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The agency factor: neoliberal configurations of risk in news discourse on the Steubenville, Ohio rape case

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ABSTRACT
This study addresses the need for more research on news media representations of sexual assault within Critical Discourse Analysis (CDA). It focuses on the discursive links between victim-blaming in mainstream news coverage, on the one hand, and a neoliberal ideology that backgrounds structural issues while implicitly emphasizing an ethic of ‘personal responsibility’ for risk-management, on the other. The existing research in feminist media studies points to the way that media misrepresent gendered crime by individualizing cases and focusing on victim behaviour rather than connecting sexual assault to systemic social issues based on power imbalance. Using coverage of the highly publicized 2013 Steubenville, Ohio rape as a case study, this article builds on existing research by performing a systematized, grammar-based analysis of transitivity and agency in news reports and demonstrating their often subtle connection with neoliberal notions of victimization and risk that align with the interests of perpetrators, especially when they are privileged social actors (in the Steubenville case and many other recent cases in the U.S., revenue-securing male athletes) while placing the onus on victims, whose agency is used to imply blame.

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Introduction

Although substantial work on media representations of sexual assault exists within the fields of communication and feminist media studies, more research is needed in Critical Discourse Analysis (CDA). This essay endeavours to take a step towards addressing this, using corporate news coverage of the high-profile Steubenville, Ohio rape as a case study from a larger corpus of material on media treatment of sexual assault. The Steubenville case marked the re-emergence of sexual assault as a major media topic in the United States, and existing analysis of media coverage of the case do not adequately examine the role of grammar and agency in constructing victim and perpetrator identities and accountability; nor do they identify and analyse the neoliberal bias that contributes to the often-noted pattern of victim-blaming and perpetrator adulation. The article begins by elucidating neoliberalism as a cultural ideology pervading discourse on a wide range of social issues, then examines the connections between neoliberalism and cultural attitudes toward gender-based violence. After summarizing the Steubenville case and its ongoing
significance for public discourse about rape, the article synthesizes some of the key findings of existing research in communication and feminist media studies before demonstrating the contribution that CDA can make to this area of study through a sustained micro-analysis of grammatical transitivity, ideological framing choices, and the naming and describing of social actors that result in the implication that rape victims are responsible for deflecting the risk of being raped, while perpetrators who are socially privileged and valued, such as the prominent student athletes convicted in the Steubenville case, are exculpated and even celebrated in press reports. While existing analyses of the Steubenville case (e.g. Moody-Ramirez, Lewis, & Murray, 2015; Pennington & Birthsel, 2016) have focused on content (the what of social representations), this study demonstrates how content is conveyed by focusing on linguistic nuances and connecting these to a larger neoliberal ideology of risk-management that serves the interests of dominant groups.

An underlying objective of the article is to problematize the prevalence of agency as a prized category in neoliberal discourses, which include many popular and academic feminist arguments that are inflected by neoliberal values. (See Hall, 2004; Mardorossian, 2014; Stringer, 2014 for an overview and critique of key neoliberal feminist texts.) According to neoliberal-feminist theorizations, the key to addressing perceived gender injustices is for women to cultivate agency rather than claiming victim status or seeking redress for structural inequalities. What these arguments tend to ignore is that female agency is often construed in hegemonic discourses as negative, misused, or dangerous and is thus mobilized as a tool of shame and blame, especially in the context of gendered crimes such as rape. This paper aims to demonstrate how this inculpating representation of agency manifests linguistically in covert yet crucial ways in news discourse on rape.

By bringing together feminist theory, media studies, and CDA, this article responds to Michelle Lazar’s (2007) call for an interdisciplinary ‘feminist critical discourse analysis,’ the aim of which is ‘to show up the complex, subtle, and sometimes not so subtle, ways in which frequently taken-for-granted gendered assumptions and hegemonic power relations are discursively produced, sustained, negotiated, and challenged’ (Lazar, 2007, p. 142). I argue that the discursive patterns in mainstream U.S. media reporting on sexual assault reflect such common-sense and hegemonic assumptions, especially the idea that victims are responsible for exerting a kind of negative or misused agency that causes their victimization. I also take up Lazar’s vision of a feminist CDA that ‘is not merely an academic de-construction of texts and talk for its own sake, but comes from an acknowledgement that the issues dealt with (in view of effecting social change) have material and phenomenological consequences’ (Lazar, 2007, p. 142). Indeed, the often-only-implied neoliberal attitude of (negative) victim agency examined in this article is materially consequential, since, as Stringer (2014) has observed, ‘the neoliberal turn in victim talk carries serious political consequences’ in that it ‘drains all legitimacy from the idea that suffering can be social, political, and collective’ (pp. 2–3). By dissecting the grammatical and semantic dimensions of this ideology in news discourse, I aim to draw attention to the ways that victim-blaming – palpably damaging to the lives of actual victims – gets constructed in dominant cultural sense-making resources such as news discourse.
Neoliberalism and representations of rape

Neoliberalism as an ideological system has been recognized as pervading contemporary social practices, including media discourse (see e.g. Chomsky, 1999; Giroux, 2014; Harvey, 2005; McChesney, 2008, 2015). Neoliberalism denotes the dominant, contemporary form of global capitalism based in market fundamentalism and the privileging of corporate rights over the public good. Beyond espousing so-called ‘free trade’ and the ‘upward redistribution of wealth’ (Duggan, 2003, p. 39), neoliberalism ‘has also penetrated to a more fundamental level. It is a prescription for ordering social relations …. and the lives of individuals’ (Ericson, Barry, & Doyle, 2000, p. 532). As such, neoliberalism calls for individualized configurations of risk in which ‘all differences, and the inequalities that result from them, are seen as a matter of choice’ (Ericson et al., 2000, p. 533).

A cornerstone of neoliberalism is a particular view of risk: an often barely-articulated, linguistic ideology-in-action about what kinds of hazards exist in the world, and who is responsible for avoiding those hazards or mitigating their effects. This neoliberal risk ideology is gendered, and media texts on rape reflect this on two main levels. First, within neoliberalism, risk-taking is a valued necessity for ideal social subjects, generally gendered male (Joseph, 2014). Risky behaviour by revenue-securing football players is thus more acceptable than risk-taking by a female peer they victimize, who, no matter how athletically or academically talented, cannot be seen as a font of profits or social value to the same extent as the men. Second, concomitant with the neoliberal slant in corporate media is a rhetoric of ‘choice’ in a society where women and men supposedly meet on a power-neutral playing field. Vavrus (2007) has identified ‘a fusion of neoliberalism with postfeminism’ in corporate media along with ‘the absence of discussion of structural issues’ where gender is concerned (p. 48. See also Dines, 2013). As Crittenden (2001) has asserted, the ‘big problem with the rhetoric of choice … is that it leaves out power. Those who benefit from the status quo always attribute inequalities to the choices of the underdog’ (p. 234).

In the context of sexual assault, the preference for choice over power as an explanation undergirds discursive patterns that suggest victim rather than assailant accountability, and a growing body of scholarship examines the intersection of neoliberalism with attitudes toward rape. Hall (2004) has argued that ‘In the 1980s and 1990s, the paternalistic myth of women’s vulnerability donned the neoliberal cloak of risk management,’ under which ‘responsibility for a wide range of social, health and environmental problems gets personalized …. Translated in the language of risk, these wide-ranging problems become like so many accidents that the individual should try to avoid’ (p. 1). Mardorossian (2014) has identified an ‘anti-victimist stance that has defined discussions of rape’ over the past several decades (p. 30), which correlates with ‘ennobling agency’ as the cornerstone of risk-management (p. 32). Mardorossian noted that analysis of rape ‘typically centres on the question of the agency of the victim. Agency and victimization are conceptualized in opposition to one another, and the presence of one automatically implies the absence of the other’ (2014, p. 32).

Although, as Mardorossian observes, ‘agency is valorised’ (p. 32) in discourses that aim to delegitimize victim-claims, agency is just as easily used to inculpate victims, implicitly becoming a marker of blame rather than valour. Stringer (2014) has analysed the ‘movement away from the language of victimhood’ coinciding with neoliberalism’s rise and its
usurpation by “agency” as the trope of legitimacy and preferred analytical choice’ (p. 2). Stringer then goes a step further by recognizing that ‘not all images of women as agents are progressive and liberating,’ since they can ‘construct women as the blame-worthy agents of their own victimization, reducing “agency” to the ability to be blamed for suffering a wrong’ (2014, p. 59). I build on Stringer’s analysis of this blame-attributing construction of agency by examining specifically linguistic manifestations of agency (i.e. transitivity, as elaborated in the Methodology section below) in news accounts of rape.

In the Analysis sections of this article, two key terms will be used to invoke the ideological underpinnings of (grammatical) agency as victim-blame: neoliberal victim theory and negative agency. Neoliberal victim theory is a term I borrow from Stringer (2014), who has used it to denote ‘the rhetoric and motifs of conservative anti-victimism’ (p. 6). Stringer elaborates:

In neoliberal victim theory, the rather uncompassionate conception of victimization as self-made … evacuates sociological explanation of social suffering, directly subverting progressive political efforts to make victimization through poverty, inequality, discrimination, and violence visible as collective and socio-economically embedded in an array of intersecting engines of social hierarchy and difference. (Stringer, 2014, pp. 9–10)

The examination of neoliberal victim theory is thus highly relevant to the concerns of a feminist CDA. The second term, negative (victim) agency, I use to denote the corollary of neoliberal victim theory in discourse, i.e. the assigning of agency to (in this case, rape) victims as a rhetorical means not of empowerment but rather of blame. This shows up as grammatical agency when analysed below as an issue of transitivity.

**Existing studies on media treatment of rape**

There is significant literature critiquing news media treatment of rape and other forms of violence against women (Ardovini-Booker & Caringella-Macdonald, 2002; Benedict, 1992; Carll, 2003; Carter, 1998; Clark, 1992; Cuklanz, 1996; Gill, 2007; Meyers, 1997; Worthington, 2013; Wykes, 2001; Wykes & Welsh, 2009). An important focus of existing research is examining how media representations tend to reproduce rape myths. These myths include the belief that victims provoke rape through risky behaviour, that males are ‘naturally’ predisposed to rape, and that rape is an inevitable feature of social life (Benedict, 1992; Gill, 2007). Benedict (1992) found that news outlets, under pressure to produce sellable news quickly, resorted to clichés about rape, using language in keeping with erroneous public assumptions. The press was likely to blame victims, especially if they were young, knew their assailants, or were deviating at the time of the attack from the traditional female role of being home with family or children (Benedict, 1992, p. 19). Among the rape myths that Benedict identified is the notion that ‘perpetrators are lustful men driven beyond endurance,’ which garners public sympathy for them, especially if they are popular, wealthy, or athletic (Benedict, 1992, p. 13. See also Meyers, 1997; Wykes, 2001). Cuklanz (1996) noted that media deemphasized ‘the feminist alternative to mainstream ideas about rape,’ and that the focus on dramatic and personalized issues made it so ‘individuals rather than systems of law, gender, class or race become responsible for the crimes’ (p. 50). Ardovini-Booker and Caringella-Macdonald (2002) concluded that rape coverage in popular magazines tended to ‘reify sexist attitudes that condemn women for rape victimization’ (p. 30), while Carll (2003) argued that by ‘presenting
stories of violence as separate isolated events,’ newspapers generated a ‘mirage of individual pathology’ that ‘denies the social roots of violence against women and absolves the larger society of any obligation to end it’ (p. 1603).

In the field of CDA, a few excellent studies exist, but more (and updated) research is needed on representations of rape, especially in news media. Compelling studies have applied CDA to rape trial judgments and proceedings (Coates & Wade, 2004; Ehrlich, 2001); interviews with survivors (Wood & Rennie, 1994); and conversational responses of students to constructed rape vignettes (Anderson & Doherty, 2008). Clark (1992) has compellingly examined the backgrounding of perpetrator agency in the British tabloid newspaper, The Sun. While not employing CDA specifically, Henley, Miller, and Beazley (1995) have performed a grammar-based study, concluding that when mock news texts used the passive voice in reporting rape, readers of both sexes were more likely to express attitudes accepting of rape myths, and males attributed less harm to victims and less responsibility to assailants (pp. 79–80). The present study builds on this work by analysing more recent discourse in a U.S., ’hard news’-media context, while also explicitly connecting the examined discourse’s ideology to neoliberalism. In addition, by focusing on the grammatical bases for the misrepresentation of rape in media, I seek to demonstrate that the deployment of rape myths, while sometimes overt enough to be discerned through a more general approach, is often veiled in seemingly innocuous language requiring a linguistically empirical methodology to deconstruct.

Existing studies of the Steubenville case

Because the analysis presented forthwith pertains to the Steubenville rape case, I present here a brief summary of it. In Steubenville, Ohio on the night of 11–12 August 2012, Trent Mays and Malik Richmond (both 16 at the time) raped a 16-year-old female high-school student at a series of parties while she was unconscious, with peers taking photos and joking about the assault on social media. Alexandria Goddard, a local blogger and Web analyst, facilitated prosecution by retrieving cyber-evidence before the perpetrators deleted it. Shortly after, hacker-activists affiliated with the group Anonymous publicized a video of one of the assailants’ friends bragging in a jocular tone about the assault for close to fifteen minutes (Leaked Steubenville Big Red Rape Video, 2013). Mays and Richmond were found delinquent (the equivalent of guilty in juvenile court) on 17 March 2013 and sentenced to one and two years, respectively, in juvenile detention. Richmond was released in January 2014, and Mays, in January 2015.

The Steubenville case became a major media story, generating profuse coverage in both mainstream media and online blog sites and galvanizing public discussion of sexual assault in the U.S. It is therefore important to examine the media’s handling of the case and to address gaps in existing analyses. Moody-Ramirez et al. (2015) have contrasted framing of the Steubenville case in blogs as opposed to mainstream media. Their content analysis concluded that newspapers emphasized the role of social media in documenting the rape and trial, while blog posts ‘offered a platform for discussing issues that were omitted in mainstream media such as women’s rights, rape myths and the need for rape awareness/prevention programs for parents and youth’ (p. 1). While this is a significant finding, the analysis does little to further understanding of the nuances of discursive representations and does not locate the corporate media framing within a wider
neoliberal value system. Pennington and Birthisel (2016) have effectively demonstrated that the topic of social media dominated mainstream news coverage of the Steubenville case. Their analysis nonetheless does not cover how social media’s role in the case and the victim herself, rather than the assailants, were given grammatical and conceptual agency in the news texts, and it could be objected that they verge toward reproducing the news media’s oversight by themselves making social media the main issue in the Steubenville case, rather than sexual assault as a social problem.

I aim to go beyond the content-based insights generated by these studies by applying CDA to Steubenville news coverage. As Richardson (2007) has outlined, CDA of journalism ‘doesn’t just cover the “what” of the messages communicated by newspapers … it also covers the “how” of newspaper communication,’ including ‘how newspaper texts may be implicated in the production and reproduction of social inequalities’ (p. 9). This is what I propose to do by connecting discursive patterns to a pervasive ideological system such as neoliberalism.

Methodology and analytical categories

Examining a purposeful selection of news texts, this study employs ‘textually oriented discourse analysis’ that focuses on detailed analysis of small selections of carefully chosen texts rather than examining large corpora of material on a more general, quantitative level (see Fairclough, 2003, p. 2). In focusing on hegemonic (mass-circulated, corporate) media discourses, the present analysis gives ‘more attention to “top-down” relations of dominance than to “bottom-up” relations of resistance’ (Van Dijk, 1993, p. 250), concentrating on elite media like The New York Times and other high-circulation U.S. news sources.

The study employs the following categories in analysing texts: (1) framing and focalization, i.e. the point of view represented or implied; (2) transitivity, or how verb forms foreground or suppress agency; and (3) nomination and predication, or how participants are named and described. The analysis that follows will show how, in key coverage of the Steubenville case, stories were presented episodically rather than in terms of rape as a systemic problem, and framed from the point of view of the perpetrators and those aligned with their interests. It will also show how texts backgrounded perpetrator accountability via passive verb constructions and named and described perpetrators sympathetically, e.g. as ‘star football players’ and ‘good students,’ while Jane Doe was given grammatical agency in a manner suggesting attributions of blame, and was less sympathetically referenced (e.g. ‘a drunk teenage girl,’ or simply ‘the girl’). Below is a brief review of the theoretical literature that informs each of the three categories.

Framing and focalization

There is extensive literature on news framing, i.e. how news stories selectively present particular elements of a reported event as most salient while neglecting other, equally viable perspectives (Entman, 1993; Fairclough, 2003; Gamson, 1989; Iyengar, 1991; Kuypers, 2010; Mills, 1995; Patterson, 2013; Price, Tewksbury, & Powers, 1997; Tiegreen & Newman, 2008). Among the most significant for the purposes of this study is Iyengar’s (1991) distinction between ‘episodic’ (dramatic, individual) and ‘thematic’ (contextualized, systemic) framing, and his finding that the effect of episodic framing – predominant in commercial
media – was ‘to induce attributions of responsibility to individual victims or perpetrators rather than to broad societal forces,’ so that ‘the ultimate political impact … is proestablishment’ (pp. 15–16). To examine framing from a feminist perspective, Mills (1995) has employed the concept of ‘focalization,’ adopted from narratology and concerned with how highlighting the voices of particular characters ‘slants the emotive and ideological content of a text’ (Mills, 1995, p. 185). Focalization shapes what Mills (drawing on Althusser, 1984) calls the ‘dominant reading,’ i.e. the kind of audience-subject a text conjures and constructs. In Mills’ view, ‘the reader in a wide range of texts is positioned as predominantly male’ (p. 67. See also Gill, 2007, p. 115). I amend this by arguing not that the reader is positioned as male, per se, but is nonetheless invited to see events through the eyes of the male suspects/perpetrators.

**Transitivity**

This refers to how verbs and their subjects and objects highlight or obscure agency. My use of transitivity is informed by work in CDA (e.g. Fowler, 1991; Richardson, 2007; Van Leeuwen, 2008), rhetorical stylistics (Fahnestock, 2012; Williams & Colomb, 2010), and critical linguistics (Halliday, 1985, 1971). Following M.A.K. Halliday, Fowler (1991) contended that ‘transitivity is the foundation of representation’ because it ‘has the facility to analyse the same event in different ways, a facility … of great interest in newspaper analysis’ (p. 71). In the broadest manifestation of transitivity, according to Theo Van Leeuwen (2008), ‘Activation occurs when social actors are represented as active, dynamic forces … passivation when they are represented as “undergoing” that activity, or as being “at the receiving end of it”’ (p. 33). Van Leeuwen also distinguished between ‘suppression’ and ‘backgroundering’: ‘In the case of suppression, there is no reference to the social actor(s) in question … In the case of backgroundering … the excluded social actors … are mentioned elsewhere in the text,’ but not as grammatical subjects of the relevant clause (2008, p. 29). The ‘classic realization’ of suppression is ‘passive agent deletion,’ which drops the doer completely (Van Leeuwen, 2008, p. 29).

In compositional stylistics, Williams and Colomb (2010) have argued that the ‘choice of subjects and verbs … implies a philosophy of human action’ and ‘has ethical implications’ (p. 193). They recognized that the passive voice has legitimate uses, for instance, when the doer of an action is unknown or irrelevant; when the writer has good reason not to want readers to know who did the action; or to facilitate comprehensible transitions between sentences (pp. 54–56). Yet in many cases, the passive gratuitously obscures agency: ‘Once upon a time, as a walk through the woods was taking place on the part of Little Red Riding Hood, the Wolf’s jump out from behind a tree occurred, causing her fright’ (Williams & Colomb, 2010, p. 29). In texts such as the fairy tale from which Williams and Colomb adapted this example, the passivation stands out as absurd due to the familiarity of the story (as the authors intended); when the press tells stories about real violence, however, such obfuscating transitivity bears more serious implications. Fahnestock (2012) has also examined verbs and accountability, asserting that there are ‘occasions where use of the passive is obfuscating or deceptive’ because it ‘allows an action to be described without attributing it to any source’ (p. 160). Fahnestock allowed that ‘rhetors can construct energetic sentences with the passive: Janet was chased down the alley and thrown to the ground’ (p. 160). Interestingly, as in much of the news discourse on
the Steubenville rape case analysed presently, the assailant in this example was suppressed.

**Nomination and predication**

Both of these involve representations of social actors, with nomination denoting how they are named, and predication, how described. According to Richardson (2007), ‘Journalists have to provide names for the people in the events they report,’ and they often foreground one category for a social actor ‘over other equally accurate alternatives’ (p. 49). In cases where rape suspects or convicts occupy valued social roles such as ‘football players,’ they are frequently nominated as such. This may have significant effects: when participants in news reports are referenced with generic nouns (students, player), it can ‘generalize the piece and so attract readers from across the country; these generic human agents could be students in the reader’s own school or family’ (Fahnestock, 2012, p. 167). Often coupled with nomination is what Reisigl and Wodak (2001, p. 54) have called predication strategies, or the choice of words (often adjectives) to represent more directly the characteristics of social actors. The phrases ‘star football player’ and ‘good student’ combine predication with nomination; so does ‘drunk girl,’ although with different judgements implicated.

**Text selection**

This article’s analysis is based on a general monitoring of U.S. news media coverage of the Steubenville case between December, 2012 (when the first national coverage appeared) and March 2013 (when the trial took place). Texts were selected by searching for ‘Steubenville rape’ within the online databases of five high-circulation U.S. newspapers: The New York Times, USA Today, The Chicago Tribune, The Los Angeles Times, and the Washington Post. Text selection also included general Web searches during the indicated time period, selecting stories that appeared due to the number of hits they had received in the Google search engine. The Google results yielded some articles already retrieved from the indicated newspapers directly (especially The New York Times), and stories from online news outlets such as CNN, ABC News online and Yahoo News. The rationale for this method of selection is to focus on very widely-read news texts from which the public was most likely to learn about the case. In total, 32 news texts were examined. A representative sample of these (8 news texts) are quoted from directly in the analysis below. The patterns identified in the analysis were observable in virtually all of the examined texts (Notable exceptions are examined in the analysis; otherwise, the framing, transitivity, and predication choices illustrated in the main discussion predominated.).

The analysis begins with and focuses substantially on a long-form New York Times article published 16 December 2012 in the Sports section with the headline ‘Rape Case Unfolds on Web and Splits City.’ Close attention is given to this article because it was the first major report on the case in a national outlet and it set the agenda for subsequent reporting, so that its discursive patterns were reiterated and are therefore representative of those examined overall. This is consistent with the observations of a number of journalism scholars (e.g. Benedict, 1992; Patterson, 2013) on ‘herd’ journalism, or the tendency for news writers to follow story lines and semantic formulae established by previous reportage.
The New York Times in particular is recognized as an agenda-setting paper, even across new genres (from print to television news, for instance; see Golan, 2006). This was especially true regarding the 16 December 2012 article on the Steubenville rape case. Pennington and BIRTHISEL (2016) have reported that the article ‘went viral through social media,’ and that it would be the Times that created the first master frames for reporting on Steubenville, reflecting what has become known as ‘The New York Times effect,’ which suggests that due to its prominence, the Times sets the news agenda for other media outlets on subsequent days of reporting. (p. 3)

After setting a foundation through examination of the 16 December Times article, the reproduction of its discursive patterns will be demonstrated by briefly analysing representative examples of subsequent reporting.

Analysis

‘A night takes a grim turn’: how The New York Times first reported the Steubenville case

The widely influential New York Times article of 16 December 2012, titled ‘Rape Case Unfolds on Web and Splits City,’ appeared in the paper’s Sports section; hence its very rhetorical context frames rape as an occurrence that disrupts the football season. The article devoted considerable space to the history of Steubenville, Ohio, the distinction of its high-school football team, the intoxication of the victim, and the intervention (presented as unwelcome) of a female blogger whose recovery of social-media evidence proved crucial to prosecuting the case. The piece began with an upbeat narrative about the high-school party at which the assailants encountered the victim on the night of the rape:

HOURS AFTER SUNSET, the cars pulled up, one after another, bringing dozens of teenagers from several nearby high schools […] For the lucky ones on the Steubenville High School football team, it would be the start of another season of possible glory as stars in this football-crazy county.

Some in the crowd, which would grow to close to 50 people, arrived with beer. Those who did not were met by cases of it and a makeshift bar of vodka, rum and whiskey, all for the taking, no identification needed. In a matter of no time, many of the partygoers – many of them were high school athletes – were imbibing from red plastic cups inside the home of a volunteer football coach at Steubenville High at what would be the first of several parties that night.

‘Huge party!!! Banger!!!!’ Trent Mays, a sophomore quarterback on Steubenville’s team, posted on Twitter, referring to one of the bashes that evening. (Macur & Schweber, 2012, para. 1–5)

This narration solidified an episodic frame and sympathetic portrayal of the suspected rapists via exuberance about alcohol and athletic recognition voiced the football players’ perspective. The quote from Mays then made him an individual focalizer. Also noteworthy were the nominations for the accused and their cohort: ‘partygoers,’ ‘high school athletes,’ and ‘sophomore quarterback,’ signalling positive appraisal and valued identities.

Once the article began alluding to rape, it employed substantial passivation of the assailants. I have placed grammatical subjects (of both independent and dependent clauses) in bold, and verb phrases in italics:
By sunrise, though, some people in and around Steubenville had gotten word that the night of fun on Aug. 11 might have taken a grim turn, and that members of the Steubenville High football team might have been involved. Twitter posts, videos and photographs circulated by some who attended the nightlong set of parties suggested that an unconscious girl had been sexually assaulted over several hours while others watched. She may have even been urinated on. (Macur & Schweber, 2012, para. 6)

These sentences form a pattern: a vague or depersonalized subject (‘people,’ ‘the night,’ ‘members,’ ‘Twitter posts’), a passive verb phrase, often with hedging (e.g. ‘might’), including a participle or object that encodes action (had gotten word, might have taken, might have been involved). The rape itself is not referenced until the dependent clause, ‘… an unconscious girl had been sexually assaulted ….’ This and the final sentence – ‘She may have even been urinated on’ – followed the same pattern as the preceding ones. The text backgrounded the suspected assailants, who were the subjects of only one clause with the group nomination ‘members.’

The other grammatical subjects – inanimate phenomena (the night) and objects (photographs) – suggested a world where events happen independently of human agency. This is an instance of what Van Leeuwen (2008) identified as ‘exclusion of the agentive participant,’ whereby human action is encrypted in depersonalized phenomena and ‘given the force of an unavoidable natural event’ (p. 30. See also Halliday, 1971). That rape is a force of nature is a common-sense discursive assumption, as Anderson and Doherty (2008) have demonstrated by detailing a ‘realist or materialist’ risk-hazard model, in which ‘the underlying ontology of a hazard is real’ and intransigent (p. 68). Within this model, a perpetrator ‘gets configured as a material hazard to be avoided by the person constructed as “at risk,” rather than as a responsible agent in his own right, which deflects responsibility away from the perpetrator toward the alleged victim’ (Anderson & Doherty, 2008, p. 68). Also relevant is Clark’s (1992) finding that in The Sun, particular linguistic features (e.g. passive agent deletion and use of the word ‘tragedy’ to describe a rape) implied that ‘the attacks were an unavoidable misfortune, something which no one – and certainly not [the perpetrator] – was responsible for’ (p. 217). Similarly, Ehrlich (2001) noted that in legal discourse,

quite different depictions of men’s and women’s involvement in rape emerge … as a result of the different syntactic encodings of the event – from representations where a man performs a purposeful act of sexual aggression … to those that transform the action into a static occurrence with no overt cause. (p. 39)

These configurations correlate with Castel’s (1991) assessment of neoliberal risk ideology more broadly:

A risk does not arise from the presence of particular precise danger embodied in a concrete individual or group. It is the effect of a combination of abstract factors which render more or less probable the occurrence of undesirable modes of behavior. (p. 287)

This is congruent with the grammar in the New York Times’ coverage of the Steubenville rape case: inanimate factors rather than flesh-and-blood human actors combine to result in rape.

This grammar of factors rather than actors contrasted with the Times article’s depiction of independent blogger Alexandria Goddard’s recovery of cyber-evidence. Working outside official contexts such as law enforcement or mainstream media, Goddard was
marginalized in terms of rhetorical access and social class (she is working-class and self-educated), as well as by gender and by her support of the Steubenville victim. Goddard played essentially a witness-role in the case: although she was not present at the crime scenes and did not testify at trial, her recovery of cyber-evidence made her a kind of digital or proxy witness. Unlike the football players (and like the victim later in the article), Goddard was assigned grammatical agency that encoded negative attributions:

Within days of the possible sexual assault, an online personality who often blogs about crime zeroed in on those public comments and photographs [posted on social media by the assailants] and injected herself into the story, complicating it and igniting ire in the community. (Macur & Schweber, 2012, para. 11)

The text rendered Goddard’s actions with the verbs ‘zeroed in’ and ‘injected herself’ (a reflexive yet active representation), as well as the gerunds ‘complicating’ and ‘igniting.’ This negative agency foreshadowed that applied to the victim later in the piece, and Goddard, by virtue of her association with the victim’s interests, is implicated in the neo-liberal victim ideology that pervaded the article (See Ehrlich [2001, p. 94 and passim] for discussion of the similar linguistic-ideological characterizations of victims and witnesses.) While the nomination of Goddard as ‘an online personality’ was plausibly value-neutral, the verbs conjured a negative appraisal. This was significant not only because the evidence Goddard obtained was crucial to the prosecution, but also because she was one of the few individuals the article quoted as denouncing the rape – while being evaluated as an antagonistic outsider vis-à-vis ‘the community.’

More prolifically cited were commentators aligned with the suspects’ interests, such as coaches and defence attorneys, whose remarks assigned negative agency and risk-taking to the victim. It would be difficult to argue that statements such as the one below – attributed to ‘Nate Hubbard, a Big Red [i.e. Steubenville High School] volunteer coach’ – have a place in serious media discourse:

As he stood in the shadow of Harding Stadium, where he once dazzled the crowd with his runs, Hubbard gave voice to some of the popular, if harsh, suspicions. ‘The rape was just an excuse, I think,’ said the 27-year-old Hubbard, who is No. 2 on the Big Red’s career rushing list. ‘What else are you going to tell your parents when you come home drunk like that and after a night like that? She had to make up something. Now people are trying to blow up our football program because of it.’ (Macur & Schweber, 2012, para. 68–70)

Not only were Hubbard’s opinions misguided, but they were also irrelevant as he possessed no forensically meaningful knowledge of the crime; yet he was quoted at length and afforded positive attributions: ‘volunteer coach’; ‘he once dazzled the crowd’; ‘on the Big Red’s career rushing list.’ His claim that the victim ‘had to make something up’ is erroneous on its face, since by the time the article went to press, law enforcement had established that she only discovered she had been raped after viewing evidence on social media.

Hubbard’s cited remarks also reinforced two of the dominant frames for the story, which I will call ‘football interrupted’ and ‘split town,’ the latter exemplifying the general ‘conflict’ frame common in news discourse (see Price et al., 1997). A recurrent motif in the Times article was people ‘taking sides,’ set up in the headline’s claim that the case ‘split’ the city. The New York Times had deployed this frame in the widely-criticized ‘Vicious Assault Shakes Texas Town,’ an article published just the previous year (8 March
2011), about a similar crime. Durham (2013) has analysed online protest of the 2011 article, discerning: ‘Responses to the story were swift and damning: bloggers and commentators quickly identified the patriarchal and victim-blaming aspects of The Times’ coverage, resulting in an influential petition and an apology from The Times’ (p. 1). Despite this controversy, the article on the Steubenville rape reproduced the framing of sexual violence as a matter of warring small-town factions. In a guise of objectivity and the newsroom value of getting ‘both sides’ of a story, these representations point to the specious worth of journalists appearing to report multiple viewpoints when the constructed ‘controversy’ is a manifestation of personal prejudices and impressionistic responses, whereby a societal problem is framed as a matter of team-like rivalry over personal beliefs, ultimately grounded in neoliberal notions of risk that ignore structural gender inequality as a cause of rape.

It might be objected at this point that journalists are not social scientists and it is outside of their purview to analyse reported content from a sociological or otherwise systematized perspective. While this is valid, in this case and in a broader context of gendered crime, thematic frames that would not require analysis, but only a narrativized ‘connecting the dots’ to similar crimes, are generally available. Regarding the New York Times article, published at the end of 2012, some other major U.S. rape cases that had been adjudicated that year included the following. Twenty men were sentenced in November 2012 for the gang rape of an eleven-year-old in Cleveland, Texas (the topic of the controversial 2011 Times article mentioned above). The instigator of the gang rape of a sixteen-year-old in Richmond, California was sentenced in October 2012. Four men were sentenced in April 2012 for the gang rape of a fifteen-year-old near New Orleans. Six men were still at large after raping a fourteen-year-old in mid-2012 in Chicago. A developmentally disabled woman was raped on a Los Angeles bus in November 2012. And most potentially relevant was the suicide on 12 September 2012 of Audrie Pott, a 15-year-old in Saratoga, California who, like the Steubenville victim, had been sexually assaulted at a party and publicly shamed and bullied when the perpetrators posted pictures of the assault online. (See Mar-dorossian, 2014, p. 11 for a compilation of these and other contemporaneous cases).1

None of these cases were mentioned in the Times’ Steubenville article, despite the chronological proximity, similarities in the crimes, and the long-form of the piece, which would have allowed for contextualizing references. This rejection of thematic framing in favour of episodic (Iyengar, 1991) is consistent with the findings of much previous research on media representations of crime. Benedict (1992) found that popular media has a disincentive to place crime in social context. As a journalist who covered the infamous 1989–1990 ‘Central Park Jogger’ rape case conceded in an interview with Benedict, ‘there’s a tendency in papers to be shocked and horrified again and again. The whole thing is to say a case is unusual because if it wasn’t unusual, it wouldn’t be news.’ Benedict summarized: ‘In short, editors did not want to hear that the case was only one of many gang rapes – they wanted it to be a first’ (Benedict, 1992, p. 247). This has also been discerned in factual television programming on violent crime; Machin and Mayr (2013) concluded via a critical discourse analysis of such shows in the U.K. that media neglect ‘structural issues’ that foster crime, opting instead to ‘personalize’ crime by focusing on individual pathology rather than issues such as poverty (p. 357). This is consistent with neoliberal risk theory in that responsibility is placed on individuals rather than networks of power and domination.
In reporting on the Steubenville rape case, this manifested as an individualized ideology of risk, often expressed subtly but sometimes overtly enough to make negative agency and neoliberal victim theory visible. This can be seen in the Times article’s citation of Trent Mays’ attorney, who reportedly said that online photographs and posts could ultimately be ‘a gift’ for his client’s case because the girl, before that night in August, had posted provocative comments and photographs on her Twitter page over time. He added that those online posts demonstrated that she was sexually active and showed that she was ‘clearly engaged in at-risk behaviour’. (Macur & Schweber, 2012, para. 124)

Madison’s justification or denial of the assault expressed several rape myths: that victims provoke attacks, even via distantly previous behaviour; that ‘sexually active’ females cannot be raped; and most vividly, that victims’ ‘at risk’ behaviour precipitates assault. This is a strong example of negative victim agency: she was said to be ‘active’ and ‘clearly engaged in at-risk behaviour,’ providing a perfect example of what Stringer (2014) has called ‘a fundamentally conservative conception of victimhood as … brought on by an individual’s lack of personal responsibility, rather than a circumstance occasioned by wider social forces and the workings of power’ (pp. 2–3). Meanwhile, the assailants’ drinking went unremarked as they were lauded as ‘two standout Steubenville football players’ (para. 9); ‘two players who stood out from the rest’ (para. 34); ‘quarterback’ (refers to Mays, para. 5 and 35); ‘a quick and tall wide receiver … star of the Big Red basketball and track teams’ (refers to Richmond, para. 35); and ‘two of the team’s stars’ (para. 107). It was also revealed that ‘The two athletes gave hope to fans’ (para. 36), and ‘Mays and Richmond helped Big Red prevail’ (para. 37) the day of the attack.

Religious idols and a ‘falling-down-drunk’ girl: subsequent reporting on the case

The New York Times’ December 2012 report was typical of the frames, transitivity, and nomination and prediction strategies in media stories on the Steubenville case, so that neoliberal victim theory, bolstered by depictions of negative agency on the part of the victim, predominated. There were occasional exceptions, and in fact, The New York Times also provided some of the better-quality coverage during the trial phase. For instance, Oppel (2013) reported the guilty verdict with the headline ‘Ohio Teenagers Guilty in Rape that Social Media Brought to Light.’ This was a rare instance of nominating the perpetrators with the value-neutral ‘teenagers’ rather than their football roles (although they were called ‘high school football stars’ in the lead). Oppel’s headline and article were also unusually precise in articulating the relevance of the ‘social media’ frame by highlighting the forensic use of the assailants’ messages and posts to re-create ‘something like a real-time accounting of the assault’ (para. 13), rather than focusing on the cyber opinion-wars emphasized elsewhere. Oppel also specified the importance of the victim’s intoxication: ‘she was so drunk that she lacked the cognitive ability to give her consent’ (para. 8), and referenced it well into the article rather than foregrounding it in a sensational headline or lead.

Despite such exceptions, the coverage remained dominated by episodic framing and a view of risk-taking consistent with neoliberal victim theory. What follows a handful of representative examples:
The allegations are inarguably revolting: A falling-down-drunk 16-year-old girl is molested and sexually assaulted by two fellow high school students [...]. On Wednesday, two high school boys will stand trial on charges of raping the girl in August, but more is at stake than the futures of the defendants. Steubenville, once famous for steel, Dean Martin and football trophies, is also on trial, and it is fighting to clear itself [...] Fallout from the case has prompted Steubenville, population 19,000, to hire a Washington-based crisis manager to guide it through the tumult. (Susman, 2013, para. 1–4 [The Los Angeles Times])

Although the suspects are referenced neutrally as ‘two high-school boys’ and the allegations (not the crime itself) called ‘revolting,’ the subsequent content capitalized on three of the dominant frames established in the Times article months earlier (drunken girl, beleaguered town, and social media frenzy). Characteristically, it framed a sexual assault as an affront to a city now requiring a ‘crisis manager’; the city was also foregrounded through trivia about its size and native sons. The ‘futures of the defendants’ and the town’s integrity were ‘at stake,’ with the assailants’ roles backgrounded: ‘A falling-down-drunk 16-year-old girls molested and sexually assaulted by two fellow high school students,’ with the unflatteringly predicated ‘girl’ as subject. More of these kinds of characterizations were seen in a range of texts:

[There is a] trial set to begin Wednesday of two Steubenville High football players, each charged with the August 2012 rape of a passed-out West Virginia girl. (Wetzel, 2013, para. 2 [Yahoo News, ‘Steubenville Rape Trial Divides Ohio Town’])

Two members of Steubenville’s celebrated high school football team were found guilty Sunday of raping a drunken 16-year-old girl. (Welsh-Huggins, 2013, para. 1 [Associated Press])

Two high school football players were convicted Sunday of raping a drunken 16-year-old girl at an all-night party. (Cauchon, Cummings, & Bacon, 2013, para. 1 [USA Today])

Especially prominent during the trial phase was an ABC News online article, ‘The Steubenville Rape Case: The Story You Haven’t Heard’, highly visible because it functioned as a teaser for a sensationalized episode on the case with the current-affairs programme 20/20. The article revealed the following (subjects are bolded and verbs italicized where transitivity is significant):

The nation’s eyes will be focused this week on what happens inside a tiny Steubenville, Ohio, courthouse. The juvenile trial set to begin there is every parent’s nightmare and a cautionary tale for teenagers living in today’s digital world. (Lombardi, Soloway, & Dooley, 2013, para. 1)

Steubenville is a place where football is more than just a past time [sic]; it’s a religion. And residents here worship on Friday nights. (para. 3)

Just as the season was gearing up late last summer, two Big Red football players were accused of participating in the rape of a 16-year-old intoxicated girl [...] The social media frenzy took on a life of its own, with reports going as far as calling the incident a ‘gang-rape’. (para. 5)

The uproar surrounding the case soon split the town into two furious camps. (para. 8)

The rape was situated vis-à-vis the football season, with the perpetrators passivated (‘were accused’), emphasizing accusing rather than assaulting. Like the ‘twitter posts, videos and photographs’ of the Times article, the ‘social media frenzy’ in the ABC piece ‘took on a life of its own.’ The authors implied that the frenzy exaggerated in ‘calling the incident a “gang-rape”: yet substantial evidence supported this categorization of the crime.
The nomination and predication used by *ABC News* were consistent with previous reportage, assigning socially valued roles to perpetrators and fault to the victim:

Trent Mays was a quarterback and honors student (para. 10). That night [of the rape] Trent and Ma’lik helped propel Big Red to victory (para. 13). The intoxicated girl, who would soon be at the centre of a rape investigation, made it clear she wanted to leave with Trent. (para. 17)

The girl was agentive: ‘intoxicated,’ she *made it clear* that she *wanted* to leave ‘with Trent, and it was she who ‘would soon be at the centre of a rape investigation,’ perhaps unwittingly recognizing that, as in most non-stranger rape cases, the victim was on trial. This is attributable at least in part to the often tacit pervasiveness of neoliberal victim theory as a dominant cultural sense-making resource.2

**Conclusion**

This essay has identified neoliberal victim theory as an ideological underpinning of news coverage of the Steubenville rape, and has elucidated the prevalence of negative agency as a grammatical expression of victim-blaming. The analysis found that the following discursive patterns undergirded a neoliberal depiction of risk: episodic framing; focalization from the perpetrators’ perspective; positive, passivated perpetrator characterizations; and negative, agentic victim characterizations. I have updated previous research on rape in news media by applying CDA to a case that played a role in igniting renewed public interest in the issue of rape in the U.S. Although not identifying these patterns with neoliberalism, Ehrlich (2001) analysed a ‘grammar of non-agency’ (p. 38) in a defendant’s construction of events in rape prosecution proceedings; in the media coverage I have examined, the journalists did this discursive work for the defendants. Ehrlich also found that cross-examining questioners constructed an ideological frame that ‘characterized the complainants and their witnesses as autonomous, self-determining subjects, unconstrained by the socially-structured inequalities that can shape women’s responses to male sexual aggression’ (p. 94). Adding to this earlier work, I have mapped the discursive connections between agency, risk, and verb transitivity and other language patterns to ascertain an often-implicit neoliberal slant discernible through grammatical and rhetorical nuances. In so doing, I have aimed to contribute to an explicitly feminist CDA, which, as Lazar (2007) has pointed out, ‘is all the more pertinent in present times, when issues of gender, power, and ideology have become increasingly more complex and subtle’ (p. 141). The foregoing analysis has attempted to move toward rendering such complexity and subtlety visible and synthesizable in the context of rape discourse.

The dominant media narrative on the Steubenville rape was framed vis-à-vis football, small-town infighting, and, once the suspects’ guilt was clear, as a ‘cautionary tale’ about young people’s (in this case, the rapists’) revelations on social media. The *New York Times* began this trend, publishing the story-breaking article in its Sports section and assigning a sports journalist (Juliet Macur) and travel writer (Nate Schieber) to it. In terms of outcomes for journalistic ethics, it seems advisable that news accounts of rape be rhetorically situated as hard news and that journalists with experience on the issue of sexual assault be employed. In addition, journalists might cite experts rather than rely on football coaches, attorneys, and partisan locals as main sources. The citing of experts would also be conducive to framing stories thematically rather than episodically;
the latter predominated in the Steubenville case coverage, so that the rape was presented as atypical rather than as one of many such offenses committed regularly in the U.S. If Iyengar’s (1991) framework is brought to bear, the implication is that episodic framing of the Steubenville rape encouraged audiences to focus on the vicissitudes of individual participants rather than structural factors in sexual violence, such as institutional sexism.3

Within their episodic and perpetrator-aligned framing, stories on the Steubenville case employed verb transitivity that deflected blame from the rapists by passivating them as social actors, while focusing on the victim’s negative agency. In this pattern, the grammatical subjects of sentences pertaining to the crime frequently referenced either the victim or impersonal forces, and when the assailants were mentioned, it was generally in prepositional phrases following passive verbs. Like the framing patterns summarized above, these transitivity structures carry implications for the social-cognitive elements of news communication. Journalists should consider avoiding these discursive habits, as advocacy groups have long recommended in published guidelines for covering gender violence (Garcia-Rojas & Clark, 2012; Tiegreen & Newman, 2008).

It could be argued that journalists, in addition to guarding against victim-blaming, must also avoid inculpating suspects while a case is open, especially when defendants are minors as in the Steubenville case. That is a legitimate concern; yet, the amount of linguistic hedging and passivation of the assailants in the Steubenville case coverage, combined with prolifically laudatory representations of them and focalization from their point of view, exceeded what was necessary to protect their rights. Part of the reason for the paucity of references to the victim’s achievements (she was also an athlete and an honour student), as well as the repeated nomination of her blandly as ‘the girl,’ lay not only in the general cultural devaluing of women’s sports and accomplishments, but also in the journalistic practice of withholding the identities of rape survivors. While there are sound grounds for this, a side effect is that it is difficult for journalists to personalize victim-role claimants with identities independent of their victimization. Future research might investigate whether anonymity is a factor in media representation of sexual assault victims, seeking to discover if the naming of survivors leads to more sympathetic characterization or affects other elements of discourse.

Although the question of victim anonymity and its effects on identity construction is an issue particular to rape coverage, the more general phenomenon of journalists’ engagement with power via neoliberal and patriarchal appeasement, of which this essay has aimed to provide one illustration, is not limited to coverage of rape but rather pertains to media treatment of a range of issues involving power inequalities. I have endeavoured to add to the understanding that journalistic conventions, even (or perhaps especially) when they are condoned as accepted practice, are far from ideologically neutral. The broadest implication of this analysis is corporate media’s overarching tendency to capitulate to hegemonic views of social relations, favouring the interests and perspectives of dominant groups and individuals in presenting events.

Notes

1. In addition to the many U.S. cases in the news at the time, the rape and murder of medical student Jyoti Singh Pandey was coming to light simultaneously with the publication of the
16 December 2012 *New York Times* article on Steubenville. Mardorossian (2014) has remarked on ‘the contrast between the treatment of gang rapes in the United States and in India, where gang rapes have also been occurring with alarming regularity over the last few years’ (pp. 9–10), adding: ‘In strong contrast to India’s response to gang rape as an expression of culture, the United States has been increasingly focusing on rape as an issue of criminal deviance, as an exceptional occurrence rather than as a pattern of violence.’ (p. 11). It would be informative to apply CDA to news media representations of rape cases involving cultural others as opposed to North Americans in the U.S. news.

2. Although outside the parameters of this study, a well-known and controversial TV news broadcast suggests the inter-media pervasiveness of these patterns. On 17 March 2013, CNN reporter Poppy Harlow lamented post-verdict that ‘two young men that had such promising futures, star football players, very good students, literally watched as they believe their life fell apart,’ with anchor Candy Crowley concurring and legal contributor Paul Callan describing ‘a courtroom drenched in [the convicts’] tears and tragedy’ (*CNN grieves that guilty verdict ruined ‘promising’ lives of Steubenville rapists, 2013*).

3. While an examination of the arguments regarding the structural roots of rape are outside the scope of this paper due to the large volume of scholarship on the topic and the diverse positions offered therein, a few remarks representative of substantial consensus among feminists are warranted. According to Kaufman (2007): ‘The act of violence is many things at once. At the same instant it is the individual man acting out relations of sexual power; it is the violence of a society – a hierarchical, authoritarian, sexist, class-divided, militarist, racist, impersonal, crazy society – being focused through an individual man onto an individual woman. In the psyche of the individual man it might be his denial of social powerlessness through an act of aggression. In total, these acts of violence are like a ritualized acting out of our social relations of power’ (p. 33). Kaufman (2007) also cites the rigid gender socialization characteristic of modern industrial societies, which involves ‘the splitting of human desire and human being into mutually exclusive spheres of activity and passivity,’ so that ‘the internalization of the norms of masculinity require the surplus repression of passive aims,’ which can result in the ‘development of a “surplus aggressive” character type’ (p. 41). This can be accentuated in ‘straight male clubs,’ such as sports teams, fraternities, gangs, etc., which, ‘as many feminists have pointed out … are a subculture of male privilege’ (p. 46). Schur (2007) has focused on U.S. rape culture in particular, noting: ‘Coercive sexuality is a predictable corollary of American outlooks on sex. In particular, sexist attitudes and habits … and the commercializing instinct encouraged under modern capitalism combine to … push us in the direction of sexual indifference and insensibility’ (p. 89). In sum, there are ‘four general factors that may contribute to the prevalence of sexual coercion: depersonalization, leading to sexual indifference; the persisting devaluation (and sexualization) of women; pervasive socioeconomic inequality; and culturally induced habituation to force and violence,’ including pornographic depictions of rape (Schur, 2007, p. 95). Certainly most if not all of these structural factors could be relevant to understanding the Steubenville case, given the hyper-masculine football culture in which the perpetrators were ensconced; the aggression that can be foundational to that culture both on and off the field; the violence-inflected, social comradery expressed by the perpetrators the social-media and video content recovered by police; the socio-economic inequality prevalent in a U.S. state such as Ohio, with pervasive economic depression in the rust-belt area that includes Steubenville; and the quasi-pornographic language and staging of the acts of violence by the perpetrators in their recorded materials on the night of the crime, especially the extremely depersonalized and objectifying ways in which they referenced the victim. For more on structural roots of gender violence, see the excellent variety of articles in O’Toole, Schiffman, and Edwards (2007).

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