally.

Other characteristics of the rape trauma syndrome are the emotional reactions of self-blame, anger, humiliation and revenge.<sup>115</sup> In an empowering and powerful speech at the end of this episode, reflecting on her own victimization, Detective Benson talks with Sarah about moving forward. The conversation is as follows:

(They are sitting on a bench of the park)

*Benson: Listen to me, this is not on you.*

*Sarah: Yeah right.*

*Benson: Cameron is behind bars. He can’t hurt you or anyone else.*

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<sup>113</sup> Burgess and Holmstrom, 983.

<sup>114</sup> Ibid.

<sup>115</sup> Ibid.

*Sarah: Yeah, well, Michael is still out there. Men are still out there. My dad wants to get me a gun.*

*Benson: [nods affirmatively] I carry a gun and I've been assaulted. [pause] Twice.*

*Sarah: You have?*

*Benson: Yes, (pause and suspenseful music starts) and the hardest part is... not beating myself everyday for getting into that situation.*

*Sarah: You said it wasn't my fault, but it's yours?*

*Benson: No, it's a feeling, not a fact. [inhales and exhales] You know, my therapist says that it can help to um, to change your daily routines, you know? If you take the bus, then walk. If you usually read, then go to the movies. Do things that make you happy. [zoom in on Sarah with mistrustful face] If you focus on the good in life, on the positive things then it can, then—it can shake, it can shake the negative emotions and patterns.*

*Sarah: And that works for you?*

*Benson: Some days. [Sarah smiles ironically] You know, it's a process. Little steps. They add up.*

*Sarah: If you say so.*

(Both almost crying: Detective Benson pats her on the back while she looks out on the horizon)

The episode “Decaying Morality” presents another example of how a victim is positively coping with her experience. The victim is able to overcome her experience because of her mother’s support and the legal system’s ability to bring justice and arrest her rapist. In “Downloaded Child,” a young woman who was victimized as a child and forced to make pornography videos is completely destroyed and re-victimized as she grows up. After investigating accusations that her husband might be raping her, discoveries from her past are made. She is unable to associate herself with her younger victimized self and does not label her experience of marital rape as rape. It is clear that the experience negatively affected the victim.

This may be attributed to the fact that she lacked a solid support system while growing up (her mother blames her for her "actions"). As soon as the detectives get involved and the criminal justice system gives her financial restitution under the Violence Against Women Act, the victim is shown as finally getting her life together and recovering from her traumatic past. An example of how victims positively start moving forward as a result of solid support systems is one of the last scenes in this episode. At the end, she is given the opportunity in court to face some of the men who downloaded the porn videos she appeared in when she was young. The scene is described:

(As she walks nervously towards the judge, straightens her dress and looks serious)

*Being here is hard. [Faces the accused man] Listening to everybody say what a great guy you are [his daughter had just spoken about her dad for leniency in the sentencing], how what you did was only a mistake; look at me Mr. Corbett, [he looks at her and her eyes get watery] I want you to see how what you enjoyed watching has ruined my life. When I was thirteen, I started doing drugs, crack mostly, then I dropped out of school and moved in with a man who forced me to have sex with other men for money [Mr. Corbett looks down]. When I got pregnant he kicked me out. I've had a hard life because of what happened to me. You told the judge that what you did didn't hurt anyone. I want you to know that it did. I want you to see that I'm a person. [Mr. Corbett has watery eyes and looks down again; at the end, he apologizes in a written letter.]*

This serves as evidence of how her victimization affected and destroyed part of her life, as is common for victims of rape. It also illustrates her ability to overcome her experiences by the justice system validating her victimization and by receiving personal support from all of the detectives.

*Effectiveness of Institutional Support.* The support that the criminal justice system can provide to victims of sexual violence can be very powerful if victims are treated fairly. As discussed earlier, *SVU* depicted that systems of personal support can have a stronger effect on victims' process of coping than systems of institutional support.

The episode “Girl Dishonored” presents an example that shows exactly how personal support networks can overshadow the justice system’s unfair treatment of rape cases. While investigating the gang rape of a group of fraternity brothers, the detectives find a previous victim who had accused one of the same young men. This young woman is institutionalized in a psychiatric facility. She decides to undergo shock treatment, after failed attempts to resolve her issues through talk therapy. She wants to completely forget her assault. The university ignored her accusations and did not investigate her assault. When the detectives listen to her story, Detective Benson tells her psychiatrist that “survivors can heal much more quickly if they are listened to.” The doctor tells Benson that the victim has been listened to at the facility, but that the university’s response to her situation traumatized her too much. After Detective Benson and Detective Rollins listen to her story they work with the D.A to legally denounce the university and they put the young woman in contact with her rapist's latest victim. With the help of both detectives, she is re-installed in school and communicates to them her intention of starting a support group to help survivors of sexual assault on campus. Her story shows that when receiving the appropriate support from specific parties (in this case, the detectives) the effects of the failings of other institutional systems to bring justice to victims can be overcome. Some of the detectives go the extra mile to help victims when the legal system is unable to bring justice to them. Her rapists were never found guilty although her assault was addressed when the school is

put on trial. With these actions, *SVU* criticizes the inability of the criminal justice system in offering victims the support they need.

The power of the criminal justice system to help victims overcome their assault *can* be very strong. All the victims are encouraged by different members of the law enforcement to report, make accusations and testify against their attackers. It has been suggested that a more humanistic response to victims could benefit the long-term goal of eliminating rape.<sup>116</sup> However, statistics demonstrate that rape continues to be a highly underreported crime (only 41.4% of rapes are reported) but, when reported, only 39.5% are cleared by arrest or by exceptional means.<sup>117</sup> These statistics weaken the effort by many to encourage more victims to report their assault.

*SVU* explores in several episodes the positive and negative effect of the criminal justice system's responses to victim's rape cases. When a rape victim "torpedoes" her case when making public unsupported accusations because of her inability to remember her assault (she was drugged), the D.A is unable to prosecute her attackers. After being empowered and self-identifying as "the face of a movement" for her activism against college sexual assault and rape, the criminal justice system's failure to prosecute her accusers upsets her. Nevertheless, she is not left completely without hope as she has the support of her counselor at school who is a rape advocate and who is very involved in her life after the assault. In "Comic Pervasion," the same victim from a previous episode who wanted to start a survivor support group is assaulted again. This time, even if she has support from other activists and the detectives, as the criminal justice system fails in prosecuting the comedian making rape jokes, she goes unofficially undercover and video records him assaulting her. This demonstrates how important it is for some victims to

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<sup>116</sup> Holmstrom and Burgess, 261.

<sup>117</sup> Federal Bureau of Investigation (2006) as cited by Spohn and Tellis, 170.

receive legal justice in order to overcome their experiences and feel safer. These examples demonstrate how *SVU* presents how the inefficiency of the legal system in prosecuting sexual assault cases can affect victims.

Inevitably, rape affects victims' lives. *SVU* presents a variety of ways and factors that come into play in this short or long-term change. Sometimes victims were given the space and voice to demonstrate how the rape affected them. In other occasions, the effect is characterized through the detectives' narratives of their experiences or exposed when cases are brought to trial. No matter the format, *SVU* portrays a pattern of the relationship between support systems and the victims' ability to recover from their rape. As rape affects victims differently, victims and other anti-rape activists respond in diverse ways to the problem of sexual violence. In the next section, some of the solutions or failed solutions to stop rape presented in *SVU* are explored and analyzed.

### *Solutions to Rape*

Anti-rape feminist activists and rape scholars have proposed numerous ways to create a rape-free culture. The range of these solutions includes institutional, ideological, practical and legal levels. An important change that has helped delegitimize rape in society has been the implementation of rape law reforms. In the late 1960's, feminists who were frustrated about institutionalized sexism in the criminal justice system started to advocate for rape law reforms.<sup>118</sup> Many women tirelessly fought and continue to fight to change the law and the criminal justice system's response to sexual violence. In the last decades, many jurisdictions in the U.S replaced the crime of rape with a series of "gender-neutral offenses graded by seriousness and with commensurate penalties, loosened or eliminated the resistance and corroboration requirements,

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<sup>118</sup> Jody Clay-Warner and Callie Harbin Burt. "Rape Reporting after Reforms: Have times Really Changed?" *Violence against Women* 11, no. 2 (2005): 152.

repealed marital rape exemptions, and enacted shield laws that restricted the use of evidence of the victim's prior sexual conduct."<sup>119</sup> Different service agencies formed alliances with the criminal justice system and by 1989, specialized units for the investigation of sex crimes were created. The intention was to train agents in the criminal justice with the necessary skills to better handle sexual violence cases and increase the likelihood of arrests and successful prosecution.<sup>120</sup> As a result, TV programs like *SVU* emerged. *SVU* offers a fictional inside look to how these specialized units work.

This section explores different solutions that *SVU* supports and denounces as capable of ending rape. In the show, different approaches were taken to discuss social and legal responses to sexual violence. *SVU* depicts the legal approach as a possible solution to end rape while it denounces its ability to bring justice. This seeming contradiction might mean that they believe in the power of the law to end rape but disagree about how some laws are written and practiced in the U.S. Thus, victims were almost always convinced to testify and report (even if *SVU* shows that in most cases, guilty verdicts were not reached) and they present weaknesses as well as strengths of the legal system. To offer a response to the weaknesses of the law, *SVU* supports feminist and anti-rape activism as alternative ways to combat rape and the culture that surrounds it. In addition, *SVU* positively presents feminist understandings of rape to challenge traditional notions of the same.

*Mistrust and Failures of the Criminal Justice System.* In the program, victims, family members and even the detectives addressed their mistrust of the criminal justice system in bringing justice to victims. This can be because even if rape reform laws have made significant

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<sup>119</sup> Spohn and Tellis, 169.

<sup>120</sup> *Ibid.*, 178-179.

changes, they have not produced the predicted instrumental effects.<sup>121</sup> *SVU* presents many of the ways in which the system is flawed, while it continues to encourage using the law to fight the rape epidemic. The young lady Sarah, who was victimized for a second time, communicates to the detectives her mistrust in they system because of her previous experience. After her first assault, the jury found her rapist not guilty. In another case, a victim asks Detective Benson if she thinks it would be worth it to report her rape, demonstrating that she did not completely trust the criminal justice system. In another episode, the victim's father angrily and defensively accuses Detective Benson of not doing her job when the primary suspect in the case was not arrested because they did not have sufficient evidence. Even if the pattern demonstrates that most rapists are found not guilty, *SVU* encourages victims to report because of the emotionally and psychologically positive effect that it can have on them to publicly accuse their assailants.

*SVU* presents the difficulties of building cases and prosecuting rapists. Even if they criticize the law, they remain hopeful of the ability of the criminal justice system to help victims. Studies have found that both legal and extralegal factors affect decisions to prosecute sexual violence cases. Some of these include legal factors like the presence of physical evidence, victims' willingness to cooperate and extralegal factors like the victim, suspect and case characteristics such as race, class, level of intoxication, among others.<sup>122</sup> *SVU* presents different facts as playing an important role in the outcomes of the cases. Some of these were the lack of physical evidence, lack of positive ID because victims do not remember attacks, nonexistence of initial report or outcry, jury's biased opinions about the case, hearsay and victim's unwillingness to testify, victim's sexual history and alcohol consumption. These representations allude to the

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<sup>121</sup> Spohn and Tellis, 171.

<sup>122</sup> *Ibid.*, 175.

current flaws of the legal system in the United States. *SVU* explores some of the reasons as to why these factors matter, although not in detail.

In one incident a male detective tells Detective Benson how hard it will be to prosecute the rapists of the porn actress because “you know that sex workers don’t get the benefit of the doubt,” referring to the jury’s opinions. The D.A refers to cases that have some or many of these facts present as “waste cases,” or in one instance, refers to it as a “case that completely undercuts itself.” On the other hand, in many cases the D.A had to offer a plea bargain in exchange for a deal. One example is a young woman who was raped by her lover, but who is arrested for another crime she did not commit. In order to drop her murder charges, her rapist gets a deal that does not even involve sexual assault accusations. She tells Detective Benson, “he raped me, beat me, left me bleeding in the street...” to which Detective Benson responds affirmatively but tells her that “legally, the rape didn’t happen.” In another episode, even if Detective Benson encourages the victim to testify because “men like him don’t stop until you stop them,” he is found not guilty. Thus, the criminal justice system was unable to “stop him,” signaling how a dangerous predator continues to be free because of the flaws of the system. These examples demonstrate how there seems to be a relationship between the types of rapes and success in prosecution.

There is one episode that presented a positive aspect of the rape law reforms. The Violence Against Women Act passed in 1994 was used to offer a victim economic compensation for the crime committed against her in addition to the prosecution of her assailants.<sup>123</sup> The young woman who was forced to have sex as a child and make pornographic videos is offered

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<sup>123</sup> For more information on recent reauthorization of this act see Violence Against Women Act (2013, March). Violence Against Women Reauthorization Act of 2013. *One Hundred Thirteenth Congress of the United States of America*. Retrieved from <https://www.govtrack.us/congress/bills/113/s47/text>

“restitution” as dictated in the Violence Against Women Act for what was done to her. The detectives track the men who downloaded her movies and hold them financially responsible—thus helping the victim to economically move on. One man paid her \$4 million and wrote an apology letter. The example shown in the aftermath section when she talks in court depicts the power that giving victims a voice in the legal system has when it comes to coping with their victimization. Contrary to this positive aspect of legal reforms, in another occasion there is a discussion about how accused rapists can sue for child custody of a baby conceived during a rape. *SVU* suggests that the law can help victims in some ways while it can continue to be detrimental in other ways.

*Anti-Rape Feminist Activism.* As discussed in the introduction, anti-rape feminist activists continue to fight in a variety of ways against sexual violence and the rape culture. Particularly on college campuses, activism against rape is very common. The approaches of campus anti-rape feminist activists today include: offering different solutions through bystander intervention programs; sexual assault networks; survivors' support groups; and, promoting rape advocates' counseling. *SVU* frequently presents activism as students' response to how higher education institutions treat sexual violence cases. In other cases, the activism or suggestions to stop rape or transform the rape culture also came from the detectives. These instances were not presented as the justice system's approach to rape, but rather the detectives' personal responses as individuals who cared about these issues separate from the government.

In one episode of sexual assault and rape on a college campus, in an effort to encourage victims to come forward and report, the detectives go to the school and give a talk and spread out flyers with information about the campaign “NO More.”<sup>124</sup> In their talk, the detectives explain

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<sup>124</sup> Mariska Hargitay's campaign to end domestic violence and sexual assault. [www.nomore.org](http://www.nomore.org)

how standing up against sexual assault and rape goes for both men and women, while they remind them that “it doesn’t matter if you were flirting with a guy, dancing or even making out on his bed, you have the right to say NO to sex anytime. If you say no and he does not listen, that is rape.” They also tell young women not to walk home alone making themselves targets. Detective Benson seems to have a different attitude when she criticizes the school for telling women not to go to certain fraternities instead of telling boys not to do it. *SVU* conveys the message that it is wrong to tell women to change their behavior yet they should be more aware of how not to make themselves targets.

Many student activists focus on raising awareness about the rape culture by protesting in different ways. As Carrie Rentschler explains, “rape culture is identified through particular communicative acts such as catcalls, scripts of street harassment, and rape jokes that can be interrupted through anti-rape communication.”<sup>125</sup> Rape culture can be fought by promoting and starting different forms of conversation that challenge it. In *SVU*, one example of anti-rape activism is depicted in the episode “Girl Dishonored,” when a group of students hold a silent protest when a student commits suicide after being raped. A group of students (both men and women) hold up signs with quotes of different people’s reactions when disclosing their attack to raise awareness of the rape culture and institutional responses to cases of sexual assault. Some of the signs read:

*We raped her dead –tau omega brothers*

*Did you lead him on?*

*Are you sure it was rape?*

*You have to be more careful*

*Now you know better*

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<sup>125</sup> Carrie A. Rentschler. "Rape Culture and the Feminist Politics of Social Media," *Girlhood Studies* 7, no. 1 (2014): 67.

*No one will believe you  
That's not rape  
You're such a slut –sorority sister  
Sometimes sex is messy  
Why would he rape you?<sup>126</sup>*

In another episode, victims were shown coming forward and disclosing their assaults in speak-outs at the university, in contrast to the detectives' difficulty in finding victims willing to report and go to trial. Another example of feminist activism was shown in an episode where different students participate in a silent protest outside of fraternities that are being investigated for sexually assaulting women, with a "X" in red taped to their mouths, symbolizing the school's silencing of victims. Another example of student activism was depicted in the episode "Comic Pervasion" when a group of students protest the rape comedian's show self-identifying as S.T.A.R (Students Together Against Rape). In the same episode, victims were encouraged to come forward and report their assault by creating support systems among survivors.

In most of the cases, anti-rape and feminist activism were depicted in a positive light. Yet, in one case where a rape advocate is helping a victim, her character is presented in an extreme way—especially since her goal of creating awareness of sexual assault and rape on campuses disrupts her student's legal trial. To some extent, *SVU* perceives her activism as responsible for the inability of the D.A to prosecute the victim's rapists. When her student's case goes to mistrial, the rape advocate is not shown to be too upset because she believes that bringing national attention to the issue was more important than winning the trial. When the D.A confronts her for the way she instructed the victim to disclose, she tells the D.A and Detective Rollins:

Rape counselor (to Detective Rollins): *She was assaulted, does it matter by whom, for how long, in which orifice?*

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<sup>126</sup> See Appendix D for a screenshot of the scene.

D.A Barba: *Yes! Yes! It matters! We're talking about criminal charges based on specifics of what happened.*

Rape counselor: *It doesn't matter what happened to her. What matters is that it happens, everyday. And these frat boys strut around like they're bulletproof. So, a few of them finally have to take responsibility? [progressively getting more upset] Good. This isn't about you, or these boys or your case. This is bigger than any of us. This is about eliminating rape culture once and for all.*

(the D.A and Detective Rollins nod affirmatively, but with upset faces)

The detectives' response to her activism is not too supportive, indicating a lack of empathy with rape advocate or similar types of activism when it interferes with their work. Since it is the only time that a rape advocate is depicted, it is unclear whether or not this woman is an exception to the "types" of rape advocates that exist or if the representation is meant to represent all rape advocates.

*SVU* tries to represent different ways that rape and the rape culture can be fought to change societal attitudes about violence against women. Being a show about law and order, there was a strong focus on the processes of the rape trials. By presenting the different flaws of the criminal justice system that prevent the successful prosecution of rapists, a space to discuss social activism opened up. The idea that the role of the criminal justice system is essential and powerful was never downplayed, even when detectives are depicted as frustrated with the trial's outcome. Thus, the program questions the effectiveness of sex crimes units. As Spohn and Tellis suggest, in reality, a systematic evaluation of the investigations of these units and the prosecution of sexual assaulted is needed.<sup>127</sup> Even if these detectives were presented as tirelessly and passionately engaged in their jobs, there was only so much that they could do. The idea that to put one rapist away is better than none was predominant. When the criminal justice system fails,

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<sup>127</sup> Spohn and Tellis, 186.

*SVU* frequently presented different options that can help victims heal such as creating awareness and protesting about the rape culture. Solutions to end rape were not consistently discussed throughout the episodes, but it was always the ultimate goal of the detectives; especially by means of arresting and incarcerating rapists.

## DISCUSSION

Scholars have established that prime time media does reflect both contemporary social issues and the results of interest group advocacy for and against specific subject matter. The different findings of this project confirm this. Whether the content of *SVU* can affect viewers' notions about rape and victims remains unclear. As discussed, it is impossible to predict how viewers read texts and arrive at different meanings. However, the effect that programs like *SVU* has on its viewers has been studied. To measure the relationship between ideas about rape in the media and actual social attitudes of rape, scholars have found it useful to apply social cognitive theory.

Albert Bandura's social cognitive theory provides an "agentic conceptual framework to analyze determinants and psychosocial mechanisms through which symbolic communication (in this case fictional televisual content) influences human thought, affect and action."<sup>128</sup> Personal, behavioral and environmental determinants all interact together influencing each other bi-directionally. In simpler terms, he explains that communication systems operate through two pathways: directly, they could promote changes in behavior by informing, enabling, motivating and guiding viewers to act a certain way; socially, media influences can connect viewers to social networks and community settings that provide natural incentives for desire change.<sup>129</sup> It is

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<sup>128</sup> Albert Bandura. "Social Cognitive Theory of Mass Communication," *Media Psychology* 3, no. 3 (2001): 265.

<sup>129</sup> *Ibid.*, 266.

not that content presented through communicative systems influences directly behavior, but rather can serve as determinants, along with personal and environmental factors, to change behavior. Since people are simultaneously producers and products of social systems, many factors determine how people behave. Social cognitive theory can be used to predict the effect that information depicted about rape in prime time television can have on viewers' learning processes about the subject. It therefore may predict the success of attitude change that media has on society.

One study found that viewers would avoid imitating behaviors that are depicted as having negative consequences in TV programs.<sup>130</sup> For example, in their study, Stacey Hust and others found that even if programs in the *Law and Order* franchise depict scenes of sexual violence, they typically depict the prosecution of perpetrators, which provides information of the negative consequences associated with sexual violence acts.<sup>131</sup> Bandura's social cognitive theory would explain that viewers are less likely to engage in sexually violent behavior even if they are looking at sexual violence portrayed in the program. Even if the current project suggests that perpetrators are not always punished justly, *SVU* always presented the idea that they should be. They also found that programs that tend to debunk rape myths and promote the idea that women always have the right to refuse unwanted sexual experiences (like *SVU*) resulted in an association with decreased rape myth acceptance (they surveyed college students who had watched these

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<sup>130</sup> Stacey J. T. Hust, Emily Garrigues Marett, Ming Lei, Chunbo Ren, and Weina Ran. "Law & Order, CSI, and NCIS: The Association Between Exposure to Crime Drama Franchises, Rape Myth Acceptance, and Sexual Consent Negotiation Among College Students," *Journal of Health Communication* 20, no. 12 (2015): 9.

<sup>131</sup> Ibid.

shows).<sup>132</sup> However, as media sociologists suggest, media impact also depends on the salience of specific issues to the individual.<sup>133</sup>

The definitions of rape on *SVU* can have positive and/or negative effects on its viewers. The power that it has to change societal notions about rape depends on various factors, but as previous studies suggest, it *can* impact people's attitudes about rape myths and sexual violence in general. Regardless of the effect that the content of the media can have on specific viewers, the power of the media in dispersing ideologies is unquestionable. Feminists continue to be concerned with these depictions on the media because of what it reveals about social issues and concerns. Studying the different spaces where women are represented is of foremost importance, specially if change needs to be demanded to be more inclusive of women's experiences, and in this case, of rape victims' narratives. It is important to look at at how these texts are constructed and how they can be used as spaces to promote social change. Ward defends the subjectivity of the rape experience and states that women should write their own “scripts” creating a strategic space in which they can articulate personal experiences of violence and violation.<sup>134</sup> Being a program dedicated to victims of sexual assault, women should take advantage of the opportunity and should demand that the space be given to write their own scripts, making these representations more inclusive and representative of the feminist perspective. The program's representations and lack of representations of rape reflect the still existing constraints that feminists face in their goal of redefining and delegitimizing rape in the United States.

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<sup>132</sup> Ibid.

<sup>133</sup> Gamson, 390.

<sup>134</sup> Ward, 229.

## CONCLUSION

*SVU* addressed contemporary issues about sexual violence that are widely written about and discussed by feminist activists and scholars. *SVU* presents rape culture; supports and challenges rape myths; brings awareness to the epidemic of college sexual assault; offers insight into the different causes of rape; focuses on rape's effect on victims; and illuminates the flaws of the criminal justice system. It does all of this while consistently rooting for social activism. It is a unique program within those that depict rape on prime time television. This does not imply that the depictions and definitions of rape on the program are accurate. Some can be argued to be fairly accurate while others not. However, it cannot be overlooked that *SVU* has, to some extent, positively changed its representations of rape over the years.

Lisa M. Cuklanz and Sujata Moorti have criticized *SVU* for its negative characterization of feminine qualities and for using rape to bolster hegemonic masculinity through its male characters. They argue that *SVU* integrates feminist insights but that its depiction of women criminals and feminine qualities remains problematic.<sup>135</sup> They found a pattern of blaming female characters for many of the most significant individual and social problems depicted.<sup>136</sup> In their study, Sarah Britto and others found that minorities are severely underrepresented as characters on the programs; that the images of sexually motivated crimes are distorted—focusing on individual narratives rather than stories, which does not help in understanding the social problems that lead to sexual assault; that overwhelming majority of rapes represented were

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<sup>135</sup> Lisa M. Cuklanz, and Sujata Moorti. "Television's "New" Feminism: Prime-Time Representations of Women and Victimization." *Critical Studies in Media Communication* 23, no. 4 (2006): 302-321.

<sup>136</sup> Ibid.

extremely violent; and that there was a lack of portrayal of spousal or acquaintance rape.<sup>137</sup> Contrary to Cuklanz and Moorti's study and similar to the present one, Britto and others' findings reveal that the majority of victims portrayed were shown as innocent or blameless, countering the notion that victims are responsible for their sexual assault. Similarly to the current project, they found that "special" in *SVU* means young, white and female. Lastly, another of their arguments that the current study supports is that "special" victims on *SVU* "become an archetype that reinforces current stereotypes about sex crimes in society and the value given to young white victims by our criminal justice system."<sup>138</sup>

The current project confirms and contradicts some of these findings, probably because of the years and the size of the samples and because of the theoretical framework used to study the program. Contrary to Cuklanz and Moorti's studies, a pattern of using rape to bolster hegemonic masculinity through its male characters did not emerge, although as has been explained, the depiction of male detectives continues to be problematic. In the episodes sampled, female criminals were not depicted and feminine qualities were not visibly troublesome. There was a pattern of not blaming the victims for the social problems depicted but rather of accusing the patriarchy for many of these problems. As the study done by Britto and others, the current project confirms that "special" in *SVU* is predominantly white, female and young. Cumulatively, the program does not reinforce current stereotypes about sex crimes, but does emphasize the value given to young white victims by the criminal justice system. It is important to keep in mind that past studies have focused on different seasons of the show, sample size was different, and that many of the aspects that were specifically directed as units of analysis in these studies were

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<sup>137</sup> S. Britto, T. Hughes, K. Saltzman, and C. Stroh. Does "Special" Mean Young, White and Female?: Deconstructing the Meaning of "Special" in *Law & Order: Special Victims Unit*. *Journal of Criminal Justice and Popular Culture* 14, no.3 (2007): 39-57.

<sup>138</sup> *Ibid*, 52.

not the focus of this project. Rather, the current project makes a more sociological analysis of the pattern of themes that emerged on *SVU* and assumes less of a cultural studies perspective.

Some aspects of the show, like the debunking of rape myths, constant representation of the problematic nature of the rape culture, depiction of anti-rape feminist activism and the reaffirmation that victims are not responsible for their assaults can make *SVU* a feminist program. Other aspects like the perpetuation of rape myths and stereotypical notion that men have a harder time being feminists, which was characterized by the male detectives, the lack of information about the social causes of rape, criticism of rape advocates, and sometimes negative characterization of female victims do not fit the feminist agenda. Essentially, *SVU* represents a new variety of definitions of rape that are reflective of *white, privileged, heterosexual* and *young women's* experiences in the United States. Can *SVU* as part of the establishment help redefine rape to empower the less powerful? Only if you fit the description mentioned above. *SVU* representation of rape is partly progressive. Race, class, sexual orientation and gender identity are barely taken into account even though many social inequalities based on them characterize American life.

The representations of rape on *SVU* are reflective of dominant discourses of rape that benefit the powerful. Rape is defined as a problem of a certain type of social class and ignores the realities of those most oppressed in this country. However, if thinking of women's disadvantaged position in a patriarchal structure just by their gender, *SVU* does a good job at redefining their experiences in a way that may encourage social change. However, by dismissing the experiences of many other women and other victims of sexual violence and ignoring patterns of inequalities pervasive in the U.S, *SVU* continues to promote dominant ideologies that serve the interest of the powerful. These representations reveal the ideologies of the political and

economic elites and these definitions of rape and victims are naturalized and normalized in a problematic way. The partly progressive and somehow narrow representations of rape on *SVU* are an example of Freedman's argument that "contestations over the meaning of sexual violence will continue as long as social inequalities, particularly those based on gender and race, characterize American life."<sup>139</sup>

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<sup>139</sup> Freedman, 2.

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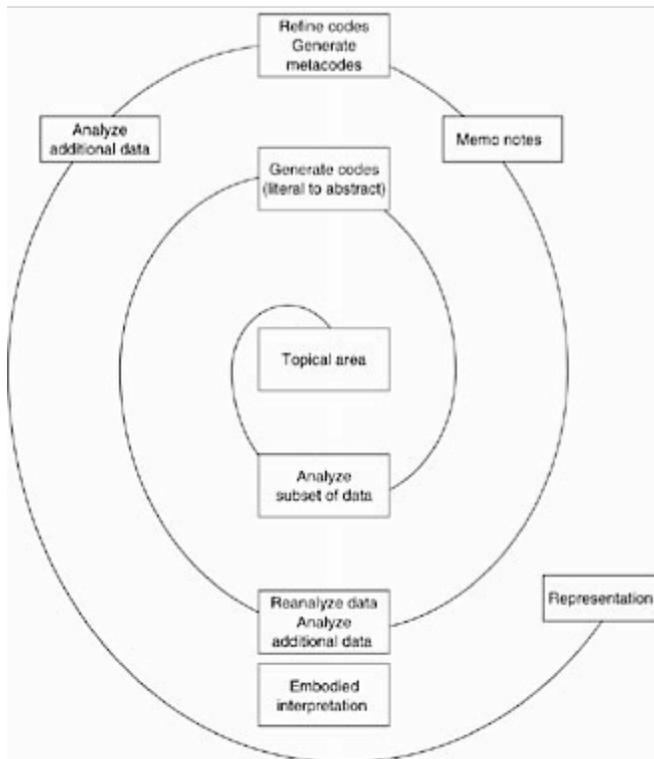
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## APPENDICES

A.



SOURCE: Leavy, P. (2007). The Feminist Practice of Content Analysis. In S. Hesse-Biber & P. Leavy (Eds.), *Feminist research practice a primer* (1st ed., pp.222-249). Thousand Oaks: SAGE Publications. <http://dx.doi.org/10.4135/9781412984270.n>

ORIGINAL SOURCE: From The Practice of Qualitative Interviewing, adapted from Neuendorf, K.

B.

Year	Episode Title	Episode Description (from IMDb and Wikipedia)
2013	Brief Interlude	A mother from Canada taking a personal trip to New York City is found battered and raped in a rowboat in Central Park.
	Legitimate Rape	A sports reporter who became pregnant after a rape goes through torture when she takes the accused rapist to court.
	Beautiful Frame	SVU clashes with the Suffolk County DA, who is prosecuting a recent rape victim for murder even though the story doesn't seem to add up and the accused rapist appears to be connected to the crime.
	Girl Dishonored	SVU discovers that a college may be covering up rape accusations against the members of a fraternity and shaming the victims into backing down.
	Wonderland Story	Munch's retirement party is interrupted by an accusation by a recent rape victim that she has been attacked for a second time.
2014	Comic Pervasion	SVU goes after a controversial comedian who makes crude jokes about rape after a college student accuses him of rape.
	Downloaded Child	When SVU investigates accusations that a young woman is being raped by her husband, they uncover even more disturbing patterns of abuse from her childhood.
	Pattern Seventeen	SVU is dealing with a serial rapist whose specific pattern connects him to several other rapes across the country, but connecting the dots becomes a jurisdictional and logistical nightmare.
	Pornstar's Requiem	Two college students are accused of raping a classmate who had appeared in a series of violent online pornographic videos.
	Producer's Backend	While investigating the erratic behavior of a former teen actress, SVU discovers that she may have been the victim of sexual abuse by her former producer.
	2015	Decaying Morality
Devastating Story		SVU investigates after a news story reveals that an unidentified Hudson University coed was gang raped by a four fraternity brothers. But once the accuser finally steps forward and tells her story, everything begins to unravel.
Maternal Instinct		Rollins is placed in a no-win situation when her sister becomes a key figure in a complex case involving a rape, a drugging, and a valuable stolen flute. Meanwhile, the son of deputy chief Dodds begins working at SVU.
Intimidation Game		A female video game developer is harassed and threatened by a group of misogynistic cyber terrorists.

C.



