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Getting Somewhere: People v. Turner (2016) and the Efficacy of Survivor Narratives

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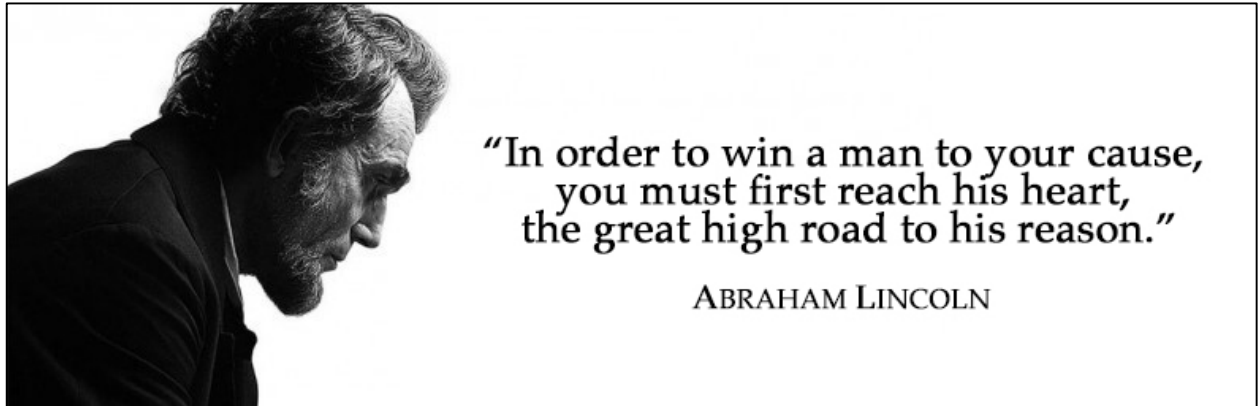
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Getting Somewhere: People v. Turner (2016) and the Efficacy of Survivor Narratives



Emotive Storytelling: The Heart and Science of Persuasion, *emotivestorytelling.com*.

Gheorghe Williams

Senior Capstone

English Literature and Theatre Studies

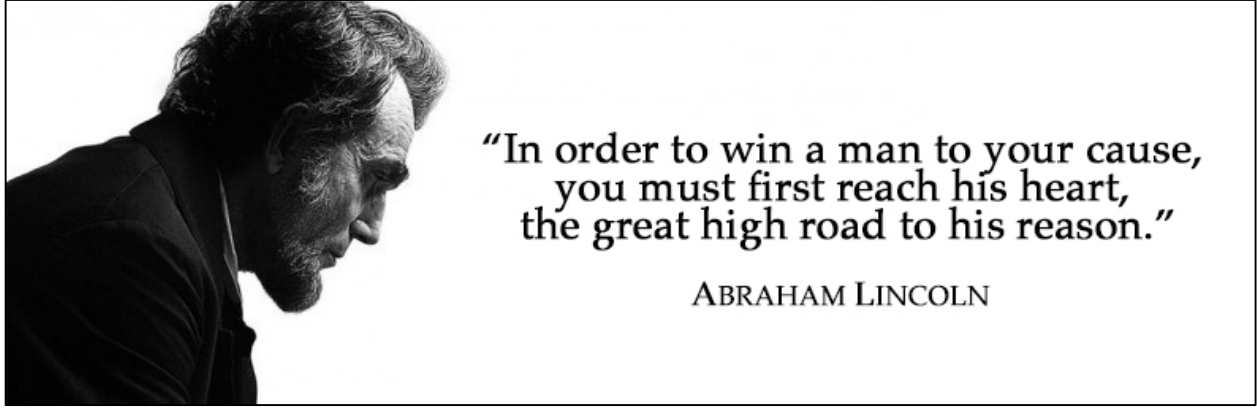
Research Essay

Professor Jennifer Fletcher

Division of Humanities and Communication

Spring 2017

*Getting Somewhere: People v. Turner (2016) and the
Efficacy of Survivor Narratives*



Gheorghe Williams

HCOM 475 Senior Capstone

Professor Jennifer Fletcher

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Senior Capstone Project Proposal: Essay Option

1. Name and Area of Concentration

Gheorghe L. Williams, International Exchange Student (with specialization in English Literature and Theatre)

2. Focus of Project

Victim impact statements and narratives of victimhood are frequently moving and powerful stories to read, but in the dimension of the courtroom they can be the most scrutinized and contested of all. Is it time that these narratives are deployed to a different audience altogether? To what extent are social technologies a more useful audience for victims' stories than the courtroom, and how is this reflected in today's social and cultural climate? These questions are the focus of my research essay project, and I chose this area because of its relevance to the cultural movements that are mobilizing through social media on the crest of these narratives.

3. Alignment with Common Theme

The capstone seminar's theme of *Story* is at the core of my project. The narratives I will examine are particular kinds of stories. They are ones that have often been silenced, left untold, or when told are constructed from the start with the peculiar expectation that they will not be believed. They can be complete or incomplete, poorly written or expertly arranged, but all too often they are also the only argument a victim can present for their case. In a legal system that rests upon proof and credibility, this often means that these stories are dismissed altogether. In the sense that a person's story is their entire experience and only line of defence, *Story* is entirely central to my inquiry.

4. Purpose

I hope to identify how the narrative composition of victim statements are both rhetorically effective and reflective of experience. Once these qualities have been identified, I aim to challenge the stigma of scepticism surrounding these particular narratives and argue that these stories have more social and political power when they take advantage of social technology.

5. (Working) Title: *Getting Somewhere: The Rhetoric of Broadcast Victimhood Narratives*

6. (Working) Summary

My capstone project is focused on narratives of victimhood, particularly the legal and social powers they have taken on during these globalized and mediatized times. I am going to address how these narratives can be and have been constructed to secondarily appeal to a worldwide audience and invoke the social justice system to succeed where the legal justice system fails. There will be specific emphasis on such victim impact statements as those presented in *People vs. Turner* (2016) and *Payne vs. Tennessee* (1991), with examination and comparison of the different social and cultural reactions to each. I intend to use my analysis of these narratives, in direct relation to the social action movements that they have animated in response, to prove that unsilenced stories of victimhood can enforce accountability and responsibility, and that now more than ever before they can effect social and political change more acutely through social technology and broadcast media.

7. Sources

Current bibliography:

Ehrlich, Susan. *Representing Rape: Language and Sexual Consent*. Routledge, 2001.

Jensen, Steffen & Ronsbo, Henrik. *Histories of Victimhood*. University of Pennsylvania Press, 2014.

Jordan, Jan. *The Word of a Woman? Police, Rape and Belief*. Palgrave Macmillan, 2004.

Higgins, Lynn A. & Silver, Brenda R. *Rape and Representation*. Columbia University Press, 1991.

Felman, Shoshana & Laub, Dori. *Testimony: Crises of Witnessing in Literature, Psychoanalysis and History*. Routledge, 1992.

I have borrowed ‘Representing Rape: Language and Sexual Consent’ by Susan Ehrlich via an interlibrary loan, as in some online previews I was able to access, it appeared to have a useful analysis of how victim statements are composed in relation to their use in court. I think this will catalyse very interesting ideas about how these compositions might change when the courtroom is not the intended – or at least only intended – audience.

In addition, through advice from one of my instructors at the University of Leeds, I have gained access to the International Journal of Speech, Language and the Law archive, where I have already selected a number of useful articles and reviews relating to the topic of representations of victimhood.

In a practical sense, I already work very closely with the Monterey County Rape Crisis Centre, and am a member of CSUMB’s Sexual Assault Awareness Committee, so I have the resources to develop a working understanding of how social action movements are perceived in the local, student, and county demographic, and how effective they have proven to be. I am also going to be in contact with some survivors of rape and sexual assault for an upcoming campus event, and so I intend to ask for anonymous and voluntary insights into how these platforms have affected their ability and/or comfort with vocalizing their stories.

Statistical data will also be relevant to my inquiry: the statistics surrounding the numbers and types of legal cases where victim impact statements have had a significant effect on the outcome of the case; the correlation(s) between victim narrative virility and successful or widespread social movements; the correlation(s) between victimhood narratives and actual change in legal and social policy; the proportion of cases where victimhood narratives have been dismissed or deemed inadmissible versus those where they have been accepted or deemed admissible in court. My analysis of these statistics will shape both the composition and the outcome of my argument. I intend to use scholarly articles and journals, public resources, relevant study findings, and my synthesis of all these sources to draw appropriate conclusions in relation to my argument.

8. Next Steps

I am going to make a section-by-section plan of the ground I would like to cover across my essay, and make a note of the sources I will need to complete each section. I will start with identifying key points and making notes from the books I have already acquired, before using these as a springboard to identify which direction is logically the next one to take.

9. Timeline

- | | |
|------------------------|---|
| 2/27/17 | -Final proposal submission. |
| 2/27/17-3/13/17 | <ul style="list-style-type: none"> -Finish reading my chosen texts and extract the relevant data (by 3/5). -Meeting 1 with research essay writers' group. -Create a detailed essay plan to outline the argument + produce / finalise title. -3/9-3/12: draft first 5 pages of argument (inc. introduction) |
| 3/13/17-3/27/17 | <ul style="list-style-type: none"> -Write 5-7 new pages each week -Have a completed first draft by no later than Friday 24th -3/26: Read + revise first draft -Schedule writing conference with Professor Fletcher -Meeting 2 with research essay writers' group -Arrange a meeting with the MCRCC to discuss story + social action with survivors. -Continue to complete further reading (5-8 hours per week) |
| 3/27/17 | -Submission of first draft |
| 3/27/17-4/24/17 | <ul style="list-style-type: none"> -Revise each section individually, consolidate, update, or amend argument according to ongoing reading / research -Send essay around to ask for feedback -Final writers' group meeting -Begin writing / planning synthesis essay (to finish by Wed 4/19) -Complete draft of portfolio by Wed 4/19 |
| 4/24/17 | -Draft of portfolio and revised essay due |
| 4/24/17-5/8/17 | -Final proofreading of essay / portfolio by Wed 5/3 |
| 5/8/17 | -Final portfolio due |

Getting Somewhere: People v. Turner (2016) and the Efficacy of Survivor Narratives

It's June 2nd, 2016, around 70 degrees in Santa Clara, where an untellable story is about to be told. Emily Doe (pseudonym), a survivor of sexual assault, turns to Judge Aaron Persky and asks politely if she might address the defendant Brock Allen Turner directly during her statement. Permission is given and Doe proceeds accordingly: *"You don't know me, but you've been inside me, and that's why we're here today"* (Doe). Powerful and direct, she opens a statement that will catapult a case already plagued with injustice into the arena of world media. People v. Turner (2016) was and is a case that, like so many others, failed to do right by the victim. The victim found herself in a precarious situation, where her word and voice had become unreliable by default. She found herself unable to provide information about her own actions which, in cases of sexual assault and rape, historically-speaking would damage the credence of her testimony. She found herself, despite her most ardent attempts to demonstrate the extent of the damage inflicted upon her, facing a situation where the value of her own voice was being deliberately undervalued; where her attacker received acceptance for his word, she received scepticism. In return, Turner also found himself, in spite of his actions, the target of sympathy from the judge on account of how "a prison sentence would have a severe impact on him," and received "six months in county jail" (Aaron Persky, qtd. in Levin 2016). He served three. Persky's underwhelming sentence sparked a backlash which reached local and national news, but it wasn't until digital media outlets like The Guardian Online and BuzzFeed published Doe's victim impact statement (in full reaching over seven thousand words) that the case was swept into the eye of the worldwide media storm. The brutal honesty and candour of the statement caught as much attention as its emotional exposition of her fragmented experience.

Doe's statement is the subject of my attention for more than a few reasons, not least being a recognition of her pain in my own experience as a survivor of rape. Above all else, I am - even now - astonished by how effectively she was able to execute her statement, how she was able to recreate in words - as far as words and language are able to do so - the crippling, unknowable consequences of a sexual assault. My interest is in the specific areas where Doe has optimised her use of language and narrative structure to communicate what scholars like Wendy Hesford believe cannot be recreated with language; the honest truth of narratives such as these is that they often have no choice but to take on the forms and codes of literary texts whether they intend to or otherwise. That I am able to make connections to literary and theatrical techniques at all is an unfortunate reflection of this reality. What would need to be nothing more than an account of an experienced trauma for any other violent crime is here an obligation of the victim to defend their victimhood, and with that obligation comes a need for more particular language, and a more self-conscious presentation of vulnerability. With my analysis of Emily Doe's statement, I intend to illuminate how her narration fulfils its rhetorical purpose and promise, and in turn to support this analysis with a comprehensive journey into the history of rape trials and institutional responses to the narratives told.

One could be considered insensitive in looking at so personal a text with such analytical objectivity, or even to regard Doe's impact statement as a 'text' at all. My intention is not to trivialise the experiences described in this statement, or in any of its kind. I would like to distance myself from the assumption that my aim with this analysis is to explore how such statements might be considered 'entertaining', which could not be further from the truth. Similarly, I would also like to state explicitly that I do not regard bravely-voiced narratives such as these as carefully curated and managed 'products', as this is not the case in any of the narratives that I am addressing. Human

rights scholar Wendy Hesford agrees with Patricia Yaeger’s criticism of “the commodification of [...] pain, trauma, violence, and injustice”:

‘[...] academics are] busy consuming trauma [...] obsessed with stories that must be passed on, that must not be passed over [...] but are] drawn to these stories from within an elite culture driven by its own economies.’ (Patricia Yaeger, qtd. in Hesford 1999)

I intend to disassociate my argument from the kind criticised by Yaeger by agreeing entirely with her line of reasoning; like Yaeger, I think to commodify the pain and suffering of others — even for supposedly-noble causes like the development of academic literature — is a poisonous action, especially when it is, as Yaeger comments, “driven by its own economies.” It separates the pain of the sufferer and isolates for inspection and examination the trauma they have suffered, for the sake of its academic and rhetorical value. My intention with this essay is something else entirely: not to demonstrate *how* survivor narratives can be used for dramatic effect, but instead to illuminate how they *already* have — and why they *must* — take on the conventions of dramatic and literary form(s).

Survivor narratives are overwhelmingly met with institutional suspicion. In many cases, the professional duty of lawyers, police officers and legal figures to examine all provable events can account for this doubt, but this does nothing for the majority of those whose abuse is without discernible — or recoverable — evidence, or for those who are not able to argue their case effectively. Susan Ehrlich elaborates on the origins and consequences of these ‘institutional suspicions’ in her pivotal study, *Representing Rape: Language and Sexual Consent* (2001), with reference to Susan Estrich’s terms, “real rape” and “simple rape” (Estrich 3-4). ‘Real rape’, according to Estrich, is the name given to rapes which more frequently end in conviction for the

rapist, and which are often characterised by an interracial component (specifically the attacker being a black male with the victim being a white female) as well as the absence of a relationship between the attacker and the victim; ‘simple rape’, conversely, she terms as those cases where “[the victim] is forced to engage in sex with a date, an acquaintance, [their] boss or [someone they] met at a bar, when no weapon is involved and when there is no overt evidence of physical injury” (Ehrlich 19). In understanding Estrich’s distinction between these two types of case – and indeed, Estrich’s terms ‘real’ and ‘simple’ are intended to satirise the prioritisation of one ‘kind’ of rape over another – Ehrlich repeats for the benefit of the reader that these so-called ‘real rapes’ are both the most reported kind and the least-frequent kind of rape. There are a number of reasons why ‘real rape’ is the more commonly reported than ‘simple rape’; Ehrlich explains this phenomenon by quoting Catherine MacKinnon’s *Feminism Unmodified* (1987):

...while rape generally is a vastly under-reported crime, ‘real rapes’ are much more likely to be reported than ‘simple rapes’.

MacKinnon (1987: 81) speculates as to the conditions under which women will report rape: ‘the rapes that have been reported ... are *the kinds of rape women think will be believed* when we report them. They have two qualities: they are by a stranger and they are by a Black man’ (emphasis mine). (Ehrlich 20-21)

To summarise, Ehrlich attributes the disproportional level in reporting of rape among women to a kind of cyclical trap; the presence of physical violence or injury in cases of ‘real rape’ and the latent racial bias of the court leads to a higher level of convictions of cases of ‘real rape’ than ‘simple rape’, which then leads to a lower level of ‘simple rape’ cases being reported out of the belief that it would not be worth reporting. This internalised belief in one’s inherent incredibility

is, therefore, very conceivably a cause *and* effect of this disproportionate statistic, and it produces a secondary - but arguably more damaging – effect: an institutional doubt in those reports of ‘simple rape’ that are made, directly because of the improbability of their ending in conviction.

This effect of institutional doubt is further provoked by various societal and cultural movements, according to Jan Jordan’s *The Word of a Woman?* (2004). Through an examination of the historical “credibility conundrum” (Jordan 1), Jordan finds that there are at least three key factors: firstly, that late-20th Century feminist movements caused an opposite reaction from so-called ‘men’s rights activists’, who claimed to have become a “victimised and oppressed minority voice” (Johnson 1997) under action from feminists against normalised sexual violence; secondly, that this was in turn a response to “growing societal unease about the safety of the home” (Jordan, 4); and finally that media coverage of cases reaching conviction of a guilty rapist had declined in favour of more sensationalist and populist images of “ordinary men” whose lives had been disrupted by “lying [...] women and girls [who], out of malice, jealousy or simple caprice had falsely accused men of sexually violating them” (Jordan 6). Jordan stipulates that these factors have shaped a culture which fundamentally devalues the word of a woman, and which perpetuates an assumption of female deception against male honesty. Jordan’s criticism of this culture exposes the paradox of its assumptions against factual and historical evidence:

While populist sentiment, fuelled by backlash reactions, claims
that our prisons are full of the wrongfully convicted, for no other
crime is a conviction apparently so difficult to secure. (Jordan 55)

As Morrison Torrey frames it, “the myth is false claims of rape; the reality is severe underreporting of rape” (Torrey 1030-1). The findings and conclusions of both Ehrlich and Jordan point to a set of long-standing circumstances and injustices. All of these factors create a further impediment for

survivors of rape and sexual assault, because they strengthen a culture that informs survivors how unlikely it will be for them to find justice; as a result of these circumstances, survivors have been sapped of credibility before they even have a chance to tell their stories. The cultural perpetuation of this reality ensures that this expectation is both internalised and normalised, and it is this expectation which in turn requires of survivors a higher level of careful construction in any attempt to narrate their own trauma.

To return to Wendy Hesford's *Reading Rape Stories: Material Rhetoric and the Trauma of Representation* (1999), I will frame my second — but no less important — argument for the cruciality of literary narrativism in telling stories of survival: “The inability of language to capture pain and trauma in its literality” (Hesford 206):

In Cathy Caruth's words, "trauma... is always the story of a wound that cries out, that addresses us in the attempt to tell us of a reality or truth that is not otherwise available. This truth, in its delayed appearance and its belated address, cannot be linked only to what is known, but also to what remains unknown in our very actions and our language" (4). Strosser invokes certain narrative frames to describe rape trauma, and yet these frames also remind us of those memories that are without language or image (Culbertson 176). In other words, the fantasy [of revenge] reminds us of the limits of narratability. (Hesford 196)

The tension between language and intent is something that for many survivors constitutes a frustrating and isolating impasse. As documented by *The Hunting Ground* (2016) and its Oscar-

nominated original song “Until It Happens to You,” rape and sexual assault are traumas knowable only by first-hand experience; “[these] memories are without language or image,” as Hesford concludes. Words alone cannot reconstruct the violence of rape, and even in theatrical terms dramatic performance can manage uncomfortable simulation at best. The unfortunate truth of survivor testimonies is that they must achieve that effect of simulated reconstruction — which theatre spaces produce regularly — while at no time appearing to be explicitly or intentionally performative, because to do so would create the impression of being contrived and manipulative. At the same time, survivors must contend with the paradox of needing to conjure specific images and emotions, as almost all literary and theatrical texts do, because they are central to their audience’s understanding of the narrative. This paradox creates a further frustration that is threefold: the anxiety of communicating this trauma in itself is comparable to a “second rape” (Madigan & Gamble 1991); the unsettling isolation of the failure of language to do its work here, where it succeeds almost everywhere else; and finally the vulnerability one must endure when a trauma is successfully exposed to others. These pressures affect the way that “rape stories” (Margie Strosser 1989) are composed and delivered, but in the acutely more scrutinising and tense venue of the courtroom these pressures multiply; consequently, the need for narratives of victimhood to assimilate the codes of literary and performative dramatism grows heavier and more necessary to confronting and controlling the sceptical attitudes of the courtroom.

In the case of Emily Doe, it is clear to see that the ugly and jarring nature of (some of) her phraseology is an anticipatory response to these pressures:

I had multiple swabs inserted into my vagina and anus, needles for shots, pills, had a Nikon pointed right into my spread legs. I had

long, pointed beaks inside me and had my vagina smeared with cold, blue paint to check for abrasions. (Doe)

Although it isn't possible to make the listening and reading audience experience the same trauma, Doe uses blunt and cold language that is uncomfortable to hear in order to translate the physical discomfort of the events she describes. We see this effect most explicitly in the opening line of her statement, which I referred to in the introduction and which I will re-refer to again here: "You don't know me, but you've been inside me, and that's why we're here today." In her statement, Doe not only acknowledges openly that her memory of the events is fragmented, but also exposes Brock Turner's capitalisation of this fact through his attempts to dominate the narrative, in a moment where she shares the overwhelming bombardment of invasive and "pummelling" (Doe) questions asked of her by his attorney:

How old are you? How much do you weigh? What did you eat that day? Well what did you have for dinner? Who made dinner? Did you drink with dinner? No, not even water? When did you drink? How much did you drink? What container did you drink out of? Who gave you the drink? How much do you usually drink? Who dropped you off at this party? At what time? But where exactly? What were you wearing? Why were you going to this party? What'd you do when you got there? Are you sure you did that? But what time did you do that? What does this text mean? Who were you texting? When did you urinate? Where did you urinate? With whom did you urinate outside? Was your phone on silent when your sister called? Do you remember silencing it? Really

because on page 53 I'd like to point out that you said it was set to ring. Did you drink in college? You said you were a party animal? How many times did you black out? Did you party at frats? Are you serious with your boyfriend? Are you sexually active with him? When did you start dating? Would you ever cheat? Do you have a history of cheating? What do you mean when you said you wanted to reward him? Do you remember what time you woke up? Were you wearing your cardigan? What colour was your cardigan? Do you remember any more from that night? No? Okay, well, we'll let Brock fill it in. (Doe)

I feel it important to include the entire passage here, because the sheer volume is a critical component of its rhetorical purpose, and with the invasive and sceptical nature of the questions Doe is able to communicate the harrowing experience not by reconstruction but by intimation. This technique is used frequently by Doe to scale the daunting issue of the "limits of narratability" (Hesford 196). By using specific types of language she is able to imitate the violence and discomfort of her experience, while simultaneously solving Jordan's "credibility conundrum," by narrating consequence more than cause, grounding her narrative in concrete fact (and consequently defying Turner's attempts to capitalise on her incomplete memory). From a performative perspective, vocalising this passage serves to amplify this effect even further; the list of questions is as long as it is relentless, and in being spoken at full length, makes the listener wonder when it will end — which is exactly the point — in a blast of "pummelling" inquiry that is reminiscent of Antonin Artaud's "Theatre of Cruelty," a series of theatrical practices that employed incongruous features of language and performance to create discomfort and disorientation (Artaud 1958;

Demaitre 1972; Finter & Griffin 1997). Doe's language, on paper and in "performance," creates its own discomfort in the place of what it describes, and this is primarily how Doe is able to effectively narrate her victimhood.

As Jan Jordan writes, "[t]o be credible is to convey plausibility, to signal truth, to convince by one's words and demeanour that one is authentic" (Jordan 1). The opening words of Doe's statement immediately strike the reader, listener, or audience member in this way, and with jarring power. Doe opens her statement with a question directed to Judge Persky: "Your Honor, if it is all right, for the majority of this statement I would like to address the defendant directly." It acts as a kind of preface to the "performance," and not only acknowledges the time and place of the reading of her statement, but also of the audiences present; the primary audience, the defendant, the secondary audience, the judge and jury of the court, and the predicted tertiary audience, those outside the court who access the statement through media outlets. This question alone is an act of conscious self-reflexivity that instils a sense of honesty and dependency, and is a technique widely used in the theatre. Bertolt Brecht's practice, the so-called "Epic Theatre," was one that would use this same self-consciousness to maintain control over the audience's reception, ensuring they are aware of his intentions and that meaning is not sacrificed to emotional attachment (Hecht 1961; Steer 1968); the opening of Doe's statement takes advantage of this same technique. The narratives of rape and sexual assault survivors are often subject to suspicion and disbelief, with many survivors representing themselves in a way that is expectant of failure, largely on the basis of the heightened emotion associated with such narratives — their reputation for rarely being able to provide quantitative, evidence-based proof of their own accord. In beginning the telling of her story with a direct gesture of frankness, Doe's statement is able to momentarily dispel these suspicions with a declaration of awareness that grounds her statement with an honest quality.

The opening of her statement in this way also correlates with the instructions on storytelling proposed by Ken Ward, as compiled by Andy Goodman in *Storytelling as Best Practice* (2008). Ward proposes that the best way to begin a story is to “start with a common assumption” (Goodman 6). As I have already made clear, in the matter of rape and sexual assault, it is not easy to start from a place of “common assumption” (here meaning a place which both the speaker and the listener are familiar with). Nonetheless, Doe is able to frame her statement accessibly by beginning from a familiar place. After the powerful opening line, Doe re-contextualises the setting of her narrative in a familiar place and time:

On January 17th, 2015, it was a quiet Saturday night at home. My dad made some dinner and I sat at the table with my younger sister who was visiting for the weekend. [...] I planned to stay at home by myself, watch some TV and read, while she went to a party with her friends. Then, I decided it was my only night with her, I had nothing better to do, so why not, there’s a dumb party ten minutes from my house, I would go, dance like a fool, and embarrass my younger sister. (Doe)

This familiarity is closely reminiscent of Ward’s model of effective storytelling, where he prescribes that “every story has to have a beginning, and the best place to begin with is with what the audience already understands” (Goodman 6). Doe transcends his somewhat simplistic instructional purpose to a place of *feeling* rather than simple “understanding,” and consequently these scenes of quiet domestic living serve both to level the footing between Doe and her audiences (specifically the secondary (judge) and tertiary (wider media consumers and people of the court) audiences in this case), and to indicate the logic and innocence of her reasoning: “I had nothing

better to do,” she explains, expecting only to “dance like a fool, and embarrass [her] younger sister,” an intention that almost everybody with a younger sibling could identify with. This opening even further anticipates the arguments made against her; it outlines the normalcy of her intentions for the evening to rule out any sceptical views of her motives, which van de Zandt identifies as “the most common theme in cross-examination [of rape complainants]” (Jordan 56). Her expectations of the night are as regular and as innocent as any of our own are likely to have been on our own Saturday nights, or our own visits home to family. The sudden and drastic change in setting immediately after this description is therefore an effective narrative hook as the bridge she uses to guide the audience from this place of familiarity to the nightmarish uncertainty of the aftermath:

I made silly faces, let my guard down, and drank liquor too fast not factoring in that my tolerance had significantly lowered since college.

The next thing I remember I was in a gurney in a hallway. I had dried blood and bandages on the backs of my hands and elbow [...] When I was finally allowed to use the restroom, I pulled down the hospital pants they had given me, went to pull down my underwear, and felt nothing. I still remember the feeling of my hands touching my skin and grabbing nothing. I looked down and there was nothing. The thin piece of fabric, the only thing between my vagina and anything else, was missing and everything inside me was silenced. (Doe)

I have included the paragraph break from the published format of the statement because it is an effective marker of where the powerful shift takes place. There are many reasons why this particular part of Doe's statement is significant to the aims of my project: firstly, as mentioned previously, the shift from the familiar to the unknown — a particularly uncomfortable and unsettling unknown — is an important step to take in a survivor narrative, as it overrides the issue of the “unknowable trauma” and provides those who have not experienced rape or sexual assault with a gateway into some degree of understanding. Secondly, it contributes even further to Doe's intentional use of cold and uncomfortable language, and particularly strikes discomfort with the proximity of two different tones and with the suddenness of their transition from the one to the other. Finally, and perhaps most crucially, is its acknowledgement of the fragmented position the anecdote holds in the wider narrative of her victimhood; she openly admits that the next thing she remembers is after the fact, that the blood was already dried and bandaged and her initial ordeal already over. It is this acknowledgement that translates into a reclamation of power. She criticises Turner's opposite approach, where he suddenly changed his story after learning that she couldn't remember her own:

Then he learned I couldn't remember. So one year later, as predicted, a new dialogue emerged. Brock had a strange new story, almost sounded like a poorly written young adult novel with kissing and dancing and hand holding and lovingly tumbling on the ground, and most importantly in this new story, there was suddenly consent. One year after the incident, he remembered, oh yeah, by the way, she actually said yes, to everything, so. (Doe)

Despite previously claiming intoxication as the reason for his innocence, Turner contradicts his statement by claiming actually to have been sober enough to remember the events after all; this contradiction is challenged by Doe, who contrarily is honest about the incompleteness of her memory. By describing through intimation, again, Doe is able to tackle those who would seek to dismantle her narrative with claims of lost memory and false statements before they are even able to make such claims, as she consistently bases her narrative on the memory of events that were not affected by her intoxication on the night of the assault.

The challenge to Turner's narrative is also an important component to Doe's story as a whole, as it is to any counter-narrative. Rhetoricians such as Wayne Booth have contemplated the innately-rhetorical nature of narrative, arguing that all narratives (literary, theatrical, and otherwise) are in some way purposeful, even argumentative: "[the] author cannot choose to avoid rhetoric; [they] can choose only the kind of rhetoric [they] will employ" (Booth 149). Although Booth is speaking in terms of fiction and not of impact narratives, as the narrator of her own story, Doe is arguably still bound by the same theoretical obligations. With this in mind, it is effective to situate Doe's narrative explicitly as an argumentative counter against that of Turner, the defendant, for many reasons; to return to Ken Ward's stipulation that a great story must "introduce a point of conflict [and] cast [the] story with clearly identifiable heroes and villains" (Goodman 6-7), Doe uses all of these techniques; she takes a moment to quote or paraphrase from Turner's statement and then systematically undermine his narrative with her own ("I will now read portions of the defendant's statement and respond to them." (Doe)), and then identifies the two cyclists who saved her as "[the] heroes in this story," casting Turner as the "villain" by contrast. In constructing clear, but controlled contexts of opposition, Doe strengthens the accessibility of the narrative — rhetorically *and* literally speaking. Additionally, this construction topples the toxic

tendency of those challenging survivors' voices using what Chimamanda Adichie terms "the single story" (Adichie 2009): a dangerous, singular narrative of a particular group or kind of person, that marginalises and produces of them a very narrow and inaccurate stereotype. Doe repeatedly works against this kind of story in her own counter-narrative:

My family had to listen to your attorney [...] attempt to paint a picture of me, the face of girls gone wild, as if somehow that would make it so that I had this coming for me. To listen to him say I sounded drunk on the phone because I'm silly and that's my goofy way of speaking. To point out that in the voicemail, I said I would reward my boyfriend and *we all know what I was thinking*. I assure you my rewards program is non-transferable, especially to any nameless man that approaches me. (Doe) (emphasis mine)

I want to draw particular attention to the critical phrase, "we all know what I was thinking." Not only is this exactly the kind of "single story" that Adichie warns will perpetuate the oppression of voices, but the insinuation of this phrase is also a particularly common response to complainants of sexual assault. It exploits those "single stories" that are internalised and are sufficient of themselves to instil in their audiences the desired doubt and scepticism. As argued by Jan Jordan, this phrase – and the countless others of its kind - attempts to undermine the autonomy of the victim and discredit their voice by means of defaming their character and alluding to a heightened, "assault-deserving" promiscuity. These rhetorical shortcuts are therefore an even further hurdle for survivors to face, because they are so ingrained that they require minimal effort to conjure whatever their user desires; as such, survivors' own narratives must work even harder to uproot

these “single stories” from the consciousness of the audience, and in their place sew a narrative that is accessible, convincing, and moving enough to ensure that those stories stay uprooted.

Just as the opening of every narrative is crucial to its rhetorical success, so too is its closing. In almost the same way that is advocated by Ken Ward, Doe closes her statement with a glimmer of optimism and “point[s] the way to a happy ending” (Goodman 7). Doe ensures that her statement ends in such a way that a sense of closure and purpose is the inevitable reaction. Returning to Ward’s list of story components once more, it is important to consider the rhetorical significance of the “heroes” of the story – the two cyclists. Doe makes a point of reminding the listening audience that it is particularly fortunate that the two of them are a part of the story at all, reminding and comforting us that “there are heroes in this story” (Doe). In so simple a way, we are reminded that while bleak pessimism is not intended to be our only take-away, there are those whose stories are not privileged with a heroic figure, and whose stories might have ended right there.

In the first of two concluding paragraphs, Doe extends her thanks to a heart-warmingly plentiful list of people who came to her aid in their own small ways; she thanks individuals from across the expanse of her recovery, from “the intern who made [her] oatmeal when [she] woke up at the hospital that morning,” to “[her] grandma who snuck chocolate into the courtroom through [the trial] to give to [her]” (Doe). The passage has two primary effects: firstly, it allows the narrative to emerge from a harrowing place of depression and injustice, thus providing for the audience a way to reacclimatise their experience as listeners to a place of more familiar warmth; secondly, but more significantly, it indicates the practicalities of supporting a survivor of rape or sexual assault, easing the audience into the realisation that the smallest of efforts and comforts can produce momentous and meaningful benefits.

Perhaps the most important feature of the closing moments of Doe's statement is her use of metaphor. She quotes Anne Lamott's *Bird by Bird: Instructions on Writing and Life* (1980), a book that at its core advocates for a step-by-step approach to tasks of daunting size. Doe recalls a particular metaphor of Lamott's: "lighthouses don't go running all over an island looking for boats to save; they just stand there shining" (Lamott 1980). Not only does this dissuade the reader, listener, and survivor from the alarmist perspective that the future is insurmountable, but it also makes a critical rhetorical statement on the power of the survivor and of storytelling as a whole. The lighthouse, as Lamott writes, need only "stand there shining," because its power is the light it produces from within and projects outwards. Doe confesses her hope to fellow survivors that "by speaking today, [they] have absorbed a small amount of light, a small knowing that [they] can't be silenced, a small satisfaction that justice was served, a small assurance that we are getting somewhere" (Doe). Her power is simply in "speaking," and her purpose becomes clear; in leading us through the story of her assault and the heavy, aching journey that followed, she reflects to us that telling these stories is the way we can end them. She particularly emphasises that we are "getting somewhere," that progress is being made, and that the telling of these stories is a benefactor of this progress. Telling stories of victimhood, we see, exposes the misinformed truths and "master narratives" (Andy Goodman 2014) that stand in the way of our cultural progression from a species which is passively and unknowingly conducive to rape and sexual aggression, to one that is actively and at all times against sexual violence, and oppressive only of oppressive regimes themselves (Bartky 1990; Heberle 1996; Pearson 2000).

If we look at the wider reaction to *People v. Turner*, and specifically to Doe's statement, we can see that the powerful rhetoric in Doe's language unequivocally contributes to this end; digital news sources and social media networks became enflamed with discourse over the moving

nature of her statement, and the injustice of Turner's sentence. Ashleigh Banfield of CNN went viral during coverage of the case, in a segment where she — with difficulty — read aloud a 20-minute passage from Doe's statement. Her story propelled the case into the view of the world, Doe later revealing in an interview that she received letters and gifts from “[places like] Botswana to Ireland to India” (Doe “Speaks Out” 2016). The power of her storytelling caught the attention of then-Vice President Joe Biden, spokesperson of 2016's It's On Us campaign against campus sexual assault, who also sent Doe a letter of personal praise for her bravery in speaking out (“Speaks Out” 2016). A New York photography student Yana Mazurkevich released a stingingly-effective collection of images as a reaction to Doe's statement and to Turner's unjust sentence, seizing the attention of various news outlets and websites. In a series called “It Happens...”, the photographs portrayed the various realities of sexual assault in different situations, ending with a representation of Doe herself, a girl lying next to a garbage dumpster having been assaulted and abandoned, entitled “It Happened.” These reactions are indicative of at least two certainties. Foremost, storytelling is powerful, but telling *these* stories is influential and necessary in effecting social and legal change because the detail and narrative accessibility of stories like Doe's establish opportunities for discourse on an epidemic that is already under-discussed. Secondly, they confirm the assurance made by Doe that we are, as a culture, “getting somewhere”; that in spite of legal and legislative hindrances, we are culturally growing towards being able to hold these injustices accountable for themselves, loudly and publicly.

In the realities endured by survivors of rape or sexual assault, storytelling and narratives are rhetorical necessities; when a culture deprives survivors of autonomy and voice — particularly women — storytelling becomes not only a reclamation of this power but an amplification of its reach and effect. It isn't simply the telling of an experience, but the *narration* of a critical event in

a person's life; in the words of Thomas Newkirk, "narrative is not a type of writing [...] it is a property of mind, an innate and indispensable form of understanding, as instinctive as our fear of falling, as our need for human company" (Newkirk 34). Survivor narratives, in lay terms, bring home the reality of one that has not yet existed in the reality of another, providing an "innate and indispensable form of understanding" of an experience that can only otherwise be known through first-hand experience.

In my opening remarks about the impact of literary and narrative codes on the efficacy of survivor narratives, I indicated the connection I share with Emily Doe in being a survivor of rape — the truth, however, is that another connection exists between the two of us: our roles as storytellers. Before my analysis of her striking and nuanced uses of language, I must admit that the story we both share was one that I didn't feel able to tell; not merely out of a fearful anticipation of how others would respond, but more from simply not knowing how to articulate myself. The incredible, personal progression my analysis of Doe's statement has produced, has in turn provided a second dimension of value in her narrative. She knowingly advocates for survivors to speak up and speak out, but the rhetorical force of her language choices, and the structure she chooses to tell her story, provide crucial indications of *how* to tell these stories that so many believe cannot, or should not be told. She demonstrates for other survivors how to grapple successfully with those who engage with survivors' stories resistantly, and how to reclaim the voices we have already lost before we lose them for a second time. To recall the important work of Jordan and Ehrlich, she uses these demonstrations to also make sure that we recognise the social, cultural and political dispositions that necessitate these narratorial obligations. She proves indisputably that if a lack of understanding is the impediment that perpetuates a culture of rape-passivity, then survivors' stories, ones of incredible trauma and perseverance, are the stories we need to hear.

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Susan Ehrlich's *Representing Rape: Language and Sexual Consent* considers the interaction between language and sexual assault in the legal space. She considers the impact of gendered language on the discussion of rape and sexual assault, citing Susan Estrich's *Real Rape* (1987) to include the distinctions made between "real rape" and "simple rape." Ehrlich touches upon how the structure of our language curates and inhibits our access to, and ability to produce, a fully-comprehensible articulation of rape in the legal sphere. In response to the question of why rape and sexual assaults are reported so rarely, she cites the racial biases of law enforcement and historical statistics in relation to previous prosecutions as the primary causes.

Jordan, Jan. *The Word of a Woman? Police, Rape and Belief*. Palgrave Macmillan, 2004.

A significant percentage of my research for this project has taken place within the pages of Jan Jordan's *The Word of a Woman?* Her detailed and insightful deconstruction of the relationship between survivors of rape and the police was pivotal in my discussions of both the contemporary and historical realities that survivors must encounter when seeking justice. Jordan begins by tackling the "credibility conundrum" (1), exposing the historical devaluation of women's voices through an examination of cultural movements such as reactionary anti-feminism and media sensationalism. Her focus then shifts to the particular kinds of language used by investigators in their process of investigating, taking aim at their unconscious and conscious biases; "the concept of 'real' rape continues to live on in the minds of many police" (142). She stipulates that these institutional and administrative predispositions are central in the discouraging and counterproductive processes that police forces facilitate, particularly emphasising the damage they inflict upon the esteem of survivors and their ability to work successfully with the authorities.

Hesford, Wendy S. "Reading Rape Stories: Material Rhetoric and the Trauma of Representation." *College English*, Vol 62, No. 2, 1999.

Hesford's response to Margie Strosser's autobiographical documentary *Rape Stories* (1989) examines how survivors handle their own trauma internally, and how their expressions can be read objectively. Strosser's "revenge fantasies" are at first the centre of Hesford's focus, considering how imagined revenge can offer the therapy and closure needed in a world that will provide them with little more. She develops the conversation from there into one of the "limits of narratability," posing questions of how much language can truly offer in the way of healing.

Yaeger, Patricia. "Consuming Trauma; or, The Pleasures of Merely Circulating." *Extremities: Trauma, Testimony and Community*. Ed. Nancy K. Miller and Jason Tougaw. University of Illinois Press, 2002.

Yaeger brings attention to an important issue within the academic community, highlighting the way that so many scholars are guilty of exploiting the trauma of rape and sexual assault survivors for the sake of "[their] own economies" (193). Like Wendy Hesford, she considers the issues we face in the reading of trauma, specifically commenting on our tendency to forget about the humanity behind the pain.

Felman, Shoshana & Laub, Dori. *Testimony: Crises of Witnessing in Literature, Psychoanalysis and History*. Routledge, 1992.

Felman looks at the difficulties encountered by victims who are only able to offer their word as evidence of their abuse, and asks how testimonies lacking in evidence can be considered reliable — and the reasons why they are often rejected or called so fiercely into question.

Newkirk, Thomas. *Minds Made for Stories*. Heinemann, 2014.

Newkirk uses engaging anecdotal examples to explore how our minds are more receptive to stories, particularly how we seek out narratives to aid our understanding of almost all data sets. He considers such areas as the 'Itch and Scratch' theory of how to hook a reader and keep them hooked through a series of curiosities and satisfactions, to how identifiable narrative voices can animate the reader experience of even traditionally non-narrative texts. His analysis of how we respond to narrative cues in sustained pieces of writing offers indications towards the ways writers can optimise their writing styles and structures to maximise reader engagement. Similarly, for those who are familiar with struggling to maintain an interest in sustained writing (academic or otherwise), Newkirk also presents an informed view of how we can reframe our attitude to extended texts to invigorate our interest as consumers of text.

Senior Capstone Project Synthesis Essay

My capstone project and the various seminar-based research detours I have made over the course of this semester have run in parallel with each other, and in conjunction with personal journeys of my own that have coincided with the module. Throughout my Capstone seminars this semester, I have encountered a colourful and at times unfamiliar range of theoretical approaches to stories, and the act of storytelling. At times, such as our exploration of H. H. Munro's *The Storyteller*, I was on familiar ground; being a theatre student at my home University, I was acquainted with much of the performative-based discourse that surrounded our discussion of the text, including both the text's internal discussion of how to perform effectively in the role of a storyteller, as well as our in-class performance of the script. Elsewhere, when our exploration of stories took a turn into the worlds of business and medicine, I found that I had to take particular care to maintain my ability to follow the course of the discussion. In reading the stories and research articles provided by Professor Fletcher, however, I was able to bridge this unfamiliar terrain with the concepts I was already accustomed to; I began to understand how applicable story and narrative theories are to a wide range of disciplines. All of a sudden, business ceased to be a whirl of complicated numbers and incomprehensible buzzwords, and was transformed into a matter of, essentially, story politics: which stories matter, and why. My initial confusion over the place of storytelling in the world of medicine was soon quashed when I reminded myself of how many purposes a story can have. I was particularly drawn to Rita Charon's argument that "not only is diagnosis encoded in the narratives patients tell of symptoms, but deep and therapeutically consequential understandings of the persons who bear symptoms are made possible in the course of hearing the narratives told of illness" (Charon 862); she argues that, like my own analysis of Emily Doe's impact statement in my Capstone project, through analysing narratives of illness,

doctors are able to extract more detailed and contextualised diagnostic information than simple data sets or lists of symptoms could ever provide. It was from here that I came to understand the greater significance and potential of narrative as a communicative tool.

My encounter with both the familiar and the unfamiliar over the course of this class has particularly affected the way that I assume or impose stories. During the class, I particularly responded to the recording of Chimamanda Adichie's TED talk "The Danger of a Single Story," because it made me realise that there are so many narratives that I assume and take for granted that are either untrue or misinformed, even though I had previously thought I was conscious of them.

In class hours, I have enjoyed spending time listening to other people's ideas, both within the seminars and outside of classes. In classes, particularly the facilitator-led seminar discussions, I have taken care to listen to multiple perspectives before voicing my own. This is a technique I have always followed, because I like to be sure of my ideas before I vocalise them, and hearing many different perspectives helps me to formulate and build confidence in my own; in turn, I believe that compacting the perspectives of others into one's own ideas makes them stronger, and this is consequently a more useful way of contributing to the group discussion than simply speaking up every time a new thought enters the mind. In this sense, I believe I have made a positive contribution to the collective voyage of my capstone section into the seminar's theme. Using my close listening skills, I was able to offer more precise perspectives and examples in response to those of others, and the reciprocal treatment from my classmates consistently drove seminars towards stimulating points of discussion.

The case that is central to my capstone project is one that is of stories by nature and by substance. It is a narrative about narratives, and at its core, communicates a key thought on the importance of stories: that these stories must be told in spite of, and because of, the doubt they

encounter. After many weeks of revisions to my project following the weekly capstone seminars, I began to formulate new ideas on how I wanted to explore the class theme. I had initially been focused on how survivor narratives can benefit from modern technological platforms like social networks and broadcast media, but with the diversity of the seminar discussions I soon began to wonder whether this was truly an exploration of stories; I suspected I had opened with a greater focus on audience than on the story. I particularly began to question the angle of my project after the first facilitator-led in-class seminar, which I led with my two classmates, Jonathan and Jennifer. We were addressing the third chapter of Thomas Newkirk's *Minds Made for Stories* (2014), entitled "Itch and Scratch," which explored the ways that writers use narrative "hooks" to entice a reader into wanting to read, providing satisfaction for this curiosity but immediately providing another "Itch" for them to "Scratch" (Newkirk 35). The idea of stories, and non-fiction writing generally, being predisposed in this way made me rethink my perception of survivor stories. Already knowing how so many survivor narratives are treated with suspicion, the idea of these more innocent rhetorical moves prompted within me a recalibration of how I considered these narratives as, potentially, a literary genre of their own.

From here, it occurred to me that it would be a more fulfilling and useful project to focus on how aspects of literary narrative can be transplanted into these stories to prepare them for judicial and societal scrutiny. With this new direction, I was able to synthesise my learning from across my HCOM classes over two semesters with the skills I had developed through previous studies at my home institution; as my University-level education had so far comprised of analysing literature and theatrical texts, my critical analysis skills offered a new perspective on the theme of "Story" that I hadn't considered before.

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