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NARRATOLOGICAL LIMITATIONS OF TELLING TRAUMA: A CASE STUDY OF
LORENA BOBBITT AND SEXUAL ASSAULT

by

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A Dissertation

Submitted to the Graduate Faculty

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for the degree of

Doctor of Philosophy

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ABSTRACT

There are many barriers that women face when they tell their stories of sexual assault, namely—that they will not be believed. A number of factors hinder believability, many of them related to the broader relationship that narrative plays in our lives. Narrative expectation, cultivated by the texts we consume, shapes what we find believable or “tellable” in the words of scholar Amy Shuman. Difficult narratives are often rendered “untellable” because they contain unfamiliar patterns or because they fall outside recognizable frameworks of understanding. Sexual assault narratives are rendered untellable for many reasons, including social misunderstanding of the problem and the limitations imposed by trauma and PTSD which hinder a teller’s ability to impart a complete and cohesive narrative. Compounding these problems is the tendency of others to appropriate stories of sexual assault, sometimes for entertainment purposes. The flexible nature of narrative means that different versions of the same story may circulate at once, but audience expectation and social discourse will dictate which narrative is believed. The most believed version of a narrative is not always the most accurate. This dissertation explores the narratological limitations that women face when telling their stories of sexual assault, tracing the problems back to their discursive roots, then providing pedagogical approaches for addressing these problems. Using the Lorena Bobbitt story as a grounding case study, this dissertation analyzes the various barriers that Lorena faced while bringing those issues forward with contemporary case studies that mirror her struggle and reflect some of the current barriers to believability women face.

INTRODUCTION

If another person told your life story, it probably wouldn't unfold exactly the way it would if you told it for yourself. It might vary drastically, depending on the person in charge of the telling. Some of your life events might even seem foreign when told from another's perspective. You might characterize this as misrepresentation because the events, as told by another, don't ring true to your experiences. Yet, we frequently encounter the stories of others--told from outside perspectives--and it may not occur to us to question how fully these stories reflect the experiences of those involved. Though we easily recognize misrepresentation in our own stories, we may not realize that the stories of others likely contain skewed representations or omissions that could change the way we view the people or events depicted. In short, it's easy to assume that a well-told narrative is the whole story, rather than a version of the story, but that is rarely, if ever, the case.

One narratological problem reveals itself through this example, but upon closer investigation, more follow. Personal agency and ownership of a story are not given, and many issues arise when a story travels beyond its original owner. These issues are magnified when that story is packaged for entertainment purposes. The blurring of fiction and nonfiction, coupled with consumers' complex relationships with both genres, creates another set of problems. For example, expectations established by fictional narratives might color how a person understands nonfiction narratives, and this problem is exacerbated by the uncertainty of "truth" in various media. It may also be the case that a person does not have a strong sense of their own story and is therefore more vulnerable to having their story appropriated or told on their behalf. A person who has suffered trauma,

for example, is vulnerable to this kind of appropriation, and because of their trauma, they are more likely to be negatively impacted by outside representations of their story. This is often the case for sexual assault survivors.

Although narratological problems arise for all kinds of stories, this dissertation will focus on women's stories of sexual assault and abuse. Using the Lorena Bobbitt case as a focal point, I provide a framework for thinking about the various narratological limitations that women face when sharing their stories, particularly when their stories move into a judicial context (which occurs when reporting to police and/or following through with a prosecution that may or may not lead to a trial). Lorena's story offers fruitful ground for this discussion because her case illuminates many narratological problems including the impact of story appropriation (for her this occurred largely through the media), public desire and expectation for entertainment (even from disturbing stories of sexual assault), and the narrative limitations imposed by trauma.

These narratological problems are shaped by challenging social circumstances, including pervasive rape myths, rape culture, inaccurate assumptions about trauma and mental health, and limitations imposed by social and judicial discourses. Bringing these elements together, this dissertation offers a cultural critique of the frameworks that limit women's stories of abuse.

Even if the details are difficult to recall, Lorena's infamous story will probably ring a bell for anybody who was watching television in 1993. Lorena's case can be summarized in terms of the kernel of her story that makes it recognizable regardless of how it's framed and the nebulous cloud of satellite details that enter and exit different versions of her narrative. Comprising the kernel of her story are the facts that in the early

morning hours of June 23, 1993 Lorena Bobbitt took an 8-inch carving knife from the kitchen of her Manassas, Virginia apartment, went into the bedroom she shared with her husband John, and cut off his penis while he slept. She then left the apartment, with the carving knife and penis still in hand, and drove toward the nail salon where she worked. At an intersection across from a 7-Eleven, she threw the penis out the window into ditch. When she got to work, she threw the knife in an outside trash can. Boiling the kernel down even more, what people likely remember is that Lorena's story is about a woman who cut off her husband's penis.

The satellite details of Lorena's story, which contribute the *why* of the case, are trickier because they vary greatly depending on which narrative has the spotlight. What's interesting about Lorena's story is that the satellite details most supported by fact are not the ones that made it into the dominant narratives that circulated during the time of Lorena's trial. The assumption that Lorena lashed out in a jealous rage stuck in public memory, though there is little evidence from the case that Lorena was motivated by jealousy. However, court and public record established an undeniable history of abuse in the Bobbitt marriage, but these facts lapsed quickly from public memory. In the 1990s, the most popular (dominant) narratives about the case omitted or downplayed the history of abuse and relied instead on more sensationalized explanations for Lorena's actions.

These satellite details are the focus of my analysis because they reveal the narratological problems that can arise when a story is appropriated and retold by another. They further reveal the limitations that women face when sharing their narratives of sexual assault. Lorena's story is uniquely beneficial for this discussion because, unlike most stories of sexual assault, her story has been revisited and retold by storytellers who

want to refocus the case as one of sexual assault and domestic violence rather than a sensationalized narrative about a (crazed) woman who cut off her husband's penis. The shifting narratives surrounding the Bobbitt case illustrate the flexible nature of narrative, and the possibilities and problems that can arise from that flexibility.

Many of the limitations that Lorena faced in the 1990s are still limiting the narratives of women today, and this dissertation brings those issues forward with analysis of contemporary examples. In some ways, women face even greater challenges today due to the malleability of narrative and the Post Truth trend of relying on solely on narrative rather than facts. While these problems stem from many social systems--the media, the justice system, medicine--I ultimately assert that they can be addressed through nuanced pedagogical approaches to teaching narrative, critical thinking, and argument.

Narrative Storytelling and Human Nature

Humans have a complex relationship with narrative storytelling. We uniquely communicate through story, using it to connect with others, to locate meaning in life experiences, and to better understand the complex social networks that support us. For this reason, we are highly influenced by the stories we consume, regardless if those stories are fiction or nonfiction.

It is often assumed that there's a hard line between fiction and nonfiction and that each serves a distinct purpose, yet research indicates that we may not experience them in this way. One reason is because this line is much blurrier than often assumed, and nonfiction story telling (narrative nonfiction) can often look very similar, even indistinguishable, from fiction. Narrative-driven stories, be they fiction or nonfiction, rely

on the same rhetorical strategies that lead to effective storytelling. Without a “fiction” or “nonfiction” label, it may be difficult to tell the two apart. Many stories intentionally blur this line, leaving it up to the reader to consume without an explicit sense of what exactly they are consuming.

Rather than thinking of fiction versus nonfiction, it’s perhaps more useful to consider how narrative more broadly impacts human experience. When considering the function of narrative, it’s important to recognize that narrative tends to disappear into the background, easily taken for granted as the story itself rather than a representation of events. In other words, story and narrative are frequently conflated and understood to mean the same thing. However, there must be a distinction because a story can be told many ways and from many perspectives. Consider for, example, how many retellings of “Sleeping Beauty” or “Romeo and Juliet” exist. Each retelling contains the same kernel of story that helps it retain its identity, but the satellite details and/or framework may shift to accommodate a new vision. Whether encountering fiction or nonfiction, it’s useful to consider how the story events are represented through narrative, rather than falling into the assumption that the narrative is the whole story.

Fictional stories and fables initiate many children into the world of story, laying a foundation for understanding human experience. However, most fictions offer one version of a story rather than narrative representations from many perspectives. Fiction has the luxury of taking a story for granted because the characters aren’t real nor are they harmed by one-sided portrayals. Readers, on the other hand, may suffer from short-sighted perspective, tacitly developing certain expectations from these stories. Stories tend to follow certain patterns, creating expectations for narrative arc, narrative cohesion, and

for certain types of characters who behave in somewhat predictable ways. Although unpredictable turns create excitement in a story, too many unpredictable turns may result in a story that's unrelatable. Stories may deviate from expectation, but they can't leave their readers in the lurch. Human experience, on the other hand, often deviates from expectation and defies simple categorical definition. These complexities are not necessarily accounted for when moving from fiction to nonfiction, and they can create narratological limitations for both storyteller and listener.

The blurring of fiction and nonfiction in the media and in entertainment can create confusion for consumers who may bring unrealistic or problematic expectations that may require critical inquiry rather than passive enjoyment. For example, "true crime" has become an incredibly popular genre of entertainment, and it's represented both as fictionalized versions of true events and as nonfictional retellings. Consuming these narratives, particularly consuming both fiction and nonfiction narratives side-by-side, can contribute to a false sense of knowledge about the nature of crime as well as the inter-workings of the criminal justice system. What's unseen when consuming these kinds of stories is that they are a narrative version of events presented for maximum enjoyment. To achieve maximum enjoyment, a storyteller may need to do some selective editing (or careful framing) so that the narrative fulfills audience expectations and doesn't leave them confused or unable to follow the unfolding events. This poses a problem in certain storytelling realms where expectations may not align with reality or where narrative goals for entertainment conflict with certain details of a nonfiction story.

Genres that blur the lines of fiction and nonfiction (whether they do so intentionally or not) have become increasingly popular and include news and reporting

genres that cover stories like Lorena's. The demand for genres that blur the fiction/nonfiction line are seen in the rise of entertainment news, the growing popularity of "based on a true story" narratives, the increasing interest in documentaries, and the now ubiquitous "true crime" genre. Many of these genres feature narratives of sexual violence, the representations of which may unwittingly shape how audiences understand and respond to the narratives of sexual violence. Within the scope of this study, one concern is how these entertainment-driven narratives impact members of the judicial system, particularly jury members who are culled from the general population. Although, as I will discuss in detail, even seasoned court officials (police officers, lawyers, and judges) are not immune to the social biases that impact judicial decisions.

The Media's Decentering of Lorena

When the Bobbitt case initially circulated through the media, the majority of coverage downplayed the abuse and sexual violence that Lorena endured during her six-year marriage. It instead focused on sensationalized explanations for her actions: she was a hot-blooded Latina woman, prone to lashing out; she was jealous, angry, and out for revenge for minor slights in the marriage. These explanations were, at best, distortions of the truth and, at worst, fabrications. Yet, they fulfilled two important narrative functions. First, they explained why Lorena attacked John, without having to get into the messy (and uncomfortable) realities of domestic violence; second, they sensationalized the story, making it more exciting and more easily consumed by a general audience. The media's slander of Lorena's character mirrored the slander that happened in the courtroom, a practice that's still common when lawyers want to cast doubt on a witness.

Compounding this doubt was the media's reluctance to address Lorena's claims of sexual assault. Media coverage at the time shied away from the word "rape" when reporting the case. Instead, they leaned on the term "forced sex," often in conjunction with descriptions of Lorena as a timid young wife. This rhetorical shift implied that Lorena was naive about sex, not a victim of marital rape--the validity of which was still largely questioned. Although all 50 states had established marital rape laws by 1993, many states had (and still have) exceptions that rendered the laws effectively useless. These exceptions, along with prevailing social attitudes, prioritize a husband's assumed right to have sex with his wife over a wife's right for safety and autonomy within a marriage. Generally speaking, wide social belief in common rape myths bolstered this coverage, allowing for dismissal of Lorena's claims. Others were skeptical of "marital rape," believing it an oxymoron as sex is an expected part of the marriage contract.

Although many struggled with the legitimacy of marital rape, once the record of abuse surfaced--which included police reports, photographs, and a restraining order that Lorena had filed against John--it became clear that Lorena had suffered greatly in her marriage. John's defense lawyers could not deny that Lorena was a battered spouse, and their own witnesses corroborated that fact. However, even in light of this information, the media's narrative frame did not shift to re-consider Lorena's perspective. Instead, many argued that Lorena and John were both bad people, and this case ultimately boiled down to a poor match. As David Margolick wrote in his 1994 *New York Times* article, "The verdict ended, at least in the courts, what began as a depressingly ordinary private domestic dispute between two mismatched people" (1). Similarly, state prosecutor Paul Ebert, concluded that, "They are like children. ...Neither one plays with a whole deck.

They don't have all their spigots open" (Margolick 1). In short, once it became clear that John was not an ideal person to champion, the major media outlets did not show interest in revisiting the story from Lorena's perspective or to consider what they might have missed in their initial coverage. Instead, both John and Lorena were dismissed as unlikable characters.

With the dominant narrative shifted away from Lorena's suffering, audiences could freely indulge in the humor of the situation. Late-night hosts, radio personalities, *Saturday Night Live*, and other public commentators unleashed a flood of jokes, farces, and satire pertaining to the Bobbitt case. While John, who regained full functionality of his penis, relished in the jokes and attention, eventually launching his "Love Hurts" celebrity tour, Lorena was horrified by the jokes and largely avoided media attention. Looking back on that period in her life, Lorena recounts, "I was the subject of so many jokes in the '90s and to me it was just cruel" (Chozick n.p.). Without empathy, the Bobbitt story became one of sensational content and humorous elements, not a story about real people with real needs and emotions.

In her 2016 story on the Bobbitt case, Jeltsen observes that the country desperately needed to start a dialogue about domestic violence, but the entertainment factor overshadowed that need. Jeltsen cites that in 1993, 2,160 women were murdered by their intimate partners, and "there was a desperate need to improve services for victims, to raise funds and, crucially, to change the culture that enabled abusers to beat their families in private with impunity" (n.p.) Although Lorena's story could have been the catalyst for this much-needed social change, "Instead, the story descended into a joke, with Lorena Bobbitt as the punchline" (Jeltsen n.p.). The "details of the incident became

fodder for late-night comedians” and “the public made up their own jokes and songs about the sordid circumstances” (ibid). It’s not that the general public callously ignored the fact that over 2,000 women were murdered at the hands of their partners that year, it’s that that version of the narrative never gained traction. Looking back on that period, Lorena remembers, “They wanted to talk about his penis, not my story. ...Maybe it looked like a reality show from the outside, but we were not in a cast. It was real life” (qtd. in Jeltsen n.p.).

Not everybody found Lorena’s story humorous, even at the time. Feminist advocates and the Latin American community empathized with Lorena and showed strong support for her cause. Others commented with disgust about John’s time in the limelight: “He beats his wife and he’s a celebrity. God help America. We’re a sick and twisted country” (*Lorena* Part 4, 20:46). However, these were minority voices at the time. What remained strong in public memory were the humorous accounts of the case and the jokes that followed. At the time, Lorena did not or could not comment on how the jokes hurt her, but in the revisitations of her story she has commented many times about how hurtful the media coverage was for her at the time. While she finds that she can laugh at the matter now, that’s with more than 25 years of healing behind her.

Lorena did what she could to mitigate the laughter, but she did not have much control over the narrative. In many ways, she was cast as a secondary character in the story of her own life. The narratives perpetuated by mainstream media at the time dictated which details were shared at great frequency and which were presented as minor or less important. This impacted not only what opinions people formed at the time, but--more importantly--how they remembered the case. For example, most people don’t

remember that both John and Lorena went to trial--first John, who was tried for marital rape, and then Lorena, who was tried for malicious wounding.¹ John's trial wasn't televised and received far less coverage than Lorena's trial, which was both televised and re-scheduled to accommodate a larger viewership. As a result of the uneven treatment of their crimes and the dominant narratives that persisted about the Bobbitt case, many people did not know or remember that Lorena was a battered woman.

Because narratives are often taken as the whole story, once a dominant narrative takes hold, it's difficult to course-correct. Lorena had many factors working against her, but unlike many stories of sexual assault, she eventually got the opportunity to tell her story from her own perspective. This retelling illustrates how dramatically a narrative can shift when reframed and presented with previously omitted details.

Lorena: The Revisitation of the Bobbitt Case

The Bobbitt case has remained part of public consciousness for more than 25 years, occasionally resurfacing on talk shows and other media outlets. However, it wasn't until the mid-2010s that interest in what was lost or forgotten from Lorena's perspective began to surface. Melissa Jeltsen's 2016 *Huffington Post* article challenged the public's prevailing inclination to see the Bobbitt case as a joke. The article's tagline summarizes Jeltsen's angle: "Her 15 Minutes of Fame Could Have Launched a National Dialogue About Domestic Abuse. Instead, it was All About Dick Jokes." Jeltsen's article recounts

¹ In this project, "John's Trial" refers to when he was the defendant, charged for marital rape. "Lorena's Trial" refers to when she was the defendant, charged for malicious wounding.

Note on name usage: I will refer to John and Lorena by their first names to avoid confusion because they both went by "Bobbitt" while they were married. Lorena now goes by "Gallo" which is her family name.

the events leading up to June 23, 1993 but from Lorena's perspective. It then follows Lorena's journey after the trial through emotional recovery and on to her current role as a domestic violence advocate and founder of Lorena's Little Red Wagon, a charity that supports victims of domestic violence (Jeltsen n.p.).

When filmmaker Joshua Rofé came across Jeltsen's article, he realized that he too had misremembered the case ("Lorena Bobbitt Talks"). He decided that he wanted to tell Lorena's story as a documentary, this time, focusing on the case's forgotten details, the absence of which had allowed the story to be largely remembered as a joke rather than a serious case of rape and abuse. Rofé brought in Jordan Peele as a producer and began working on what would be released as a four-part docuseries entitled *Lorena*.

In 2018 *Lorena* premiered at the Sundance film festival, and in February 2019 it premiered on Amazon Prime. Many public reviews reflected a similar response to Rofé's: they had also misremembered the case². In an interview with *The Hollywood Reporter*, Rofé explains that "everything that people essentially remember about that story is, you know, particularly skewed in one very, sort of, uh, specific direction. And what [the docuseries] does is recontextualize it in the way that it really should have been told 25 years ago" ("Lorena Bobbitt Talks"). In the same interview, Lorena adds that, "the media didn't quite get it. They missed a tremendous opportunity to talk about the social issues" (ibid). As they had hoped, the revisitation of the Bobbitt case through Lorena's perspective, with its emphasis on domestic violence and sexual assault, dramatically changed the reception of the narrative, not only for public viewers but for media outlets covering the docuseries and/or revisiting the case again themselves. *The Los Angeles*

² These reviews will be covered in more detail in Chapter 2

Times asked, “why did we vilify a domestic abuse victim?” (Kaufman); *The New York Times* tells readers, “You Know the Lorena Bobbitt Story. But Not All of It” (Chozick); and *IndieWire* explores how Jordan Peele gave Lorena the opportunity to “tell her side of the story” (Shraf). Like the docuseries, this coverage moves domestic violence and sexual assault to the center of the narrative.

The docuseries highlights several social and narratological issues that I address in this dissertation. First are narrative issues of perspective, framing, and social constraint. Second are issues related to appropriation of another’s story, namely by powerful forces such as the media. Third are the social and judicial discourses that limit how stories can be told and how they can be heard. Lastly are the limitations imposed by trauma. Ultimately, this dissertation examines narrative communication from the lens of the teller and from the lens of the listener, providing a layered discussion of narratological limitation as seen from both sides of the communication model.

Chapter Overviews

Chapter 1: Narrative Framing of Tellable and Untellable Stories

Using narratology as a primary methodology, Chapter 1 establishes a foundation for a discussion about narrative that will manifest in each chapter. I focus on four key narrative concepts: perspective, framing, control, and “tellability.” Tellability, a term coined by Amy Shuman, refers to the ability of an audience to categorically recognize a given narrative in order to understand it in line with other “patterns of experience” (13). Tellability is established, in part, by social norms, values, and dominant discourses. Generally speaking, we want to make our life stories tellable because stories help us gain

a better understanding of one another. However, sometimes making a story tellable means altering it or leaving parts out, which can feel like a violation of experience for the teller. To not heed the dictates of tellability is to render a story untellable or unrecognizable as valid. Hope for shared understanding and connection disappear with an untellable story. This doesn't mean that a story is untrue, but it may be received as not truthful. Tellability provides a rich ground for narrative analysis because it allows for the examination of social discourses that shape the stories that we tell and the stories that we are able to receive, recognize, and relate to.

Perspective, framing, and control are all related to tellability as well. All narratives are grounded in a particular perspective and a certain point of view. This perspective coupled with the narrative choices of the storyteller creates a frame of reference to help readers understand the contents of the story. For example, a story that begins with a tenacious protagonist who keeps failing in their endeavors will signal to readers that the story is likely guided by the familiar patterns of an underdog narrative. When it comes to nonfiction stories, the person in "charge" of the narrative has the power to frame the individuals involved as heroes or villains, perpetrators or victims, innocent or guilty. The person in control of the narrative may or may not be the person who has original ownership of the story, meaning, they did not experience it personally. In this sense, as Shuman describes as well, stories tend to travel beyond their original owners, for better or for worse.

When considering narratives of sexual violence, these elements are crucial. Many myths surrounding sexual violence dictate the tellability of sexual assault narratives. Claims made by survivors may be questioned because they defy expectations established

by a general social understanding of sexual violence. This general understanding can masquerade as “common sense,” which gives people a false sense of knowledge about a complex issue. Importantly, many of these myths and the “common sense” knowledge they support are rooted in misogyny, heteronormative sexual mores, and baseless gender assumptions. These dominant ideologies, regardless of their roots, will ultimately direct the tellability of sexual assault narratives. They will also dictate how narratives can be framed and by whom.

Lorena’s case illustrates how difficult it can be to establish a tellable narrative when it comes to the often-untellable stories of sexual assault. Lorena, in particular, had a difficult time telling her story because she did not attempt to establish a tellable narrative with a relatable framework. Also working against her were strong social norms that invalidated marital rape. However, as I will discuss in this chapter, in the early 1990s, domestic violence was finally becoming an open social issue and ultimately Lorena was able to establish a tellable narrative of abuse through her experiences of domestic violence. Although many still doubted that her husband had raped her, few could deny the clear record of abuse that her trial established. Though it’s likely that the sexual assault she endured contributed to the development of post-traumatic stress disorder (PTSD) more so than the physical violence, she was still able to establish her illness through the more tellable narrative of domestic violence.

In its initial popularity, Lorena’s story was told by many people, largely from perspectives that did not account for her. Most of these versions of her story were unfriendly to her. In critiquing these various narratives and their frameworks, I argue that

readers³ need to develop a better understanding of how narratives in general function so that they may better recognize that any given narrative is a *perspective*, not the whole story. By developing an awareness of tellability, readers can become more adept at making room for new kinds of narratives that defy their expectations. This awareness can better equip readers to challenge hegemonic thinking by recognizing and questioning dominant narratives.

Chapter 2: Blurring of Fiction/Nonfiction in Entertainment Media

Chapter 2 looks more carefully at a specific narrative framework: entertainment. This chapter is concerned with what impact an expectation for entertainment has on audience reception of narrative. The foundation for this chapter is the often- unclear relationship between fiction and nonfiction narratives and the problems that can arise when we don't realize the extent to which these narratives impact our lived experiences and, more specifically, the problems that arise when we don't realize what genre we're consuming for entertainment purposes.

Using Wayne Booth as a literary foundation for this chapter, I establish the often taken-for-granted roles that narratives play in our lives. Then, drawing on the research of Melanie Green and others, I discuss the gaps in nonfiction narrative research and argue the need for more concrete research on how nonfiction narratives overlap with fictional narratives and the implications of consuming these narratives for entertainment purposes.

³ I use "readers" broadly here to mean audiences who consume and interpret information from the stories they consume. I draw a clear distinction between "reader" and "audience" in Chapter 3 where I argue that audience implies passive consumption whereas reader implies active engagement. I am, in this project as a whole, advocating for more active readership and less audience consumption.

This discussion is relevant to Lorena's case because her story was sold by various media as entertainment, not just news. In order to sell a story to a general audience, particularly for entertainment purposes, the story need to be not only tellable but easily-digestible⁴. In other words, any confusing or complicated information in the story needs to be smoothed over, explained, or omitted. Consumption of these kinds of narratives, especially for entertainment purposes, can discourage critical engagement with the narrative. A lack of critical engagement means that audiences may passively consume hegemonic dominant discourses. This passive consumption may unwittingly shape audience world views, allowing for the perpetuation of oppressive discourses.

This discussion is relevant beyond Lorena's case because there's a clearly established trend of selling nonfiction narratives as entertainment, and audiences are increasingly demanding narratives that blur the line between fiction and nonfiction. This includes a desire for entertaining, or at least easily-digestible, news coverage. This look at entertainment framing returns to Shuman in order to examine in more detail what can happen with a story travels beyond its owner, as Lorena's did. When a new teller takes over, the perspective shifts and something is often lost. For Lorena's story, and other similarly complicated narratives, what's often lost is the nuance that makes the story unique because it's the nuance that often renders it untellable.

⁴ I've been questioning the "easily digestible" metaphor for describing the treatment of entertainment narratives; however, this morning (3/16/21) the news was on at the doctor's office and the newscaster said that she would break the story down so it would be "easily digestible" for viewers. I had to laugh at how on the nose the moment was, particularly because Chapter 2 focuses specifically on news becoming more entertainment-oriented with easily digestible narratives.

Chapter 3: Narratological Limitations of Social and Judicial Discourses

Chapter 3 picks up the thread of entertainment and focuses specifically on how these entertainment narratives impact decisions within the courtroom. With the rise of courtroom-specific and “true crime” entertainment, many within the judicial system have begun to worry that jury expectations of the legal system are being impacted by the entertainment that they consume. In other words, social and judicial discourses tend to overlap in complex ways that shape narrative expectation.

This chapter’s foundation is discourse, specifically the social and judicial discourses that occupy separate but heavily overlapping spaces. I draw from Judith Butler and, by extension, Michael Foucault, to establish a basis for discussing performativity. Using Butler, I argue that the power within the judicial system perpetuates itself through performativity. Drawing on George Lakoff and Mark Johnson, I further argue that the metaphors of justice give the justice system authority within the social realm by fostering the belief that the social and judicial are distinct realms. In this way, justice is seen as elevated above the human (and human error). The justice system maintains discursive (institutional) power through this metaphoric understanding. I offer an examination and critique of these power structures, discussing the short-comings that pertain to cases of sexual assault.

This chapter also explores the driving forces that inspire people to pass judgement, even when they are not part of an official judicial process. An explanation of the “court of public opinion” and a contemporary example guide this discussion. Picking up the entertainment thread again, I examine participatory entertainment, namely the trend of “true crime” genres that invite audiences to “help” solve a crime. This genre,

whether the invitation is explicit or implicit, positions readers as experts when they are not. I argue that consumption of this kind of entertainment can lead to a false sense of expertise that individuals may bring with them into the courtroom.

Though some of the discussion of this chapter pertains to broader issues within our justice system, the primary concern remains with cases of sexual violence. Lorena's story is the touchstone case study to illustrate specific ways in which social and judicial discourses impose upon a sexual assault trial. I look at the limitations that judicial discourses place on narrative framing, namely the ways in which the legal system imposes tellability frames by deeming certain parts of a story either admissible or inadmissible. I also look at the way Lorena's lawyers framed her case. This discussion allows for a broader discussion of narrative within the courtroom, some of which draws on sexual violence and gendered myths discussed in Chapter 1. As with Chapter 2, I offer a critique of the ethical short-comings that arise from these established practices.

Chapter 4: Trauma and Interrupted Narrative

In Chapter 4, I turn to the issue of trauma. Since sexual violence is highly likely to lead to development of either short-term or long-term PTSD, it's important to understand how trauma may impact a survivor's ability to tell their narrative. As it turns out, the research clearly illustrates that PTSD alters both the storage and recovery of traumatic memory, which makes ordering events into a cohesive narrative extremely difficult if not impossible for trauma survivors. This means that audiences may expect a complete and cohesive narrative not realizing that trauma precludes the teller from delivering on this expectation. General or "common sense" understanding of narrative indicates that an

incomplete or shifting story signifies that a teller is not being truthful, which means that trauma narratives are likely to be interpreted as fabricated.

In this discussion, I draw primarily from the work of Bessel Van Der Kolk, along with other research on PTSD, to establish a foundation for understanding the physiology of PTSD. PTSD is a complicated disease that manifests both psychologically and corporally, which means that it has a history of being misunderstood, misdiagnosed, and mistreated. To facilitate a conversation about our contemporary understanding of the disease, I provide a history of the disorder. In doing so, I establish the gendered nature of the disease and the social ramifications of understanding this disease, as well as related diseases, in gendered terms.

Turning to Lorena's case, I examine her testimony and her narrative through the lens of PTSD to illustrate the impact trauma has on narrative cohesion. Trauma is particularly important to Lorena's case because her plea of temporary insanity depended on the establishment of her mental instability. However, social understandings of PTSD and its comorbidities can create roadblocks, particularly for women who wish to establish that trauma has impacted their narrative or their memory of an incident. Namely, PTSD is often associated with military service, typically men who have served during a war or seen combat. On the other hand, many of the comorbidities of PTSD, including depression and anxiety, are often associated with women and are highly stigmatized and often framed as non-clinical. In other words, while we have come to see PTSD as a valid disease, we may largely invalidate some of its manifestations by downplaying the severity of the "female" traits of depression and anxiety.

Drawing from the history of “hysteria” and the association of women with insanity, I further discuss how Lorena was often framed as crazy in social discourses as a way to discount her claim, yet many were hesitant to make that label “official” when it benefited her within the courtroom. In this way, I examine how gendered associations with certain diseases are used to control women’s behaviors and, by extension, control their narratives as well. This discussion illustrates how general or “common sense” views of various disorders, particularly mental disorders, can create barriers for women in a variety of ways. I argue for the importance of rhetorically reframing our understanding of PTSD and trauma narratives more broadly, especially when women are the tellers.

Conclusion: Narratives of Sexual Assault in a Post-Truth World

The concluding chapter brings the threads of Lorena’s case together by looking to our contemporary cultural moment, which has been shaped by a shifting media landscape, the rise of social media and online culture, the #MeToo movement, and the harnessing of narrative in what many now call the Post-Truth Era. I first outline the rise of post-truth narratives and the massive circulation of false and misleading information online. In light of the problems presented by post-truth narratives, I briefly cover some contemporary case studies of sexual violence, looking at the unique social issue that each highlights.

First is the VA scandal that centered on Republican representative Dan Crenshaw and his involvement in a slander campaign against a female veteran who lodged a complaint of sexual assault. Crenshaw’s response to being implicated shows how an accused person can “flip the script” to position themselves as the victim, using political

divisiveness to garner sympathy from their supporters (and perhaps others who may fall into political grey area). Then, I look at the trend of creating sympathetic narratives for rapists, particularly high-status men. I draw from the cases of three convicted rapists: Brock Turner, Harvey Weinstein, and Bill Cosby. Drawing from philosopher Kate Manne's concept of "himpathy," or the tendency to excuse powerful men and protect them from consequences, I examine the roots of himpathy, analyze the resulting narratives, and critique the social structures that allow for the circulation and acceptance of these sympathies. Lastly, I turn to the case of Christine Blasey Ford, who accused 2018 Supreme-Court nominee Brett Kavanaugh of sexually assaulting her when they were teenagers. Ford's case illustrates how the post-truth era ignores truth and even belief in favor of political agenda. Unlike Anita Hill, who similarly came forward to speak against the nomination of Clarence Thomas in 1991, Ford was largely believed. Yet, that belief had no impact on the outcome of the hearing and Kavanaugh, like Thomas, was confirmed.

These various social critiques beg the question--what do we do about it? With an eye toward hope, the concluding chapter ends with a pedagogical discussion about how educators can address sexual violence, rape myths, rape culture, and the broader issues of narrative (both fiction and nonfiction) in the English classroom. Although some of the problems presented in this dissertation may seem to fall outside the purview of rhetoric studies, many of them are rooted in social and discursive misdirection that can be corrected in the classroom. This pedagogical turn is not meant to be exhaustive but instead to provide a sense of direction for how we as educators can begin to address (and ameliorate) some of these complex social issues.

As a whole, this project provides a social critique and analysis of the Bobbitt case (along with a few contemporary case studies) as a way to contextualize and better understand problems that arise when a survivor attempts to narrate her experience of sexual violence. I aim to provide rhetorical course corrections for how we understand various narratives, particularly those of sexual violence. When it comes to high-stakes narratives like these, it's imperative that we have a better understanding of how these narratives are shaped and consumed, and what impact that consumption has on our broader understanding of the world. My goal is to make visible the social impact that the stories we tell have on our lives and to emphasize the importance of how we tell (and receive) stories of domestic violence and sexual assault, both of which require a degree of empathy not often afforded to them.

CHAPTER 1: NARRATIVE FRAMING OF TELLABLE AND UNTELLABLE STORIES

On its face, an account of sexual assault may not seem like an act of storytelling, but any time we engage in narrative communication we are engaged in the act of storytelling. Storytelling is one of those terms that seems to have a confined meaning, yet when pressed it begins to expand. The term *storytelling* might conjure images of ghost stories around a campfire or fairy tales told to children before bed. Yet, we hear about current events from news stories; when somebody has a bit of juicy gossip, we urge-- *what's the story?*; and major events of our lives become coded by familiar story structures--the proposal story, the birth story, the overcoming adversity story. Stories are more than mere entertainment; they demarcate all of our experiences--positive and negative. Narrative communication helps us feel connected to one another, and it provides social cues that help us navigate the world. We tell stories to share information, to entertain, to relate to one another, and to participate in the larger social narratives that compose our lives. These include the difficult or challenging stories that we share with one another.

Perhaps due to their ubiquity, we often demand that information come in story form. When it doesn't, we may push for elaboration that fills out the narrative--*who, what, when, where*. Even mundane events demand the larger significance that story structure provides. When a story seems like it's missing something, we may wonder, *why did you tell me that?* We feel frustrated when a story doesn't make sense or when it seems like we aren't getting the *whole story*. Stories are the backbone of human communication, and storytelling is so commonplace that we don't always recognize when

we're doing it (or even what kinds of communication constitute a story). Therefore, we may not recognize the desires and expectations that we bring to the stories that we tell and hear. Further, we may not recognize how our expectations of story limit or hinder those stories that are challenging for both teller and listener, which includes stories of sexual assault.

The Lorena Bobbitt case became one of the most captivating stories of the mid-90s, and it's a story that has maintained public attention, to varying degrees, for more than 25 years. Although it has been largely remembered as a story about a woman who cut off her husband's penis, it is ultimately a story of domestic violence and sexual assault. The details of the Bobbitt case are still hotly debated and divisive, with people who have no personal stake in the story firmly defending one side or the other. Supporters of either side feel frustrated by John's changing story and by the gaps in Lorena's memory because they create uncertainty in the narrative. The most certain portion of this story, and the portion that remains strong in public memory, is John's severed penis. This is likely because it's the most unique and recognizable part of the story. The forgotten details of assault and abuse are not inconsequential, but they are, for many reasons, more difficult to inspire strong public memory.

Due to the emphasis of John's experience over Lorena's, key pieces of information about the case were largely forgotten by the general public. One important, and often forgotten, detail is the fact that both John and Lorena stood trial. Before Lorena was tried for malicious wounding, John was tried for marital rape. While marital rape was by that time considered a crime in all 50 states, it was still a new concept. In fact, the last state to include marital rape in at least one of its sexual offense codes did so on July 5,

1993--less than two weeks after Lorena cut off her husband's penis and formally accused him of marital rape (Bennice and Resick 231). However, social attitudes about rape had not, and in many ways still have not, caught up to judicial legislation (Gavey). These attitudes bolstered a version of the Bobbitt story that supported John's perspective over Lorena's.

An examination of the Bobbitt story in terms of which details became part of the dominant narrative and which details did not, reveals deep problems within our justice system as well as larger social problems pertaining to how we tend to understand domestic violence and sexual assault. Part of this problem stems from the tendency to parse out different kinds of rape, identifying some as valid and others as invalid. This same process of validation and invalidation applies to victims of domestic violence as well. Narratives that deny the validity of abuse claims often stem from myths that take on certain narrative structures which, over time, become familiar and therefore seem credible. However, these narratives create biases that erase rape or render it less consequential than it is.

In this chapter, I establish a foundation for talking about narrative and the act of storytelling. By parsing out the elements that provide a narrative with its shape and structure, I identify the ways in which different narratives based on the same story can shift dramatically, sometimes doing harm to a story's owner. In my analysis of the Bobbitt story, I look critically at the different narratives that circulated at the time of her trial, versus the narrative offered by the docuseries *Lorena* and consider how the social myths (also conceptualized as social narratives) surrounding gender, sex, rape, and domestic violence impacted the tellability of Lorena's story. Considering these myths in

terms of “tellability” reveals the social and narratological limitations that survivors of sexual violence face when sharing their stories. In acknowledgement that Lorena’s opportunity to reshape her narrative is extremely rare, this critique extends beyond the Bobbitt case, illustrating how women today still face similar limitations. Ultimately, I argue that by developing a better understanding of the way narrative functions in our lives, we can begin to address some of these deeper social problems at their root.

Story Versus Narrative and the Art of Storytelling

Storytelling is so common to human experience that we don’t often separate the story itself from the telling of that story. In the vernacular, “story” and “narrative” are frequently used interchangeably, but from a narratological perspective they signify different things. Storytelling is made possible through *narrative discourse* which situates events into a certain frame (Abbott 16). Frames offer a metaphorical understanding of story parameters. Just as one might have to decide how to orient a photograph that’s too big for its frame, frames inevitably cut out or emphasize different aspects of a whole picture. Narratology borrows its understanding of frames from cognitive theory, “in which frame is understood to mean a mental configuration of representative bits that stand for something in the world and that is triggered by cues that we sense, allowing us to understand what we are seeing or hearing” (Abbott 190). In other words, frames provide a structure for containing a story, and within that frame, certain cues help readers understand how they are supposed to make sense of what’s represented. Narrative discourse is the representation of events (within a certain frame) while story is the events themselves (Abbott 16). Thus, *narrative discourse* plus *story* equals *narrative* (Abbott

16). In sum, a story is the events and narrative discourse is the representation of those events. Together, they create a narrative.

While narrative is defined at its most basic as “*the representation of an event or a series of events*” (Abbott 12), narrative is also defined by its relationship to time.

Narrative situates events in time, creating a sense of temporal movement that may be sped up or slowed down. When we experience a narrative, we are often aware that time is being manipulated. Nobody wants to read a narrative that’s like watching security footage--we appreciate when a narrative skips ahead to the good bits (Sellers 189-90). Similarly, we appreciate when a narrative slows down to savor tense or exciting moments (ibid). Yet, even with narrative compression or expansion of time, the reader remains aware that, on the story level, there’s more time than what is represented directly on the page (Abbott 14). For example, a reader will understand that a month has passed within the story even if the narrative discourse has compressed the events of that month into a single sentence (ibid). Narrators typically give their readers certain cues to help them follow the story even as the narrative discourse skips ahead. That passage of time may be important to the story, but the events of that month may not be worth writing about in detail. More importantly, a text cannot take the same amount of time to read as the events in the narrative. H. Porter Abbott explains that “when we read a narrative, we are aware of, on the one hand, the time of reading and the order in which things are read, and, on the other hand, the time the story events are supposed to take and the order in which they are supposed to occur” (14). In this way, narrative discourse does not need to be chronological in order for the reader to come to understand the chronology of the story.

Understanding the distinction between narrative discourse and story permits a reader to see how a story has been represented, rather than taking that representation for granted as the story itself. This distinction is important because narrative discourse frames a story, which means that there are many ways to construct a narrative based on the same story. Abbott explains that “one thing that strengthens the sense that stories are always mediated is that they can be adapted” (18). For example, Shakespeare’s *Hamlet* can be retold as Disney’s *The Lion King* or Jane Austen’s *Emma* can be retold as the film *Clueless* and both stories are still recognizable at their core, even though the representation has been drastically altered. That means that there may be narrative choices made in the telling of a story that obscure or erase parts of the story. If we don’t question or investigate these narratives, then we may miss important details or additional perspectives.

Part of a narrative’s recognizability stems from the preservation of core events that remain central to each story. Abbott describes these as constituent events; he also offers that Roland Barthes describes them as “nuclei” and Seymour Chatman describes them as “kernels” (Abbott 20). These constituent events are key “turning points” that are necessary for the story to maintain recognizability. Supplementary events (Barthes--catalyzers, Chatman--satellites) are less necessary and changing them will not compromise recognizability of the story (Abbott 20). This does not mean, however, that supplementary events are insignificant. Abbott explains that “supplementary events can be very important for the meaning and overall impact of the narrative...there is more to narrative than story. And in that ‘more’ can be much that gives a work its power and significance” (20). This may be illustrated in the distinction between *Emma* which is

largely considered a canonical piece of classic literature and *Clueless* which is generally characterized as a low-brow cult film, seen as appealing to baser pleasures.

When we share our experiences with one another, we invariably rely on narrative to create order out of the events of our lives. Narrative discourse, or the framing of our stories, helps us imbue our experiences with meaning or significance. Again, we often do this without thinking because story and narrative tend to become conflated in our understanding. It's perhaps no surprise that we fall into creating narratives so naturally that we hardly see the way narrative discourse and story are coming together. Abbott observes that, "Given the presence of narrative in almost all human discourse, there is little wonder that there are theorists who place it next to language itself as the distinctive human trait" (Abbott 1). Roland Barthes conveys a similar sentiment about the role narrative plays in our lives. He writes, "narrative is international, transhistorical, transcultural; it is simply there, like life itself" (Roland Barthes qtd. in Abbott 2).

In his ethics of fiction, Wayne Booth takes the relationship between narrative and human experience one step further, describing an almost biblical quality of narrative due to its omnipresence in our lives. He argues that we use stories as building blocks of humanity, helping to construct our experienced existence. He claims that, "our culture appears to be the most narrative-centered of all time. ...in the beginning, and from then on, there was story, and it was largely in story that human beings were created and now continue to create ourselves" (39). While we tend to think of stories as mere entertainment, their function extends far beyond the realm of entertainment. We tell stories for a number of reasons: to connect with other people, to garner sympathy, to spread awareness, to cope with loss, to make sense of a complicated situation, to gain

personal insight. Narratives help us make sense of events by imposing structure, order, and logic on what could otherwise be seen as meaningless happenings. When we say, *everything happens for a reason*, what we mean is that we have used or we will use narrative in an attempt to locate meaning in what has happened.

Folklore scholar Amy Shuman observes that we rely on story telling largely because of the promises that it makes. She explains, “Storytelling promises to make meaning out of raw experiences; to transcend suffering; to offer warnings, advice, and other guidance; to provide a means for traveling beyond the personal; and to provide inspiration, entertainment, and new frames of reference to both tellers and listeners” (1). The hope of this fulfilled promise is perhaps part of the reason why we rely so heavily on storytelling to structure our lives. We turn our life experiences into stories and retell them--to others and to ourselves--in hopes of gaining understanding about the past and the present. Stories compose our lives.

Stories are always narrated, so they are therefore mediated by various narrative frames. This means that narratives tend to take on certain structures, feature certain kinds of characters, and rely on various tropes. In fiction, tropes and recognizable narrative structures are commonly discussed, but the stories that we tell about ourselves also rely on tropes and familiar structures. Stories composing our lives typically to rely on narrative “short cuts” that make storytelling (and story hearing) easier, and because we’re so attuned to stories, we tend to arrange events into these familiar structures without realizing it. Shuman summarizes that “just as folktales have a familiar structure, so do the stories we tell in everyday lives” (13). These structures rely on common tropes that we learn from experiencing stories, both fiction and nonfiction. In other words, how we

narrate story events is largely contingent on the kinds of stories that have already been made available to us.

Instead of crafting novel structures that explain the events of our lives, we lean on the efficiency of fitting our lived experiences into familiar narrative patterns. Shuman argues that we identify categories of experience that help us organize our life events, and we choose from these categories when constructing a narrative. Comparing personal narratives to the typical sequence of events found in folktales, Shuman argues that “personal-experience narratives sometimes aspire to a similarly recognizable sequence of events. In part, talking about our experiences is a way of searching for a sequence that makes sense” (13). Though we may not do so consciously, subconsciously we decide what kind of story we are about to tell and what patterns we should follow in order to best tell that story. When we do this, we make narratives more accessible and understandable, for both ourselves and for those listening to our stories. Choosing from these narrative categories helps ensure that the meaning behind the narrative can be shared. These easily recognized narrative patterns make a story *tellable*.

The tellability of a story is, in a sense, a measure of familiarity. Tellability is dictated largely by the recognizability of various categories of experience. Shuman observes that “storytelling involves a certain desire or a willingness either to recognize patterns in experience or to impose pattern on experience” (13). Tellability is dictated in part by social norms and values, and Shuman notes that this makes storytelling “a highly contested site for determining norms and values” (12). Shuman expands on this idea, explaining that “How one narrates an experience can make all the difference in determining whether an event is accepted as normal or criticized as immoral or in

characterizing people as victims or as willing participants” (15). For certain stories, however, these choices in narration may require leaving out parts of the story that don’t “fit” or it may require over-emphasis on certain parts of the story in order to make it fit. Pre-existing categories of narrative are flexible--we understand narrative variation and we can even make room for entirely new kinds of narratives; however, it’s important to remember that our brains will often choose the path of least resistance. We will first attempt to make whatever information we receive fit into an existing schema. Sometimes it can feel a bit like forcing a square peg into a round hole, and sometimes we can shove the peg through. Often, however, at the expense of the peg. In other words, something will need to be left behind in order for it to fit.

When there is no round hole and the square peg just will not fit, there are two options. First, make a new hole. When it comes to changing mental schemas, this is not an easy task. The creation of a new pathway is difficult. The second, much easier option, is to accept that the peg doesn’t fit. The peg, however, represents the experience of a real person. When their story cannot be reshaped or when we cannot find a way to understand it, it becomes untellable. An untellable story is a story that may not be readily understood or may be rendered invisible because it challenges familiar categories of experience. Stories that fall outside of recognized patterns may seem unintelligible or difficult to believe. They challenge the narrative schemas that scaffold our understanding of the world.

Storytelling is not a neutral activity, and stories, if they are meant to resonate on a grander scale, are crafted into a narrative that follows certain predictable patterns. Though we might believe that storytelling can be neutral--that we are merely recounting

events--it is never that simple. Shuman explains that, "The order that story telling imposes on events is never neutral, although story tellers often claim that they are just telling what happened and so disavow their own intervention in framing the event" (13). Events are recounted from an individual's perspective, which negates neutrality. Furthermore, we cannot help but locate meaning in a narrative. In order for a narrative to convey meaning, it must be framed in a way that allows for meaning-making. This narrative framing necessarily solidifies a story into a *version* of events. That version of events, if constructed for tellability, will often depict the individuals involved as flat characters, rather than complex people. Shuman explains that "stories construct categories of victims, innocent saints, and evildoers. A story asking for sympathy for a drug user can be as untellable as asking for blame for a charming, intelligent, and handsome young man who rapes his date" (21). These categories for understanding are rooted in our social norms and discourses which are often difficult to challenge.

Once a person is cast in a certain role, it's difficult to separate that role from our expectations of that role. A victim, for example, must act victimized. Very often to act victimized means acting without agency. This is an incredibly harmful expectation of a victim who has already, to some degree, been robbed of agency. When a victim defies this role too much, they create discord in the narrative about victimhood which brings their victim status into question. Further, it's easy to feel sympathy for somebody who is downtrodden, unable to stand up for themselves, and seemingly without hope. A person of this nature very obviously needs help and empathy. But a victim who defies these expectations may seem as though they do not need help or empathy. In reality, people are not flat subjects who wholly fit the expectations of a singular role. We know this because

we know ourselves as multifaceted subjects. Yet, from our narratives (and from other people), we often expect predictability and familiarity. Narratives create a useful context for understanding the world around us, but they invariably flatten human experience by excluding that which doesn't seem to fit. The problem, of course, is that human experience is complicated, and the drive for tellable narratives may actually limit human experience by setting narrow expectations for what we feel and know. They may foreclose on complex emotional experience and on our understanding of complex emotional experience.

When considering the kinds of stories that are untellable, like the sympathetic drug user or the charming rapist, it becomes clear that social norms, including prejudices, heavily influence these categories of experience and, by extension, the tellability or untellability of a story. We cannot separate the stories we tell from the social and political contexts in which they are told because social and political contexts dictate tellability (23). These contexts, like any form of hegemonic thinking, often go unseen. Narratives that go unexamined (and unchallenged) can perpetuate destructive stereotypes or tropes; they can also pave over nuanced experience in favor of a clean story that's easily digestible. These digestible narratives, however, often do more harm than good, particularly to the subject of the narrative. As a story travels beyond the original teller, its structure is appropriated to fulfill a new purpose, the original teller is subjected to the new meaning that becomes attached to his or her narrative. Stories, according to Shuman, work a lot like folktales in that they often invoke broader social meaning. One person's story may become a cautionary tale, though the more nuanced narratives that we tell as adults are typically not so obviously coded. This means that we may tacitly absorb the

cautionary message without consciously realizing that we've been "taught a lesson" so to speak. These lessons, in the form of the stories and narratives that are "tellable" likely perpetuate hegemonic thinking.

The concept of tellability reminds us that stories are mediated through narrative discourse, and that means that they are framed through a certain perspective. Each narrative is necessarily a particular version of events, told from one individual's perspective. When a narrative is particularly captivating or persuasive, it's easy to forget about what's been left outside of the narrative frame. This means that there are always other versions of the stories that we tell--versions where we may be the antagonist rather than the protagonist. Consider, for example, what happens when a relationship goes sour. The narrative about the relationship almost always lays blame to some degree, and likely, that blame will shift depending on which version of the narrative is being told. Which narrative is correct? Which is a lie? It's not uncommon for different versions of a story to cause fractures in families or friend groups and people choose which version of the story they believe. Sometimes, each side looks dumbfounded at the other, unable to understand how they could believe such a version of events. And yet, both sides stand their ground. What's important here isn't which version is "true"--because they are both true and untrue to varying degrees--what's important is understanding that multiple versions will always exist and that certain versions will, for a number of reasons, have a better chance of being believed. It's also important to pull back the curtain on our experiences and see the great extent to which narrative and narrative expectation shapes our lived experience. We don't often recognize that it's a story--rather, *one version* of a story--at the helm of

experience. And understanding this makes all the difference when we aim to better understand how the world works.

Stories of Abuse

Some of the stories that we tell carry more weight than others because more is at stake. Intimate partner violence has been a sorely neglected social issues, largely because prevailing attitudes about gender roles and expectations have rendered these issues invisible in a number of ways. One myth that has prevented nuanced understanding of partner violence is that the family is a safe space. Outside the protective nucleus of the family, there are certainly many dangers; but not within the family unit. However, A 1993 report from the National Research Council indicated that the issue of family violence had long been unrecognized as a significant problem. The NRC reports that “Recently, we have come to realize realize [sic] that our homes may be as dangerous as our streets. Family violence in its various forms—spouse assault, elder abuse, sibling violence, child abuse—is more prevalent than the public or officials ever suspected” (Reiss and Roth 221). That this revelation emerged in 1993 seems late, but it was only in 1989 that the United States Surgeon General directly addressed the prevalence of domestic violence, stating, “battery is the single most significant cause of injury to women in this country” (*Lorena* Part 1, 18:33). The problem was certainly present, even if it wasn’t publicly acknowledged. Psychiatrist Bessel Van Der Kolk recalls that in the early 1980s he had what seemed to be an abnormally high number of patients reporting sexual abuse from within their family unit. At the time, his textbooks had taught him that incest was “extremely rare in the United states, occurring about once every million

women,” yet the number of incest patients Van der Kolk had at that time made that an impossible statistic (20). As it turns out, Van Der Kolk was likely one of many psychologists receiving such reports. We now know that he wasn’t seeing an abnormally high number of patients at all--he was confronting an unacknowledged social problem that had been collectively swept under the rug.

Familial violence often stems from social assumptions about household hierarchies. Often cited as a Biblical dictate, women are traditionally expected to submit to their husbands. It follows then that children are to be deferential and obedient to their parents--to their father most of all. Willful wives and children challenge this sense of order, and it is therefore sometimes necessary to use physical punishment to maintain authority. The inter-workings of a family have been treated as a private matter, which allowed domestic violence to continue unchecked for decades. Historically police, judges, and even other family members and friends have been reticent to get involved or respond punitively (Carlson and Worden 1). Socially permissive attitudes about asserting physical control in a relationship further erased the validity of domestic violence claims. A U.S. Department of Justice Report on Domestic Violence cites surveys regarding social attitudes about domestic violence from the 1970s and 1980s that reflect somewhat permissive attitudes about a husband hitting or slapping his wife. One study from 1983 found that two-thirds of male respondents and one half of female respondents believed that under some circumstances “it would be ‘appropriate or reasonable’ for a husband to hit his wife” (Carlson and Worden 7). These studies also found that both men and women excused abusive behavior due to a man’s use of drugs or alcohol (Carlson and Worden 7-8). Another report from 1980 found that 28% of their respondents believed that slapping

a spouse was “normal” or “necessary” or “good” (Carlson and Worden 7). Although a 1989 report found that 86% of respondents believed that it’s always wrong to hit a spouse (Carlson and Worden 8), at this time police officers were still unlikely to get involved in domestic disturbances.

Permissive attitudes about domestic violence are not always kept private or even viewed as shameful. Sean Connery’s opinions about hitting women have been well-documented. In 1965 Connery told *Playboy*, “I don’t think there is anything particularly wrong about hitting a woman” and in 1987, he defended the sentiment in a Barbara Walters interview explaining that:

If you have tried everything else – and women are pretty good at this – they can’t leave it alone. They want to have the last word and you give them the last word, but they’re not happy with the last word. They want to say it again, and get into a really provocative situation, then I think it’s absolutely right. (Rice n.p.)

In 1993, he told *Vanity Fair* that, “Sometimes there are women who take it to the wire. That’s what they’re looking for, the ultimate confrontation—they want a smack” (Heller). What’s interesting about Connery’s comments is that over a 30-year span where domestic violence had become more of a public issue (and acknowledged as a public health crisis), a public figure continued to double down on the idea that sometimes a woman is just asking to be hit. Although studies suggest less permissive attitudes about domestic violence over time, Connery suffered little to no public censure over these published comments. This may be because he contextualizes them--describing that there are *situations* when hitting a woman is okay. He doesn’t say that one should beat up a woman and he specifies in the *Playboy* interview that you shouldn’t hit a woman like you would hit a

man. He merely outlines a scenario when a “smack” would be justified. This attitude stems from the belief that it’s up to the man to maintain order, and that a woman being too willful needs to be reminded of her place. An open-handed slap can do a lot to calm a hysterical woman, and it’s perhaps not only justified but it’s what’s best for everybody in order to de-escalate the situation.

While intimate partner violence has fallen drastically--decreasing about 64% between 1994 and 2010 (Catalano 1), domestic violence remains a public health concern. According to the U.S. Department of Justice, in 1993 an estimated 40% of female homicide victims were killed by an intimate partner (Catalano et al.). In 1997, the percentage increased to 45% (Catalano et al. 4). According to the CDC, about 1 in 5 women “report having experienced severe physical violence from an intimate partner in their lifetime” and 1 in 5 women “have experienced contact sexual violence by an intimate partner” (“Preventing Intimate Partner Violence”). Homicide is the fourth leading cause of death for girls aged 1-19 years and the fifth leading cause of death for women 20-44 years (“Leading Cause of Death--Females”). Perhaps somewhat surprisingly, homicide is the number one cause of death for pregnant women and women one year postpartum (Cheng and Horon 1181).

The gravity of intimate partner violence and sexual assault is evident, yet the stories that people share about their experiences of rape and abuse are often not received in a way that reflects that gravity. Victims of rape and abuse often find themselves on the defensive, explaining why they didn’t “just leave” or why they were out at the bar so late, wearing a short dress. Narratives of sexual assault in both social and judicial contexts are framed by myths, assumptions, and permissive attitudes about violence against women.

These attitudes are rooted in social norms that make constructing a tellable narrative of abuse extremely difficult for some women. Lorena Bobbitt's story, and the way her case was thrust into the limelight, illustrates many of these narrative problems. Her story, as it has been re-framed and retold over the last quarter decade, illustrates several narratological limitations that women face when telling their stories of abuse.

Sex and Gender Myths that Constrain Women's Narratives

Two months before Lorena stood trial for malicious wounding, John stood trial for marital sexual assault. John's trial was not sensationalized like Lorena's. While her crime loomed large in public imagination, his crimes, when mentioned, were often framed as likely fabricated by Lorena to justify of her actions. This is likely because her crime was certain while his, like many cases of rape and abuse, remained obscured by his denial of guilt. In terms of narrative, the severed penis was a constituent (essential) part that made the story recognizable no matter how it was framed. No other part of the story played this essential role. Other details could ebb and flow from the narrative frame without shifting the recognizability of the story. Sexual assault and domestic violence have the weight to be constituent elements in a story, but in the Bobbitt story they remained supplementary details. This might be expected of media coverage, especially when journalists are looking for a sensational headline; however, in a trial, the charges should dictate what elements of a narrative are constituent and what elements are supplementary. Yet, for several reasons, during John's trial, the charges of rape and abuse became supplementary details still orbiting the constituent element: John's penis.

Sexual Assault Narratives

Narratives of sexual assault are frequently framed as either not “real” rape or not rape at all.⁵ Research psychologist Nicola Gavey argues that western constructions of sex and gender create social scaffolding that frame rape not as assault but as a normal part of heterosexual courtship. Beginning with our gendered selves, Gavey argues that the gender expectations of men and women shape how we enter into sexual courtship. Early sexologists classified female sexuality as coy and demure while male sexuality as dominant and violent (Gavey 20). Men are *supposed* to pursue and dominate and women are supposed to shyly say no until eventually won over. Early sexologist Havelock Ellis (1859-1939) describes that “the seeming reluctance of the female is not intended to inhibit sexual activity either in the male or in herself, but to increase it in both. The passivity of the female, therefore, is not real, but only an apparent, passivity, and this holds true of our own species as much as of the lower animals” (qtd. in Gavey 20). In other words, when a woman says “no” she is just being coy; her apparent reluctance is part of what makes the courtship exciting for both parties. It enhances the pleasure for both the man and the woman because each is playing to their “true” nature. Following this script, it’s often assumed that women actually enjoy rape, and these gendered assumptions continue to cling to heterosexual courtship.

This trope has been played out in various media time and time again--the woman says no but the man keeps going and eventually she submits and enjoys herself. This

⁵ This discussion of rape and sexual assault focuses on female victims of rape and male perpetrators as this is by far the most common kind of rape and it is the dynamic that aligns with the case study. Men and boys are, however, also victims of rape and sexual violence. According to the CDC, 1 in 12 men “have experienced contact sexual violence by an intimate partner” (“Preventing Intimate Partner Violence.”) According to Nicola Gavey, men face their own barriers when it comes to sexual assault because the specific legal definition in many instances does not allow for men to be “raped” although they may be sexually assaulted in other ways.

plays on a similar myth that women's sexual desire is dormant, waiting for a man to awaken it. Sometimes he must do so by force, but in the end, she will be glad of it. Therefore, as Gavey notes, "the man who is sexually forceful is not a rapist but some kind of romantic hero"⁶ (21). This depiction of the "romantic hero" persists today. The 2011 book *50 Shades of Grey*⁷ came under heavy scrutiny from the BDSM⁸ community because of its depictions of a nonconsensual dominant/submissive relationship and rape,⁹ but it was wildly popular among general audiences as the next "sexy" book being secretly passed among friends. The text features nonconsensual sex and clear boundary violations where the female protagonist none-the-less ends up having earth-shattering orgasms. As a cultural barometer, the popularity of this text indicates that many women have internalized gendered expectations of sex that make rape so permissive. Joseph Critelli and Jenny Biovona report that 31-57% of women in the 1990s reporting having rape fantasies, and while that number dipped to 34% in the 2000s, it's still a relatively popular fantasy (61).

Fantasy and reality are not the same, but they are often conflated when discussing women's sexual desires. Gavey discusses how common it is for women to be asked--both

⁶ Many iconic heroes embody these sexual norms. Consider for example in *Gone with the Wind* when Rhett Butler carries Scarlet up the staircase to the bedroom against her will. The scene cuts to Scarlet waking up the next morning, happy and satisfied. Rhett is somewhat ashamed of his actions and apologizes for getting "carried away," but Scarlet is clearly pleased with the events as they unfolded. Audiences are positioned to long for the happy union of these two people and to see this sexual encounter ultimately as romantic and hopeful.

⁷ *50 Shades of Grey* is the first in a trilogy. The second two books in the series were both released in 2012. The first book was adapted to film in 2015, the second in 2017, and the third in 2018. A new book based on the main male character entitled *Grey* was released in 2015, followed by a second in that series in 2017.

⁸ Bondage and Discipline, Domination and Submission, Sadomasochism and Masochism

⁹ There are many articles about this book. Here are two with text excerpts:

https://www.al.com/entertainment/2015/02/lines_from_50_shades_of_grey_t.html

<https://www.theatlantic.com/culture/archive/2015/02/consent-isnt-enough-in-fifty-shades-of-grey/385267/>

in personal and in medical or legal contexts--if they enjoyed being raped or if they had an orgasm. Gavey cites Marge Piercy's 1985 "Rape Poem" as an encapsulation of this experience for women:

There is no difference between being raped
and being run over by a truck
except that afterward men ask if you enjoyed it. (qtd. in Gavey 30).

Gavey describes the impact of these normative assumptions about western courtship, offering that "These script a relational dynamic that arguably authorizes sexual encounters that are not always clearly distinguishable from rape. In this sense, it is about the construction of cultural norms and practices that support rape" (Gavey 3). These blurred lines leave only a very narrow definition of rape. The prevailing gold standard for "valid" rape occurs when a stranger violently assaults a woman, and she fights back as hard as she can to prevent completion of the rape. Key elements here are *violent*, *stranger*, and a clear attempt to *fight back*. Without these elements, the woman's victim status is called into question, as is her morality.

Women have been put in a double bind when it comes to rape. Either it was not a real rape but "a seduction," or it was rape, but it only happened because of the woman's shortcoming--she was already "morally inferior" to have let it happen (Gavey 19). If it was somebody she knew or even had sex with in the past, then how could it be rape? If it wasn't violent, then was it just sex? If she didn't fight, was she really that upset about it happening? Gavey observes that "Reports of rapes that fell outside these parameters were more vulnerable to being dismissed by police and others as instances of sex rather than rape, or as simply untrue" (18). Even if the legal definitions of rape are clear, Gavey

notes that social norms surround rape make the application of the law uneven at best (18). The importance of a man's reputation also fuels these dismissive practices. Gavey observes that Western culture has continued to feel much more concerned about the potential damage caused to a man's reputation when he's falsely accused over the damages caused by rape (17).

Lorena's accusation of rape surfaced amid what many would refer to as "mixed messages," which reframed her narrative not only as untrustworthy but also as potentially inaccurate or invalid. Lorena's complaints about her husband were numerous, and when taken together they created a confusing, untellable narrative that wasn't readily recognizable as a victim narrative. The most complicating piece of information came out during her confession to police, the morning after she cut John. According to the record of her confession, Lorena complained about John being selfish in bed. She said, "He always have orgasm¹⁰ and he doesn't wait for me to have orgasm. He's selfish. I don't think it's fair." (*Lorena* Part 2, 27:41). Lorena damaged her victim image when she complained that her husband was selfish in bed because it created too complicated a narrative frame--a woman who wants a satisfying sexual relationship with her husband who she also claims raped her. Without a frame of reference for understanding these seemingly contradictory pieces of information, they create a cognitive dissonance that's not easily reconciled.

Since we tend to conceptualize rape as typically perpetrated violently by a stranger, we don't have a strong cultural understanding of the ambivalent feelings that many women feel about the men who rape them--women who still love their fathers, who

¹⁰ English is a second language for Lorena, so some of her quotes contain grammatical errors. Her quotes will all be recorded as they were said, and I will not use [SIC] following each error.

still love their intimate partners, who miss the friendship they used to have. Our tellable narratives of sexual assault strike a clear divide between victim and perpetrator, and they tend to dictate that victims do or should hate their rapists. We don't have tellable narratives about the complications of sexual assault, and certainly none that encompass the complicated feelings that a sexual assault survivor may feel. As a result, these feelings--just like the narratives they're attached to--become unintelligible and untellable. A rape survivor must either deny these feelings, keep them a secret, or omit them from their narrative, lest they compromise their chances of being believed. For Lorena, these conflicting feelings did compromise her believability. It would have made sense if she wanted to leave her husband after he raped her, but she didn't. She wanted to make her marriage work, and she wanted to have a healthy sex life as part of that working marriage. As a woman raised devoutly Catholic, she did not believe in divorce. In her mind, her husband's actions could be rectified and she kept waiting for him to start treating her better.

From another perspective, Lorena transgressed against gender norms by demanding gratifying sex. Women are not supposed to be demanding, especially when it comes to sex. They are supposed to take what is given to them and be satisfied. Ambitious women or women who ask for what they want are often met with suspicion, and this goes doubly when it comes to sex. Unfriendly commentators latched on to the orgasm comment, holding it up as credible motive for her actions. John's lawyer Paul Ebert made her statements about having an orgasm a central part of the case. Regarding her motive, Ebert concludes that, "She was extremely upset, and she was mainly upset because she couldn't have an orgasm" (Lorena Part 3, 0:50). In his 1994 *New York Times*

article, David Margolick reported that these statements made at the hospital following a rape kit were “more credible” than the statements she made later in court (Margolick n.p.). Both men helped perpetuate the narrative that Lorena’s actions were motivated by spite over bad sex. When told from Lorena’s perspective, this desire for gratifying sex was one of many problems that Lorena had with her marriage, but it was not what drove her to cut John. Yet, the focus on this one aspect of the story reveals the double standard that exists between men and women. Men are allowed to be motivated by sexual urge but women are not.

The timeline of rape and consensual sex that Lorena outlined in court caused further confusion. According to testimony from John’s trial, John raped Lorena five days before the incident and at that time told her that “forced sex excites him” (*Lorena* Part 1, 52:23). Two days later, John and Lorena had consensual sex. During the trial she was asked explicitly, “Why did you decide to have consensual sex if he raped you on Friday?” (*Lorena* Part 1, 52:36). This put her in a position to have to defend her narrative, to make it somehow tellable. Lorena explained that she believed John would rape her anyway, so she consented to having sex. This response illustrates an act of self-preservation, but not one that’s deemed “acceptable.” She should have left, fought back, or called the police. However, as the detailed testimony from her trial will illustrate, she did all of those things over the course of her marriage to John, but that facts did not change the narratives that took hold during the coverage of their trials.

Marital Rape

John went to trial for marital rape, which has historically been incredibly difficult to prosecute. As previously mentioned, by the time of John's trial all 50 states had marital rape in at least one code of law, but social norms often change more slowly than the law. Although the law is often held as an impartial standard that rises above the self-serving desires of individuals, in practice it's impossible to fully separate the social from the judicial. As a result, our norms and beliefs inevitably color courtroom proceedings.¹¹ In 1996 criminologist Warren Young observed that:

the criminal justice system was heavily and unfairly weighted against rape complaints in favour of accused and that this was due largely to the fact that there were a whole range of false assumptions and myths which underpinned not only social attitudes about sexual violence but also the response of the criminal justice system itself. (qtd. in Gavey 23).

Because rape is often portrayed as “regretted sex” and because women are framed as not really knowing what they want (i.e., not really meaning “no” when they say it), juries were sometimes given overt instruction to be mistrustful of a woman's testimony. Gavey cites a standard jury instruction from the 1970s California: “the law requires that you examine the testimony of the female person named in the information with caution” (18). Closer to the time of the Bobbitt case, Gavey also cites a UK judge who provided the following instruction to the jury during a 1990 rape case: “As the gentlemen of the jury will understand, when a woman says ‘No’ she doesn't always mean ‘No’” (qtd. in Gavey 23). These issues with trying rape cases are compounded when the rape occurs in a

¹¹ This is expounded upon in the third chapter

marital context. Studies on attitudes about rape reveals that the most permissive attitudes are consistently shown when there's "a history of sexual consent between victim and perpetrator" (Bennise and Resick 232). According to a 2000 study, marital rape received "the highest scores on measures of rape-supportive beliefs and victim-blaming; stranger rape received the lowest scores" (232). In their literature review of marital rape studies, Jennifer Bennice and Patricia Resick surmise that this bias is likely connected to historical attitudes about rape and the "common-law ideology" that "supported the notion of irrevocable consent" (232). In other words, "I do" means "I do consent to sex henceforth."

Historically, marriage has been seen as a contract that sanctions a husband's "right" to sex. The first documented legal precedent regarding marital rape came out of a 1736 case in England that ultimately found that a wife could not legally refuse sex to her husband. The justification for this finding was that marriage was a blanket consent that could not be revoked (Bennise and Resick 229). This kind of thinking persists as sex and marriage are seen as inextricable from one another. In a 1984 newspaper column, one man expressed that he found "marital rape" to be oxymoronic:

Rape in marriage! When I first heard the phrase some years ago I laughed--not because it was funny, but because it struck me as being goofy. How could a husband rape his own wife? Did he not have a right to sexual intercourse with her as a result of the marriage bond? ...Wasn't he merely helping her to perform her wifely duties? (qtd. in Gavey 37)

The author of this column clearly does not want to excuse rape, but to his mind, the marital bond erases the possibility of rape. His language, however, conveys a sense of

ownership. How could a husband cause harm to something that is *his own*? The vestiges of ownership still strongly assumed in the mid-1980s. He also relies on the social construction of what it means to be a wife and the duties that accompany that role. Gavey cites a 1961 marriage manual that advises women to never turn down their husband, even if she has no “yearning of her own” (1). The manual advises that only in the case of “genuine disability” would it be permissible for her to say no (1). Commenting on the Bobbitt case in 1993, Leslie Wolfe of Women’s Policy Studies Center said, “We are still in a situation where people believe that a man’s wife is his property and that a woman must have sex with her husband when he wants to regardless of her desires” (*Lorena* Part 1, 38:01). In this frame, a woman not only cannot be raped by her husband, but she may be found in dereliction of wifely duty if she does not submit to his sexual desires and/or satisfy him when required.

In addition to these assumptions about a woman’s role in marriage, many believed that an accusation of rape in the hands of a wife would give a woman too much power in a relationship. The concern stemmed from the belief that vengeful wives would wield rape accusations against their husbands in order to gain control in the relationship. Gavey describes that lawmakers believed that rape “is too powerful...a weapon to put into the wife’s hands,” and that “angry wives” would use the allegation against their husbands (qtd. in Gavey 38). Implicit in this fear is the unspoken concern about upsetting familiar order. A woman is meant to be submissive to her husband, so she cannot be given any resources that put her in a position to gain the upper hand. Recognition of marital rape would open the door for control through manipulation. There’s a clear mistrust of women and a sense that they are ultimately looking for underhanded ways to gain control over

men. This is ironic given that men's historical agenda to subjugate their wives has not been subtle. What's not discussed here is why a happily married woman would try to frame her husband. If she feels loved, supported, and well-treated then what cause would she have to level such accusations?

Although Lorena successfully brought rape charges against John, her odds of winning the case were slim. The laws in Virginia at the time--like many states--had very narrow parameters under which marital rape could be successfully prosecuted. In Virginia, in order to prove spousal rape, the couple needed to be separated at the time and the rape had to cause "permanent damage or significant physical bodily damage (Carlos Sanchez qtd. in *Lorena* Part 1, 37:27). These parameters reflect an antiquated framework for rape that necessitated the term "forceable rape" to differentiate from lesser kinds of rape, like "date rape." Though research has confirmed that the majority of rape cases do not involved strangers nor do they involved excessive violence, this conception of rape remains standard while all other instances of rape are some variation of unwanted sex, regretful sex, or a woman not knowing what she wanted. This framework draws a hard line between consensual relations and rape, when in fact, that line is incredibly blurry--especially when both are happening within a marriage, as was the case with John and Lorena. Lorena's testimony of having consensual sex with her husband even though he had previously raped her illustrates this blurriness, and the hard line of the law not only made it difficult for people to understand how this could be the case. It also made it difficult for Lorena to prove that she had, in fact, been raped by her husband.

The admissible timeline of the case was also incredibly narrow and did not allow Lorena to fully establish the history of rape and abuse in the relationship. The scope of

John's trial was limited to five days before the incident to determine if he had raped and abused her--they would not look at the whole history of abuse. Looking back on the trial, Lorena explains that, "Because of laws in Virginia I wasn't able to talk about the whole history of abuse" (*Lorena* Part 1, 51:59). The focus of the case then was on the most recent time John raped her, which was the night/morning that she cut off his penis. The details of her crime were already hot news, and they inevitably impacted her attempts to prove that she had been abused. The narrow admissible time frame forced her narrative of abuse to butt against his narrative of being wounded, and ultimately his suffering overshadowed hers.

The Penis

If any story illustrates the apparent social importance of the penis, it's the Bobbitt story. Freud's theory of penis envy has largely gone the way of the dodo, yet the centrality of the phallus remains firmly imbedded in our normative understanding of masculinity, power, and prominence. While the Bobbitt case contributed to the word "penis" entering public discourse, especially in mainstream media, the importance of the penis was already well-established even if the word itself wasn't.

The penis is what separates man from woman. He has something that she lacks. Where he has substance, she has only space. In *The Second Sex*, Simone de Beauvoir observes that when little boys learn to urinate "like men" they discover that they have something that their sisters do not (287). Though women may not experience their sex organs as a "lack," Beauvoir observes that the vagina's lack of visibility (publicity) may lead women to feel as though they do not have a sex (287). The divide between men and

women grows when boys discover that their penis admits them into the exclusive club of manhood, which is held as superior over women (287). While boys find pride in their penis, girls are taught not to mind their “secret organ” which, unlike the penis, must remain private (287). The penis is an appendage that exists outside the body--easily grasped, displayed, and brought into the public eye, inviting envy (Beauvoir 289-90).

The penis is treated as a synecdoche for man himself; it is his “manhood.” In contemporary society, it’s a symbol of status and dominance. Just as a man’s masculinity is unspokenly off-limits for questioning, his penis as a symbolic seat of manhood is also sacred and unassailable. Just as men exist “naturally” in the public realm, so too does the penis. From a social constructivist point of view there is, of course, nothing “natural” about how men and women exist in distinct realms of public and domestic, yet many believe that men are naturally equipped to exist in the public sphere as leaders, and some of this belief can be traced back to the metaphor created by the public/private orientation of male versus female genitalia. Beauvoir connects the penis to a man’s duties: “The child is persuaded that more is demanded of boys because of their superiority; the pride of his virility is breathed into him in order to encourage him in this difficult path; this abstraction notion takes on a concrete form for him: it is embodied in the penis” (286). The vagina, on the other hand, does not exist in the public, so to speak. Even today, the vast majority of adults (and most children) understand what a penis is and who has one, yet a shocking number of adult men and even adult women do not know the difference between a vulva and a vagina.

From another perspective, the penis is a weapon used by men to control and subdue women. Feminists have identified rape as an act of power rather than sexual

drive, and the instrument of subjugation is most often the penis. In 1975 Susan Brownmiller claimed that rape was “nothing more or less than a conscious process of intimidation by which *all men* keep *all women* in a state of fear” (qtd. in Gavey 29). In other words, the threat of rape looms between men and women as the ultimate means to keep a woman in her place. A general culture of fear surrounding rape reinforces the power of rape as the ultimate humiliation. Girls in western culture are told from a very young age that they must protect themselves and their bodies from sexual violation. Women and girls are well-versed in stranger danger, party danger, date danger, short-skirt danger, jogging danger, head phone danger, distraction danger, dark alley danger and so forth. This social construction of fear keeps women on the defensive, always vigilant of men and their penises. Many feminists have come to view rape not as a deviant act carried out by one man, but more broadly as “an act of gender terrorism” (Gavey 29).

When considered a crime driven by control, rather than sex, it’s easier to see how rape becomes part of a marriage. When considered a weapon of control, the penis takes on a new identity. As Lisa Kelmer noted during Lorena’s trial, “It was his penis from which she could not escape, which caused her the most pain, the most fear, the most humiliation” (*Lorena* Part 2, 24:10). Indeed, the penis is a source of masculine imposition, and, as with any weapon being used to cause harm, disarming it should be viewed as sometimes necessary. This perspective, however, is not accepted as part of the dominant narrative about the penis because men’s sex drives--as well as their position of superiority--are framed as natural and therefore unassailable.

When Lorena cut off her husband's penis, she emasculated him and put his identity in a precarious position. Had he ultimately lost his penis or even its full functionality, he would have lost some of his status as a man. When John Bobbitt arrived at the hospital, without a penis, they were not sure they would find it let alone be able to reattach it. The fate of John's reputation hung tenuously with a urologist and a microsurgeon who were both urgently awakened in the early hours of June 23, 1993. The urologist who worked on John described, with a slight grin that, at the time, they realized that if they couldn't find the severed penis to reattach it, they would have to expose the urethra so he could at least "sit to pee like a woman for the rest of his life" (*Lorena* Part 1, 4:41). The grin and the comparison of a man without a penis sitting to pee "like a woman" reveals the underlying evaluative bias between men and women. In 2005 when Lorena went on the Steve Harvey show, Harvey introduces Lorena saying, "Lorena committed the one act, every man fears the most" (*Lorena* Part, 1 0:32). The fear stems from losing status in society as a man and instead being on par with a woman. It's a fear rooted in misogyny.

One of John's brothers, Todd Biro, in an appearance on the *Jenny Jones Show* with John described how he felt once he learned what happened to his brother. He said, "If I'd a seen her, I woulda killed her" (*Lorena* Part 1, 17:57). This comment--a death threat against a woman who was repeatedly raped and abused by her husband--was followed by applause from the audience. As a society we justify murder all the time, most notably with the continued use of the death penalty. In this case, there's a passive acceptance that this situation is one where murder could be justified. It's likely that the audience didn't have the full details of the case, but it's also likely that they

commiserated with John. They understood that he lost the most important part of himself--the most important part of any person, woman or man. John's brothers expanded on Biro's comment, confessing that they actually went looking for Lorena, intending to do her harm. Host Jenny Jones does not question this action as over-blown, inappropriate, or dangerous behavior. The message is clear: the value of a man's penis is greater than the life of a woman. As Biro stated, "She did worse than kill him. She took away the thing that means most to a man" (*Lorena* Part 1, 18:24). According to Biro, a man losing his penis is a fate worse than death. The shock and outrage expressed over the Bobbitt case revealed the unspoken understanding regarding the relative positions of men and women in society. The 1990s were a time of continued liberation and female empowerment; it was a time when little girls were learning about girl power and being told that they were just as important as boys. Yet, the act of removing one man's penis revealed that those dreams of liberation and empowerment were far from realized--women were still very much the inferior sex because, for a man, there was no worse fate than to become like a woman.

John's Trial

Though John's trial was not (directly) about his penis, nor the damage that had been done to it, his penis became a distraction for the jury. One juror, Becki Rinker, felt that the other jurors quickly made up their minds but she didn't. In a retrospective interview about the case, she commented, "I remember thinking 'why would she lie?'" (*Lorena* Part 1, 56:05). Rinker then recalls how they showed the knife that Lorena used to sever John's penis, and they passed around the pictures of wound. Although they were

instructed that they were not allowed to consider her act of malicious wounding when settling on their verdict, Rinker feels that the jurors ultimately got distracted by this evidence and “lost sight of what he was truly on trial for” (*Lorena* Part 1, 57:45).

Prominent feminist activist Kim Gandy noted that the media also framed the narrative to focus on John’s suffering and to downplay Lorena’s. Gandy notes that, “There really wasn’t any attention from the media on the extraordinary amount of abuse that occurred before she did this. The public really only heard one side” (*Lorena* Part 1, 59:55). The very public nature of the case and the framing that occurred prior to John’s trial may have impacted the outcome, but the case, being a marital rape case, had little chance of being won anyway.

Many media outlets played up the “mystery” of the story, framing it as one with two probable versions, given the cultural attitudes at the time, one version of the narrative never stood a chance. Versions of the narrative that upheld gender biases and assumptions about marital dynamics were the only tellable narratives for the time. Consider, for example, a clip from a newscast that asks audiences to consider the story’s two-sided complexity:

Is he a drunk, a brute, a batterer who forced sex on a young and fearful wife so many times she finally went over the edge? Or is she a calculating jealous woman, enraged over unsatisfying sex, alleged infidelity, and threats of divorce who fabricated rape to justify it? (*Lorena* Part 1, 47:56)

Within this summary, there is a subtle slant that highlights social assumptions about men, women, and marital expectation. Like many news outlets reporting on the case, the term “forced sex” was often used instead of “rape” as many were still reticent to frame marital

rape as “real rape.” Notice, however, that rape appears in this summary when it’s framed as “fabricated” implying that when it’s falsely reported it’s called rape. This creates a catch-22 in which rape can never actually be “real” because it’s either falsely reported rape or it’s “forced sex.” The phrase, “forced sex on a young and fearful wife” subtly taps into our normative understanding of marital expectations where women are supposed to be virginal and afraid of sex. One should hope for a husband who will initiate gently, but men are powerful and brutish in nature. Gentleness is not a guarantee. From a traditional standpoint, a frightened wife isn’t out of the ordinary. In fact, it’s somewhat expected in the early stages of marriage, and for some may be a turn-on as female sexuality is often associated with timidity.

Lorena fits the timidity trope in many ways. Having been reared in a strict Catholic household, she had saved herself for marriage. This fact is somewhat certain as her short courtship with John was completely chaperoned. Even if her allegations are true, within this construct of what’s “normal” in a marriage, her retaliation doesn’t resonate because she’s striking out against the natural order of things. The assumption is that she just wasn’t strong enough to make it through this sometimes-scary rite of passage that women must endure. When framed this way, it seems as though Lorena is fighting against the norms of marriage. She was not forced into this marriage, so she has no legitimate grounds for complaint. As another juror commented, “It was very difficult to send a man to jail for 20 years for having marital relations with his wife” (*Lorena* Part 1, 59:32).

Given the social constructions of heterosexual courtship, the only way a woman can reliably show that she does not want sex is to fight back. If, in that case, the man doesn’t stop and uses force to overpower her as she fights, then it’s clearly a case of

sexual assault. This assumption is confirmed by the marital rape laws in Virginia at the time which indicate that the assault must result in physical harm to the victim. This puts women in a position to either not be believed because they didn't fight hard enough or to put themselves in a position to be hurt worse in order to prove that they were assaulted. However, this is complicated by the fact that a woman fighting back is not seen as socially acceptable either. Women are not supposed to fight or be violent. During his trial, John even vocalizes this assumption. In reference to his wife, John says, "and, you know, it's not ladylike to strike out" (*Lorena* Part 2, 59:27). Lorena's act, even when framed as self-defense, is still socially inappropriate behavior.

John was acquitted of the charge of marital rape. In an interview for Court TV John responded to a question about Lorena's allegations of rape and abuse, He said, "But that--that wasn't true. Because that--that came out during my trial that, you know, she was just lying and she was so inconsistent and she just--the jury didn't believe her, and, uh, you know that's why I was acquitted" (*Lorena* Part 2, 20:19). When a crime is tried, there's a sense that justice will be served. We tend to take the system for granted, and it's easy to conflate acquittal with innocence and conviction with guilt. This conflation allows John to say that he was acquitted *because* he's innocent. He can say that she lied because if she hadn't then he would be in jail. Having the weight of a judicial system behind him allows John to perpetuate a narrative of innocence on his part, which leaves her actions without a real motive.

Limitations of Constructing a Tellable Case for Abused Women

In defense against the charge of malicious wounding, Lorena entered a plea of insanity, defined in Virginia as “irresistible impulse.” Lorena’s lawyers hoped to establish that, due to the years of abuse that she suffered, Lorena developed severe PTSD and that her actions were a result of her mental state following yet another sexual assault by her husband. This type of defense used in domestic violence cases where the abused party strikes back, typically when the abuser is vulnerable, is sometimes identified as Battered Woman Syndrome. Psychologist Lenore Walked coined the term in the 1970s, and it has since been identified as a form of PTSD (Boots n.p.). Battered Woman Syndrome challenged typical scenarios of self-defense because it considered women’s specific vulnerabilities rather than men’s (Boots n.p.). In a commentary on the Bobbitt case, Forensic Psychologist Dr. Evan Nelson explains:

In criminal cases, self-defense is where you feel like you are imminently about to be attacked. But with Battered Woman Syndrome, the idea is that we’re stretching this. That the imminence may be, ‘he might come back to abuse me in a couple of days. Or a couple of weeks. And that this is my time when I can respond.’ (*Lorena* Part 3, 25:11).

In other words, a woman who has been repeatedly threatened and abused may feel that her life is threatened, but she may also feel helpless in her situation. She may feel that leaving is not an option, and fighting her abuser on a “level” playing field may not be possible. Instead, she will strike out while the abuser is vulnerable. Given that every day in the United States, three women are killed by an intimate partner (Boots n.p.), and that a woman is most likely to be murdered by an abusive partner *after* she leaves (*STAND!*)

it's not unreasonable to understand how many women feel that if they don't kill their abusers, they will be killed themselves.

An "insanity" plea is notoriously difficult to defend, but Lorena may have had some social context for building a tellable narrative around her history of abuse. About 10 years before the Bobbitt case, another domestic violence case, portrayed as a TV movie, captivated public attention. *The Burning Bed*, starring Farrah Fawcett, portrayed the true story of Francine Hughes who, in 1977, packed her four children into the car and then set her sleeping husband's bed on fire. Hughes entered a plea of temporary insanity, and she was acquitted. The TV movie is difficult to watch, particularly because the portrayal is nuanced and realistic. Francine goes back to her husband again and again--sometimes out of hope that he's changed, sometimes for the children, and sometimes out of pity for a man who can't seem to help himself. Seeing the typically glamorous Fawcett run-down and bruised is disturbing, but perhaps more disturbing are her frequent pleas to her husband, asking him "why do you do it?" Her pleas echo sentiments shared by Lorena Bobbitt who also testified that she asked John why he treated her so poorly. During her trial, Lorena described the confused feelings that she felt after the first time John hit her. She testified:

I couldn't understand why the person that I love have reacted that way. I couldn't understand why my husband hit me. I couldn't understand many things. I was in shock. I was--I couldn't--I couldn't believe that. I was embarrassed to tell people, also. And I thought he might change. He never gonna do it again. (*Lorena* Part 2, 45:23).

Both women talk about loving their husbands and both illustrate a desire to make the relationship work, stretching themselves thin in an attempt to hold their families together. Francine, whose marriage spanned the mid-60s and 70s, had even fewer options than Lorena. The police visited her home many times, but they typically said that there was nothing they could do. The film shows the great lengths that Francine took in order to escape her husband, but her attempts were thwarted by police, social workers who said they could not help, and by family members urging her to keep her family together. Francine is depicted as having a strong will, telling her husband “no” more often than she tells him “yes” when he pleads for her to come home. It’s clear that her desire to find safety and shelter conflicted with feelings of love and empathy. It’s an honest portrayal that shed light on an issue that, by the 1980s, was starting to attract more public concern.

Like the Lorena Bobbitt story, Francine Hughes’ story has recently been revisited in a 2020 documentary also entitled *The Burning Bed*. The documentary examines the obstacles that battered women face, and the ways in which the Hughes case began to change dominant narratives about domestic violence. A *New Yorker* piece about the documentary notes that the “Hughes’s case initiated a sea [of] change, forcing a long-suppressed conversation about domestic violence in America” (Boots n.p.). Although Lorena’s story of marital rape wasn’t easy to frame in a way that people could understand--and to this day, given continued suspicion of marital rape, would still be difficult to share--her story of domestic violence had social context for tellability.

No Denial of Abuse

Unlike John's trial, Lorena's trial was not subject to such a tight narrative time frame. Lorena was finally able to talk about the whole history of abuse that she suffered while married to John. Friends, neighbors, and others close to the case testified with absolute certainty that John had abused Lorena. Two of John's friends testified against him in court, sharing disturbing details about the kinds of things John had said excited him. Jonathan Kaopua testified that John liked forced sex "because that turned him on" (*Lorena* Part 2, 54:10) and Nathan Whitaker testified that John said "he liked to make girls squirm, and yell, and make 'em bleed and yell for help" (*Lorena* Part 2, 54:00). Even those who did not support an acquittal for Lorena, could not deny the overwhelming evidence of abuse presented by the defense. Clay Cocalis, jury foreperson for Lorena's trial, who at one point was the only holdout in the decision to acquit Lorena, commented, "there's still a pretty appalling record of abuse in that marriage" (*Lorena* Part 2, 63:03). Evan Nelson, forensic psychologist, did not believe that Lorena should be acquitted, but he admitted that "from what I saw, it was clear to me that Lorena Bobbitt had been abused by her husband" (*Lorena* Part 2, 63:39). Kim Chinn, public information officer, indicated that they had responded to domestic violence reports half a dozen times in the last few years, and John had been arrested and charged with assault and battery (*Lorena* Part 2, 48:48). Within the courtroom, at least, there was no question that John abused Lorena.

The “Just Leave” Narrative

Many public commentators on the case attempted to curtail Lorena’s narrative of abuse with alternative narratives. The most common, leveled not just at Lorena in this case but frequently at women in domestic violence situations, is that she should have just left. This narrative is appealing because it provides agency to the abused, and it shows that she has control of the situation, not her abuser. It’s also a narrative that keeps both away from harm. The implication of this narrative, as is certainly the case with Lorena and other women who fight back, is that the abused woman may be a danger to her abuser just as much as he’s a danger to her. It’s a “both sides” argument that attempts to spread blame across both victim and perpetrator.

Given the shocking nature of Lorena’s crime, it’s no surprise that many commentators argued that she reacted poorly and that she had other options. These comments, however, often reflect a misunderstanding of the details of the case or a lack of knowledge regarding the steps that Lorena took in response to John’s abuse. These comments also reflect a lack of knowledge regarding the psychological impact of abuse and the way people tend to respond to trauma¹². Traumatized individuals often experience cognitive dissonance when they are abused by people they love. The driving force of self-protection meets the driving force of love and attachment, and the simple answer of “just leave” becomes much more complicated. Kim Gandy from the National Network to End Domestic Violence confronts the “just leave” narrative that often follows domestic violence survivors:

¹² The role trauma plays in cases like Lorena’s is the subject of Chapter 4 and will be addressed in more detail there.

So many people think they know what they would do, if something happened. If my husband ever raised a hand to me, I'd be outta there immediately. Right. I've heard countless women say that. But the reality is you don't know what you'd do if somebody you loved raised a hand to you. (*Lorena* Part 3, 25:45)

This is the uncomfortable truth of domestic violence. For people who don't have first-hand experience with domestic violence, it's difficult to understand because the message isn't simple and it requires a level of psycho-social understanding that's not readily available to most people. In a society rooted in patriarchal values, love and attachment are not viewed as essential needs and therefore cannot compete with the drive for self-protection and survival. Further, believing that a person can become psychologically trapped in an abusive relationship presents a threat to one's general sense of safety. It's self-protecting to believe that an abused person could have done something to help themselves. It's easier to believe that *that* person is psychologically inferior in some way. *They* stayed in their abusive relationship, hoping for their partner to change, because they are weak-willed. A stronger person wouldn't do something so illogical.

The "just leave" narrative is refuted by the data on domestic violence. According to *STAND!*, abused partners do leave an average of seven times before they can find a way to get out for good. *The Burning Bed* shows Francine Hughes leaving over and over again, and Lorena testified that she also left several times. The first time John struck Lorena, an officer came to the house and asked if Lorena had a place to go. She said no, but she left anyway. She slept in her car in the parking lot of her work. (*Lorena* Part 2, 44:56). There are many reasons why an abused person returns. Sometimes it's because they believe the situation has changed, sometimes it's out of love, other times it's out of

fear. Some women return or stay because they don't have any other resources for themselves or their children. Leaving, however, often puts an abused person in an even more dangerous situation. More than half (66%) of women are stalked by an abusive partner (*STAND!*), and threats of further violence for non-compliance are commonplace. In the *Burning Bed* documentary, Francine Hughes' son James recalls his father telling his mother, "There is nowhere you can go, bitch, that I won't find you" (qtd. in Boots n.p.). Lorena tells a similar story. She describes that John told her, "I will follow you, no matter where you are and I can have any kind of sex he wanted with me" (*Lorena*, Part 1 52:50). As previously mentioned, when an abused party leaves, they are incredibly vulnerable to homicide. According to *STAND!*, over 70% of domestic-violence related murders occur after a victim has left.

Responding to the Lorena case, Alan Dershowitz of Harvard Law School commented that he believed she had not made any efforts to improve her situation. In his analysis, her "first" course of action was violence. He remarked, "She didn't use the simple option. Get out, move, do something. You don't go to the kitchen, pick up a knife, and mutilate your husband. That's the last recourse, not the first recourse" (*Lorena* Part 3, 25:30). The simplicity of the "just leave" narrative is on the surface here. Dershowitz's comments illustrate an assumption that there's nothing complex about leaving a domestic violence situation. His comments also ignore the fact that Lorena did leave, she did call the police, she did try to reason with her husband. She had attempted to record the abuse with a tape recorder so she could use it as evidence in divorce court, but John found the recorder. The day before the incident, Lorena had filed for an order of protection in which she alleged pushing, hitting with fists, choking, and forced sex, but was told that

she had to come back another day to get the order. She was in the process of leaving, and had already moved most of her things into a neighbor's apartment. Lorena herself isn't clear on why she was still sleeping at the apartment with John, but shame seems to be a factor. As a devout Catholic, her failed marriage felt extremely shameful to her. While it's easy to blame Lorena for continuing to share a bed with John, even as she was in the process of leaving, it's important to understand that that ease comes because understanding the narratives of domestic abuse are difficult. We don't have good scripts for making sense of situations that, from the outside, don't seem to make sense at all.

Victim Status

Perhaps most intriguing about this case was the demand that Lorena frame herself more recognizably as a victim. As mentioned previously, Lorena damaged her "victim image" by including in her complaints against her husband that he was selfish in bed. However, what's interesting about Lorena's narrative is that she didn't seem to be trying to construct one. When she spoke to police the morning after she cut off John's penis, she alleged rape and abuse alongside his selfishness. She didn't seem to have a plan on how she wanted to present her side of the story and into what frame she would position that story. Kim Masters of *Vanity Fair* commented on the 1993 interview that Lorena gave the magazine, noting that Lorena didn't seem to have herself together. Masters observed, "The thing about that interview I have to say, she didn't come across as articulate. You know, you could tell that she wasn't really in a place to present her case to the world" (*Lorena* Part 1, 31:16). By "present her case" Masters is tapping into the idea of having a recognizable narrative prepared. Lorena didn't frame herself as a helpless victim. She

was a woman who fought for her marriage, who wanted a satisfying sex life, and who eventually struck out at her husband when he continued to abuse her. Our social norms of marriage, abuse, and victimhood don't allow for all of these pieces to rest neatly inside the same frame. The dissonance that her story created resulted in a sense that she was dishonest.

When closely examined, it doesn't make sense that a person who has taken the time to curate their narrative and their image would come off as *more* truthful, but that's what we tend to desire. We demand narratives framed in a way that makes sense. This means that any elements that don't seem to fit the frame may cause confusion or distrust. It can also mean that a narrative can't have competing focal points or conflicting constituent points. When it comes to victimhood, there are certain expectations in terms of how a person should look, act, and feel. When victims defy these expectations, they risk losing the tellability of their story. There is little indication that Lorena took the time to get her story straight. She clearly did not consider withholding certain thoughts or feelings that would damage her "victim" status or endanger her appeal for sympathy. She was a floodgate of honesty, revealing everything at once. And this *lack* of planning on her part allowed her story to become distorted from the beginning.

The desire for narrative cohesion extended to her looks as well. During John's trial, when she was attempting to prove that he had raped her, her self-presentation apparently sent "mixed signals" to the jury. Kenneth Hulse, who was a juror for John's trial, remarked:

When first had my initial vision of her, she seemed very frail. When I got this
duel conflicting personality thing from her. She wanted to be the victim but at the

same time she wanted to be a strong woman. She would go from these very simple little house wife dresses and then there were other days where she would come in and have hair and makeup and everything else going on. It's crazy that she would kinda flip-flop back and forth. If you're gonna try and get your case won, you should stick to a theme and stay with it because this way everybody is confused about what is she really looking for here? (*Lorena* Part 1, 53:13)

It's remarkable that he's asking for a person to be *less* honest in order to be more believable. He's openly demanding that she curate a look and a character in order to be more persuasive, and he does so without a sense of the irony in his demand. He even uses the word "theme" which is often associated with creative writing practices. This reinforces the idea that narrative frames need (to some degree at least) follow the expectations of fictional writing. Conflicting thematic elements will confuse the narrative, leaving audiences feeling unsatisfied or uncertain. For Hulse, Lorena's self-presentation didn't fit nicely inside a single frame, which caused him to distrust her. Given his position as juror, this commentary is disturbing. He's asking to be lied to so that he doesn't have to do the work of making sense of her honest self-representation. Lorena's lawyer Blair Howard remarked, "What every case turns on in the final analysis, over and over again, is credibility" (*Lorena* Part 2, 42:06). But what does credibility mean when the person who has the deciding power is asking for a construction of the truth rather than the truth unfiltered? Is a person more credible when they tell a version of the truth rather than the truth, the whole truth, and nothing but the truth? There's an inconsistency in what's actually expected from people in these official contexts. That

inconsistency creates a game that individuals must play just right in order to have justice served.

In spite of these complications, Lorena's lawyers built a strong defense around the abuse that she suffered, the resulting PTSD, and the disrupted mental state that she found herself in when she cut John. Although many commentators and even some of the jurors at her trial shared skepticism that she qualified as "insane" at the time, she was ultimately acquitted. Within the courtroom, at least, she was able to construct a narrative that twelve jurors could understand. However, it's important to note that Lorena's acquittal is still somewhat rare.

In her *New Yorker* piece, "How Far Can Abused Women Go to Protect Themselves" (n.p.), Elizabeth Flock notes that many women struggle to prove self-defense in a domestic violence situation. Flock describes one woman who had been violently abused by her husband and had at one point been held hostage at gunpoint. When she went to police, the woman reports, they told her that she couldn't retaliate. She comments, "They said if I did anything to him, I would have been the one going to jail. . . . What am I supposed to do, let him beat me and end up dead?" (qtd. in Flock n.p.). Flock notes that the number of women incarcerated has increased significantly over the last several decades, and although there isn't any national data on what percentage of those women were involved in domestic violence, one 2004 survey by the Department of Justice found that almost half had acted in self-defense or had fought back when abused (Flock n.p.). A 2008 study found that most women use violence in response to violence while most men use violence as a form of control (Flock n.p.).

As with John's trial, the history of abuse in a relationship is not always admitted to in court, even when it provides important context for the situation. This creates a narrative frame shift that emphasizes the effect of a situation while ignoring the cause. Flock reports that "Courts frequently do not take evidence of abuse into account. Sometimes this is because a woman's lawyer fails to hire an expert witness to testify about the effects of sexual or domestic violence" (n.p.). She further explains that self-defense claims are often drowned out by prevailing myths about abuse. If a woman didn't end an abusive relationship, if she didn't call the police, if she admitted the abuser into her home, if she had a previous sexual relationship with the abuser, then her credibility could be hurt or a judge might deem these circumstances significant enough to call for the omission of any related abuse (Flock n.p.). These "circumstances" blame the victim for their own abuse, and court systems are still participating in this kind of forced narrative framing. Flock cites for example a 2014 case where a woman named Tracey Grissom was convicted for shooting her ex-husband. Not admissible in the case was the fact that in 2010 her husband was charged with rape and sodomy after an alleged assault against Grissom that resulted in rectal-nerve damage, necessitating that she now uses a colostomy bag (Flock n.p.). A witness to the shooting testified that Grissom was not provoked before she shot, but Grissom said that she was protecting herself. The details of abuse in this case provide important context, particularly when PTSD and/or Battered Woman Syndrome is potentially involved. Flock notes that, "One of the jurors later said that, if she'd been able to hear the details of the abuse, she would have voted to acquit" (n.p.).

Conclusion: Framing Lorena's Story

Lorena's story has not remained static over time. Shifts in social consciousness about sexual violence have made space for her story to be retold in a way that was not possible when she first made international news in 1993. More than 25 years later, the four-part docuseries *Lorena* attempts to capture the nuance of Lorena's story. But, like many stories of sexual assault, her story is complicated and defies the patterns of a tellable narrative. The documentary attempts to address some of the untellable aspects of Lorena's narrative, but, as I will discuss in more detail, her story is still flattened. Though major shifts in social consciousness have made room for Lorena's story and others like hers, many complicated aspects of her story remain largely untellable. The contemporary examples of women fighting against their abusers and losing their cases attest to this.

However, looking again at the Lorena Bobbitt story affords a unique opportunity to examine how a narrative can shift when revisited with the benefit of hindsight. More importantly, her story reveals the ways in which we continue to fail sexual violence survivors by misrepresenting or misunderstanding their stories when we demand "tellable" narratives of victimhood and violence. At its core, Lorena's case is an incredibly common story of the barriers women face they come forward with their stories of sexual violence, particularly in how narrative tropes and expectations so easily flatten out the nuanced experience of an individual. Lorena's unwillingness or inability to frame her own story meant that others could frame it however they saw fit, which will be discussed in more detail in the next chapter. This framing, as with most framing, did little to capture the complications of Lorena's story. The media take-over of the Bobbitt trials, in many ways, robbed Lorena of any agency that she had over her own narrative.

CHAPTER 2: BLURRING OF FICTION AND NONFICTION IN ENTERTAINMENT MEDIA

With the social assumptions about sex, gender, rape, and domestic violence established by the last chapter, this chapter will provide a more detailed analysis of Lorena's case in terms of how the media used these assumptions to appropriate her story for entertainment purposes. This chapter picks up the narrative thread with a focus on perspective and ownership. As discussed in the last chapter, narrative is the constructed telling of a story. This construction is influenced by social norms and mores that dictate tellability. It's also influenced by perspective and the motive of the storyteller. As storytellers, we want to fulfil the expectations of our audiences because otherwise, our stories may be misunderstood or ignored. These expectations are shaped, in part, by the types of stories that we are exposed to and by what we hope to gain from those stories. Since we are exposed to both fiction and nonfiction stories, it's important to consider the narrative structures that can be found in both kinds of storytelling.

Both fiction and nonfiction heavily rely on narrative structure to convey information to a reader. Narratives situate events in time, provide a sense of order, and tie events together in a meaningful way. Narratives are also told from a certain perspective, often with a particular motive or agenda. Many narratologists, including Monika Fludernik, differentiate between different kinds of stories, noting that a *narrative* is so named because it has a narrator of some kind, appearing either overtly or covertly in the text (Fludernik 21)¹³. An overt narrator presents themselves in some way, often claiming

¹³ Some narratologists argue that a narrative can exist with or without a narrator. In this view, some narratives are mediated by narrators and others are just mediated. For example, a film without an overt narrator is mediated by the actors and the camera work (Porter 13). The issue of authorship comes into question here, yet the author falls outside the narrative framework

the story as a participant or witness (though not always in the first person), while a covert narrator blends into the text as a story teller who more or less remains invisible as the story unfolds (Fludernik 21-22). Even if the narrator is not part of the frame of the story, the story itself is still being told from a certain perspective, which implies that an individual perspective is steering the narrative. However, it's not always clear whose perspective is represented, and often times narratives will present themselves as the only version of events, rather than one of many perspectives. In the case of fiction, this is often the case; but in nonfiction rarely does only one perspective exist. However, it's common for one perspective to dominate.

As discussed in the last chapter, the most tellable version of a narrative largely depends on what society expects from a certain type of narrative or what they may expect in terms of behavior or motive from a certain type of person or character within the narrative. Tellability will determine the narrative's moral center because tellability, in part, relies on the recognizability of moral lessons or the meaning associated with the story. Amy Shuman notes that "some stories are tellable but only if the teller is willing to live with existing categories for interpreting the experience" (7). The interpretation of an experience guides the scaffolding of a narrative, ultimately guiding readers to a certain conclusion. This is not to say that readers have no agency; many narratives lead readers in vastly different directions and ultimately to different moral conclusions. However,

(Fludernik 26). Inside the narrative framework, however, is the implied author. This is not a literal figure, but a "construct of the reader or interpreter, who tries to determine the 'meaning' of the work in question" (Fludernik 26). In other words, regardless of the presence of an overt or covert narrator, the reader still has a sense that somebody has constructed the narrative and that they have some intention about what the reader should be picking up on or taking away from the text. In my estimation, narrative always has a narrator, or at the very least, the specter of one. I adhere to Fludernik's definition of narrative because any story that is told at least implies a teller (and that teller has a certain perspective/agenda that is important to consider).

Shuman relies on the idea of shared meaning and recognizable narrative categories in order to make her argument about tellability. In that vein, a narrative with a moral center that challenges dominant schemas may push that narrative into the untellable realm.

In terms of narrative structure, the primacy and recency effect are pertinent to tellability. The primacy effect describes how information that comes early in a narrative acts as a frame that readers use to make sense of later information (Fludernik 19). This framework is strong, and research has illustrated that “a considerable amount of material which is inconsistent with this frame has to accumulate before the reader is willing to break out of her/his conceptualizations of the situation” (Fludernik 19). Recency, on the other hand, illustrates that recently mentioned information also has a strong impact on readers (Fludernik 19). Looking at both the framework of a narrative and the placement of certain ideas within that narrative can indicate what aspects of the narrative the narrator has attempted to emphasize. The framework of a story can also reveal the moral conclusions that narrator is attempting to draw.

When considering issues of ownership, it’s important to remember that the person or people at the center of a narrative are not necessarily the narrators of their own story. As Shuman discusses, stories often leave their original context to become tools for various causes, such as the “poster child” whose story becomes the property of a cause rather than an individual (25). The poster child narrative is often co-opted to serve a greater good, so to speak. That greater good often overshadows any harm that may be done to the story’s original owner once the narrative has traveled beyond them. Judging the uses of a poster child narrative may require a philosophical cost/benefit analysis. While some intentions may be better than others, stories travel beyond their original

owners for many reasons, including for entertainment purposes. Using the story of another for entertainment is perhaps more difficult to justify because there is little to no return to the original owner of the story. The gain from sharing a story for entertainment purposes falls on the teller of the story who, by imparting amusement or excitement, gains social capital and sometimes monetary benefits from telling a story over which they don't have original ownership. The issues of ownership and perspective in a narrative become more salient when considering nonfiction narratives because real people are positioned to be impacted by the use of their story.

In this chapter, I explore the complicated relationship between fiction and nonfiction, particularly in terms of how readers experience each and the larger implications of that experience. Looking at the entertainment value of narratives, I identify a conflict of interests that arises when stories travel beyond their original owner for entertainment purposes. News has increasingly become a venue for entertainment, which has implications for how we experience the narratives they present. In this chapter, I explore how the consumption of tellable narratives for entertainment can turn off or discourage critical engagement and perpetuate dominant (often oppressive) discourses. As outlined in the last chapter, these dominant discourses are not typically friendly to women attempting to share their stories of sexual assault and abuse.

Fiction and Nonfiction: Two Distinct Genres or Two Ends of a Spectrum?

Literary critic Wayne Booth argues that we are shaped by the fictions we consume. He observed that fiction is not an inert form of communication nor does it serve the sole function of entertainment. For Booth, narrative is inextricable from human

experience. He observes that, “We all live great proportions of our lives in a surrender to stories about our lives, and about other possible lives; we live more or less *in* stories, depending on how strongly we resist surrendering to what is ‘only’ imagined” (*The Company We Keep* 14-15). In other words, that which is “only” imagined cannot be dismissed as unimportant because even in the imaginary we are invited to learn about human experience and about ourselves. Fictional stories may entertain, but they also instruct by inviting readers into a world that reflects the emotions, dilemmas, and desires of human experience.

As discussed in the last chapter, human beings are incredibly attuned to narrative. We use and can recognize narratives in the fictional texts that we read for pleasure and also in the stories that we tell about ourselves and our personal experiences. We can further recognize the parallels that our life stories--told by us or to us by way of nonfiction genres--have to the fictional stories that we enjoy. This is the foundation for Booth’s concerns with the power of fiction. He recognizes that the line between fiction and nonfiction often becomes blurred and that our awareness (or lack of awareness) about what is “real” and what is “only imagined” can dramatically shift how we walk in the world. Booth observes that, “If the border is fuzzy between life and narrative, and between narratives that teach and narratives that just *are*, the distinction between narratives that are true and those that are fictions is even fuzzier” (16). In other words, we live in close proximity to our narratives, and although we know that some are “imagined,” that does not prevent us from experiencing them more or less as part of our lived realities. Imagined realities teach us about our lived reality. Fictional narratives help us create our own narratives, and thus, there is a powerful relationship between the

fictional narratives we consume and the narratives we construct about our lived experiences.

Useful in illuminating this relationship is the fable. The fable may include fantastical elements (like talking animals), but the message transcends the fictional world and shapes our lived experiences (Booth 143). Children are taught not to tell lies because nobody helped the boy who cried wolf, and they are taught to be industrious because the grasshopper who sang all summer had no food for the winter. As we are raised on these kinds of stories, we learn to incorporate lessons and meaning into the stories that we tell. Stories train us not only to create narratives but to make sense of them, and a meaningful resolution becomes an expected element. Consider the familiar feeling that comes when a story seems incomplete. What's missing is likely a resolution of some kind. The story has ended, but there's no clear sense of why the story was told. We desire a resolution because we want to know why a story has been recounted. That need to locate meaning in events springs from our experiences with stories that find resolution in a final message because even when stories are not written as instructive fables, they still contain a moral, lesson, or agenda.

Booth argues that all texts are didactic and have something to teach. Even when there is no overt moral or lesson, meaning is typically imbued into the story (151). The way the story is told, the details given, and how it is resolved will inevitably lead the reader to draw a conclusion or learn something from the narrative. Booth acknowledges that most writers rely on their readers to put the pieces together and take something away. He notes, "most authors would be distressed if we said, after our reading, that nothing we found in it carried over to our 'real' selves" (151). He concludes this thought by stressing

that “all works *do* teach or at least try to” (152). Consider love stories as an example.

Love stories reflect social norms and problems, but they also shape the kinds of love that we hope to experience in our own lives. Many have criticized certain kinds of love stories for setting unattainable expectations, and these criticisms grow out of the knowledge that love stories do in fact impact our expectations of love in real life. If an unrealistic love story were merely an inert fiction that we could enjoy in a vacuum, then it wouldn’t matter how realistic or unrealistic the story was. However, fictions are not inert and they do influence the narratives that we create for our own lives.

More recently, studies have emerged corroborating the connections that Booth proposed in the 1980s. In their study on the relationship between fiction reading and empathy, Matthijs Bal and Martijn Veltkamp observe that “people learn from fiction about human psychology and gain knowledge about how to react to other people in social situations” (2). They explain that when we read, the events of the story are played out in our minds, and as we do this, we incorporate what we learn from the reading into our existing models of understanding (Bal and Veltkamp 2). In sum, this model illustrates that “readers actively process texts and integrate these texts in their own human experiences” (Bal and Veltkamp, 2). All fiction, even the most fantastical, provides some parallels to human experience or psychology, and these real-world parallels impact how we make sense of real-world events (Bal and Veltkamp 2). In some cases, when we are heavily invested in a fictional account, our brains experience the event as if it were happening to us instead of the character(s):

fiction presents a simulation of real-world problems, and therefore has real consequences for the reader. Often when someone reads a fictional story,

identification with the characters in the story and emotional involvement in the story causes the reader to sympathize with the characters, and perhaps even experience the events in the story as if the reader experiences the events him--/herself. (Bal and Veltkamp 2)

There's a relationship between fictional stories and lived experiences that we often take for granted: just as we shape our fictions so too do our fictions shape us. More importantly, the stories we consume and the stories we tell shape and reinforce a set of expectations that dictate how we make sense of our narrative-driven lives. These expectations are shaped by other forces as well, including social norms and expectations, but those too are reinforced by the didactic nature of the fictions we consume. Fictions impose an expectation for patterns and events in a narrative that we look for in our own lives; when we cannot find it, we impose it by creating a narrative that makes the world make sense again

The work of Green et al. further explore the role that fiction plays in our lives, namely that it's a powerfully persuasive form of communication. Persuasion here does not necessarily mean an argument or an overt attempt to change the views or opinions of another. Persuasion, in this sense, is carried out in how a text shapes the various discourses that dictate our understanding of the world. This kind of persuasion can reinforce the supremacy of dominant discourses, but it can also challenge those discourses. Though some may assume that nonfiction accounts would be more persuasive (due to the fact that we go in knowing that the information is true), Green et al. explain that this is not exactly how our brains function. Echoing many of Booth's assertions, Green et al. describe that:

Our cultural default may be to assume that nonfiction and fiction should be understood as distinct realms, with information gained from fiction treated as at least potentially less reliable. ... However, evidence *against* nonfiction's superior persuasiveness has been increasing in studies of narratives. (64)

The evidence of fiction's superior persuasiveness stems from the fact that we tend to let our guard down when reading fiction, which allows us to be drawn into the story in a way that is not always possible with certain nonfiction genres. The phenomenon of being "drawn in" is called *transport*, and it occurs when a reader feels experientially pulled into the text. Green et al. describe that emotional transport occurs when a reader becomes swept up by the narrative and "react emotionally to events that are simply words on a page" (168). One reason that transport occurs is because narratives tend to establish certain "truth conditions" and verisimilitude (Bal and Veltkamp 2). In other words, narratives create believable conditions for readers so they can enter the story world and understand the narrative through the logic of the story (Bal and Veltkamp 2). This allows readers to find an escape in fiction as they are "absorbed into the story told in the narrative" (Bal and Veltkamp 3).

Important to this experiential reading is the entertainment value that emerges from that level of absorption into a text. When reading fiction, readers tend to enter the text with "low elaborative scrutiny" which means that their critical thinking centers are more or less shut down (Green et al. 167). Knowing that something is fictional and therefore does not need to be evaluated for veracity allows readers to lower their guard and enter the story world with a more open mind. Consider the familiar experience of being transported by a text, when suddenly something doesn't seem to fit or make sense. That

element has to be evaluated, which engages the brain in analysis rather than consumption, bringing the narrative flow to a grinding halt. Green et al. explain that “if people are being swept along by an exciting tale, interrupting it to counter-argue story points would destroy the pleasure of the experience” (168). To question the exciting narrative is to interrupt the pleasure that it brings. What Green et al. generally found is that when readers know that something is fiction versus nonfiction, they will bring different expectations to a text, and will they tend to respond differently in accordance with those conscious (and subconscious) expectations. Green notes that research illustrates that “fact from fiction differences manifested themselves in how much readers scrutinized the information, not by how persuasive the information was” (167). In sum, information is more likely to enter our schemas unchecked when it’s presented as fiction because we are less likely to scrutinize that information.

Yet, these findings are not without their complications. Absorption into a text, or transport, is largely framed as a unique potential outcome of fiction reading, leading many to hypothesize that this increased emotional engagement can make readers of fiction more empathetic (see Kaplan, Kidd and Castano, Koopman, Kuzmičová et al, Mar et al, Mar and Oatley, Johnson, McCreary and Marchant). However, the research inspired by interest in this connection must necessarily establish a line between “fiction” and “nonfiction” in order to establish clear boundaries for their studies. For example, Bal and Veltkamp’s 2013 study on fiction and empathy uses news stories and nonfiction books as examples of nonfiction genres that are fundamentally different from fiction (2). They note the difference between *narrative* and writing more generally, establishing that the narrative structure is key to empathetic transport. Bal and Veltkamp further establish that

they specifically focus on fiction because it “is primarily aimed at eliciting emotions” (2). However, narrative nonfiction is often structured very similarly to fiction, as both rely on narrative structure. Further, many narrative nonfiction forms also aim to “elicit emotion” in the same way that fiction does. The implication here is that it’s the narrative structure--not the fictionality--that inspires transport, empathy, and psycho-social education, yet the study draws a hard line between “fiction” and “nonfiction” that seems to neglect some important overlap that exists between these genres. Fiction and narrative nonfiction are constructed by tools from the same toolbox, and, namely, they are both storytelling genres. Both have the potential to draw readers into a scene and into an experience. Green et al. notice that we gain information from fiction and “works with fictional components” (p 163), which means that it’s not necessarily just the truth or “not truth” of what’s written, but how the information is presented.

Green et al. point out that psychologists have largely neglected research exploring the relationship between narrative (generally) and persuasion (162), and that some research has illustrated that an individual’s beliefs were impacted by both fiction and nonfiction *narratives*. Unlike the studies that attempt to differentiate fiction from nonfiction, Green et al. argue that there is adequate psychological evidence to show that “individuals do not always separate information into tidy categories, accepting one and rejecting the other” (164). While people may desire to draw a distinction between fiction and nonfiction, narrative structures and the creative license taken in narrative composition (regardless of the source material) will inevitably stretch the “truth” in various ways. Green et al. note that in order to really know to what degree fiction has been inspired by true events or how fictionalized a nonfiction story has become would

require a large amount of research (165). The average reader and even the average critic are unlikely to do this amount of research on a given text and may therefore base their evaluations on *impressions* of accuracy rather than actual accuracy.

When looking at this complex overlap of fiction and nonfiction, it's useful to consider that some forms of narrative nonfiction are almost indistinguishable from fiction. The controversy over James Frey's *A Million Little Pieces* elucidates this point. For the first few years, this text was marketed and read as a nonfiction memoir. It elicited a huge emotional response from its readers and became an Oprah Book Club pick. After information surfaced that Frey had fabricated most of the text, Oprah infamously redressed him on an episode of her show.¹⁴ After Frey was outed, Random House offered refunds to readers because they had marketed the book as a memoir and it turned out to be fiction (Park 478). The slipperiness of fiction and nonfiction can also be seen in the works of authors like David Sedaris who admits to embellishing his nonfiction works in order to increase entertainment value. He has been accused of full-on fabrication, yet his books are still published as nonfiction and embraced lovingly by his many fans (Farhi). Based on the research available, it's difficult to say whether a book like *The Immortal life of Henrietta Lacks*, which has also been praised for its fiction-like narrative quality, would impact readers' empathy cultivation differently than, say, *David Copperfield*. Further, without intensive research into the text as well as insider knowledge, it's difficult to say to what liberties *The Immortal life of Henrietta Lacks*, or any similar nonfiction work, has taken in the name of creative license.

¹⁴ It's difficult to find the whole episode in question, likely because as Oprah admits, she lost her cool with Frey, and she doesn't want that episode readily accessible to the public. However, excerpts can be seen in this video on "Oprah's Top 25" moments: <https://www.youtube.com/watch?v=ewC-Kle5qng>

In short, fiction and narrative nonfiction both aim to elicit emotion and they both rely on storytelling tactics to convey information. At their core, they are both narrative-driven, and it seems that the narrative element is what draws readers in. Given what information is available on the subject, it's not a big leap to suggest that we consume some nonfiction stories experientially. In other words, some nonfiction stories likely inspire transport, and they may not be subject to the same level of scrutiny as non-narrative forms of nonfiction. Nonfiction narratives may be consumed for enjoyment and entertainment similarly to fiction stories. Ultimately, this means that when we come to a narrative with the expectation to be entertained, we may be shutting off our critical evaluation centers without realizing it. Although it appears that the label on a work (fiction or nonfiction) impacts the way we enter a text, outside a controlled study where participants are expressly told what they are reading, there aren't always clear boundaries between fiction and nonfiction narratives, particularly those that are packaged for entertainment purposes. There's not much regulation on veracity in entertainment, so it's often up to viewers to tease out what's real and what's not.

In her article "Based on a True Story" Sowon Park notes that narratives based on a true story seem to have a stronger pull, citing market data that more "true story" films were made between 1995 and 2015 than those based on fiction (474¹⁵). Park notes that trends in television and publishing are similar, and that "narrative appears to trigger a stronger response when attached to a 'true story' than to a story that is officially invented" (474). A notable increase in "reality-based" television shows since the late 1990s/early 2000s and the general increase in creative nonfiction forms in publishing

¹⁵ Park cites the following as her source of data: <https://www.the-numbers.com/market/sources>

seem to corroborate Park's observations. In publishing, nonfiction has been perhaps thought of primarily as an educational genre, but the increase in memoir popularity illustrates nonfiction's entertainment potential as well. A 2019 article from the *Guardian* describes how true-life stories of "ordinary" people are surging in popularity, surpassing celebrity memoirs which were once drivers of the memoir market. The article notes that between May 2018 and May 2019 memoir sales in the UK increased by 42% (Walker, n.p.). Park notes that consumer demand is responsible for the "ascent" of "true story" forms (474).

What's important about this data is that this increased consumer demand is in the realms of entertainment: film, television, publishing. As technology has shifted over the last twenty years, new forms of nonfiction entertainment have emerged and increased in popularity--namely, the podcast. The increase in on-demand television consumption offered through streaming services like Netflix and Amazon Prime has made non-box office films like documentaries and docuseries more accessible, and more of these true story forms are showing up on these services. True-crime television shows like *Law and Order* (1990-2010) and *CSI: Crime Scene Investigation* (2000-2015) proved to be very popular and were followed by a landslide of "true crime" podcasts based on actual crimes, as well as true crime novels and television such as the 2020 reboot of *Unsolved Mysteries* produced by Netflix. Narrative forms of nonfiction have been increasing in popularity for some time, and it's perhaps because they satisfy two consumer desires: narrative storytelling that inspires transport (and thus increased enjoyment/entertainment) and the appeal of "this really happened" which also increases interest and enjoyment.

Consumer demand for these “true story” forms indicates a high enjoyment or entertainment value in nonfiction narratives. However, as Shuman has indicated in her work, there are ethical considerations when handling a story that has traveled beyond its original owner. Shuman describes how stories are often “repackaged” in order to become more tellable and, as is the case when a story is shared via mass media, to make it more marketable (24). Shuman describes that “repackaging is a particular kind of strategy in which identities are manufactured and sold in a capitalistic marketplace” (24). In other words, stories are made “more tellable” by individuals outside the story who wish to use it for their own gain, be that monetary or otherwise. Though we may generally accept that a “true story” has been modified to some degree to make it more appealing to the big screen or to a television adaptation, we may not consider how those modifications impact the individuals central to that story. Shuman notes that “People who have suffered often see the media appropriations of their stories as a problem of representation: their experiences have been represented inaccurately by people who, they believe, have no right to represent because they have not experienced the trauma” (24). In many cases, the owner of a story may have some agency in the repackaging or even in the selling of their story. A person who sells their life story has been compensated and has likely agreed to let go of the creative control of the resulting representation. There’s often a power differential in these kinds of transactions which may call this practice into question; however, what’s more pertinent to this discussion are situations in which the owner of the story does not have even this small amount of agency over their own story. This is often the case with news reporting. Compounding this issue is the fact that readers generally feel entitled to the stories of others when they’re represented as news. We assign value to

“being informed” about current events, and increased awareness of what’s happening in the world can inspire feelings of safety. Furthermore, news reports do not necessarily have to get the consent of the people they are covering in order to report the story.

A conflict of interests arises when a desire for entertainment drives news stories because we may experience nonfiction narratives as we would a fictional narrative, if it is constructed for that kind of assumption. The version of events that’s broadcast to the general public is likely to be the most “tellable” version of events because untellable stories won’t sell. A true-life story will inevitably be rife with messy details that don’t necessarily fit together like a smooth, fictionalized version of events might. In order to construct a smooth narrative that does not trigger scrutiny due to inconsistent elements, some details of a complicated story will likely be downplayed or omitted. The result, is a flattened-out nonfiction narrative that largely resembles a fictional narrative, both in craft and in seamless story logic. Further, these kinds of nonfiction narratives create another conflict of interests when citizens are in a position to be entertained by stories that they might ultimately have a hand in judging. This is most evident in the case of narrativized courtroom drama because our legal system relies on juries comprised of ordinary citizens to carry out judgements. In this case, the discourse of our courts is in a position to be impacted by narratives of courtroom drama (both fiction and nonfiction) that are framed as entertainment, therefore inspiring low critical thinking and evaluation. When a narrative nonfiction enters our schemas with little to no elaborative scrutiny it’s likely to reinforce dominant narratives with little to no conscious realization that that’s what has happened.

The conflict of interests that arises between a desire for entertainment and the ability to think critically illustrates the importance of discussing what forms of entertainment have the potential to inflict the most social and cultural damage. When attempting to share their stories, survivors of sexual violence already fight an up-hill battle against dominant discourses due to the cultural constructions of gender that erase sexual assault, the shame stigma that follows victims of sexual violence, and complications that trauma creates for narrative. As media spectacles, public cases of sexual violence must take on narrative forms that are consumable and entertaining, otherwise they won't garner the interest necessary to justify their coverage. These stories become tellable not just through their entertainment value but by how closely they adhere to recognizable tropes and narrative patterns. By their nature, tellable narratives will always perpetuate dominant discourses because it's the dominant discourse that dictates their tellability.

In the case of Lorena Bobbitt, the most exciting version of events became the dominant narrative at the time, and this version of the narrative effectively erased the abuse that Lorena had suffered. Notably, the Bobbitt story emerged during the rise of entertainment news. Sensational stories like hers were driving a new entertainment market, and the negative consequences of how her story was presented to the world didn't seem to abate the ensuring coverage.

Entertainment Over Information: The Rise of Entertainment News

The 1990s (into the early 2000s) marked the heyday of entertainment news where the entertainment element began to take precedent over what one might call fair and

unbiased reporting--the “just the facts” of the story. The foundation of entertainment news is sensationalization.¹⁶ This means not only reporting on stories that have exciting elements, but also shaping those narratives to highlight the most exciting or dramatic parts. Lorena Bobbitt’s case was one of many exciting narratives that audiences followed in the early 1990s. David Kaplan from *Newsweek* remembers, Lorena’s story “was irresistible. A *Newsweek* poll that we took indicated that 60% of the country was paying attention” (*Lorena* Part 2, 19:34). Overlapping Lorena’s case was the Tanya Harding/Nancy Kerrigan scandal and allegations of child molestation against Michael Jackson, followed shortly by the O.J. Simpson trial. These highly publicized events were shared by audiences via network television which--with fewer channels and fewer viewing options than today--meant that huge portions of the population shared in the consumption of these narratives¹⁷. Melissa Jeltsen from the *Huffington Post* reflects on this trend, noting, “You know, this was a wonderful time for tabloid TV” (*Lorena* Part 3, 3:13).

The popularity of entertainment news inspired the emergence of shows like *Hard Copy* in 1989, *E! News* (Entertainment News) in 1991, and *Dateline* in 1992. Much of *Hard Copy*’s content was equivalent to what we’d call “click bait” today--the same goes for *E! News*; and while *Dateline* is still on the air and has evolved over the course of its 29 seasons, the show claims to be “bringing viewers storytelling at its best” (nbc.com). There may be less emphasis on the sensational, but the core of sweeping viewers up into

¹⁶ A general dictionary definition of “sensationalization” highlights pertinent aspects of this discussion: “To present in a manner intended to arouse curiosity or broad interest, especially through the inclusion of exaggerated or lurid details.”

¹⁷ For example, over 150 million people watched the O.J. Simpson verdict, according to *Time Magazine*; that was about 57% of the United States population (Zorthian 2015).

a good story remains at its heart. Demand for true-crime and trial news inspired the emergence of Court TV in 1991, and many court-based reality shows including Judge Jerry (Springer) (1991), Judge Judy (1996), Judge Joe Brown (1998), Judge Mills Lane (1998), Judge Mathis (1999). With a primary aim of garnering viewership and ratings, these media outlets were committed to whatever might captivate audiences.

Though the concept of entertainment news turned out to be incredibly popular and lucrative, anxiety about the marriage of news and entertainment did emerge during this time as well. In 1993, A guest on *Larry King Live* called to comment on the Bobbitt trial and express discomfort at the obvious shift in news media toward entertainment news. They commented, “I think that the line that used to be drawn between news and entertainment is now blurred. And I don’t think that’s a very good idea” (*Lorena* Part 3, 3:19). The 1994 film *The Paper* draws on this same anxiety, following a newspaper journalist who’s desperately trying to verify a headline that, if incorrect and allowed to run, would destroy the lives of two young men. The urgency of the plot hinges on a key premise: after the sensation has passed, few people care about the corrections page. The film’s timing, amid the rise of sensationalized news and many news stories like Bobbitt’s, does not seem coincidental. The critique of sensationalization carries with it an often-unspoken understanding of the impact that stories have in shaping our lives and our world. Sensationalization isn’t a problem because entertainment is bad, it’s a problem because it sacrifices truth for consumption. Journalist Carlos Sanchez observes that there’s a sense of trust that people give to the news. Sanchez observes, “There is this notion that people in a news room are smart enough to weight the pressures of competition against ethical considerations but the pressures of competition will always

win” (*Lorena* Part 3, 5:00). In other words, many people put some degree of trust in the news, but that trust may be violated by reporters angling to make the story “juicier.”

Sanchez further comments that the time of Lorena’s trial “was kind of the era of Court TV” (*Lorena* Part 1, 47:06). While Court TV isn’t as popular today as it was in 1993 and 1994, true crime as a genre has perhaps never been more popular. The public remains invested in the innerworkings of the criminal justice system.

Court television piqued the interest of the general public, but anybody who has spent time in an actual courthouse knows that most court cases are not that engaging-- even if all the potential is there. As David Kaplan observes, “Trials are great. You have a protagonist. You have an antagonist. You have a referee. It’s the dramatist’s dream” (*Lorena* Part 1, 47:20). Publicizing the exciting cases feeds that desire for courtroom drama while also reinforcing the idea that courtrooms are entertaining spaces. In the Bobbitt case, the two trials were treated very differently. While John’s trial was not televised or heavily covered, Lorena’s was fully televised and covered by international media. The fact that her trial was televised is extraordinary because rape trials are rarely televised due to their sensitive nature. Although Lorena’s trial included detailed testimony of her abuse, including the multiple times that John violently raped her, her trial was framed as being about her act of mutilation and therefore it didn’t get the same treatment that a rape trial would. With the benefit of hind sight, it seems likely that consideration for Lorena’s privacy was largely out-shadowed by the viewership potential. Audiences were ravenous for content, and the media outlets delivered. The timing of the trial supports the idea that the decision to televise had more to do with ratings than protecting a victim of rape and abuse. Lorena’s trial was initially set to begin on

December 23rd, but it was moved to January so it wouldn't suffer a dip in viewership due to the Christmas season (*Lorena* Part 2). Unfortunately, much of the Bobbitt trial was sorely mundane, including long testimony about their financial troubles. Even the documentation of her abuse is somewhat too ordinary. While Court TV did televise her trial--and people did tune in--the highly (and easily) consumed bits of narrative came in the form of headlines, recaps, radio interviews, and late-show punchlines. These inevitably sold one perspective of the story that was generally unfavorable to Lorena.

Traveling Stories: When the Teller is Not in Narrative Control

When looking at the Bobbitt case from a narrative standpoint, it's important to consider whose perspective was primarily represented and why. When analyzing the various narratives that did circulate versus alternative versions, it's clear that entertainment value played a key role in shaping the dominant narratives. The kernel of the story--a woman cuts off her husband's penis--is highly unusual and will pique the interest of many people. There's a high potential for entertainment value already. To complete the narrative, people will inevitably want to know why, but the answer "because he raped her" edges on untellable because of the suspicion that many bring to rape cases, especially marital rape. However, "because she was jealous/angry/hot-blooded" makes the story lurid and interesting. It also frames the narrative as a story of revenge, a genre familiar to most audiences (and therefore highly tellable). In this revenge narrative, the man is the protagonist and the woman is merely a temporary actor in his story.

A headline like *Angry Wife Cuts off Husband's Penis* will absolutely garner curiosity. If the story follows the man's perspective and reports to audiences that not only was his penis successfully reattached, but that he has gone on to become a porn star--now that is *wildly entertaining*! The audience feels no guilt in enjoying this version of the narrative because the man seems better off in the end. Meanwhile, this narrative frame has cut the woman out of the audience's mind; it doesn't matter what has happened to her because the narrative is not framed from her perspective. The audience can easily forget her as they follow the man on his journey. This version of the story is safe because it doesn't challenge existing discourses about the importance of a man's penis which makes consumption easy.

On the other hand, *Woman Repeatedly Raped by Husband Fights Back*--is trickier in terms of tellability and entertainment value. While the uprising of an underdog makes for a highly tellable narrative foundation, there are unspoken rules about who gets to be the underdog. If it's a sports team or a brainy nobody who gets a makeover, audiences are certain to love it. However, rape is a fraught topic that's both incredibly private and stigmatizing. This headline's feminist patina raises suspicion because feminism is still not unabashedly embraced by general audiences. Consumption of this version of the story is difficult because it requires consumers to confront the status quo of marital relations, rape, and their own discomfort with a much-maligned movement called feminism. Further, following the woman of this story is a sad path, likely to be viewed by some as overly sentimental and certainly not entertaining. Looking at these two perspectives from an entertainment stand point illustrates why some versions of Lorena's narrative became widely circulated while others because niche "opinions" about the case.

The first of these two narratives had an additional advantage: it emerged first. As previously described, the primacy effect has a strong influence on narrative because it's difficult to break out of an initial framework once it has been established. When Lorena spoke to police, she did not have a good sense of how the information she gave them would be used. She certainly wasn't thinking about constructing a sympathetic narrative for herself. Her complaints were numerous: that her husband abused her, that he raped her, and that he was selfish in bed. Rather than dealing with the complexity of a wife who complained both of being raped by her husband and of not ever having an orgasm during sex, the media chose one explanation and ran with it. It was, of course, the more exciting explanation that, consequently, cast Lorena in the poorest light. As I have discussed, this framework held strong and was picked up by many other reporters and commentators. As such, it became a frequently mentioned explanation for her actions, illustrating the recency effect. Recently mentioned information has a strong impact on audiences, and the repetition of one version of the narrative would keep that information fresh in an audience's mind. The primacy and recency effect also help explain what details of the case people tended to remember, but I will expand on that in a later section. For now, it's important to establish that the version of the narrative that stayed faithful to John's perspective had many advantages over the version that followed Lorena.

Relevant to any story of sexual violence, including Lorena's, is the idea of empathy fatigue, which Bal and Veltkamp describe as "psychological numbing" which can happen when people feel overwhelmed by a seemingly helpless situation (Bal and Veltkamp 3). They note that fiction provides a "safe arena in which a reader can experience emotions without the need for self-protection" (Bal and Veltkamp 2). In other

words, fiction does not require any action on the part of the reader because what happens to the characters is divorced from real life. A nonfiction account, on the other hand, may make readers feel like they need to take action when they cannot. Empathy can make us feel responsible for those who suffer, but empathy can become painful when we feel unable to help. In other words, stories of suffering, especially suffering on a grand scale, creates a cognitive dissonance that can result in our brains just shutting out the empathy altogether. Bal and Veltkamp note that psychological numbing is not inevitable and it doesn't apply to all nonfiction stories in the same way. When there is a "single, identifiable individual," people are more likely to connect empathetically to the story and want to help--i.e., send money or volunteer (Bal and Veltkamp 3). On the other hand, people are less likely to respond empathetically when exposed to a large group statistic because a seemingly insurmountable problem increases feelings of helplessness (Bal and Veltkamp 3). As Amy Shuman also explains, the use of a poster child can motivate people to a cause (25). The drawback of the poster child is, of course, that their story is often taken from them and shaped in a way that's most useful to the cause rather than what's most useful to the individual (25).

In many ways, Lorena was framed as a poster child for domestic abuse, but in order to make her fit as a poster child for that cause, her story needed to be flattened in another way. To do so, Lorena's act was framed as empowerment--of women taking back some power and control that the patriarchy frequently denies them. For many activists and commentators who wanted to use her story to change dominant discourses about domestic abuse, Lorena became a warning to all men--behave *or else*. Journalist Kim Masters commented that women had been tolerating "all kinds of terrible behavior" from

men that never seemed to come with any consequences. Then, “along comes Lorena Bobbitt, and women were kind of thrilled about it. They were like, ‘wow, somebody struck back.’ You know, it was really almost shocking the degree to which women were excited” (*Lorena* Part 2, 29:08). Many media outlets framed the Bobbitt case as highly visible skirmish within the larger “gender war.” Comments that framed Lorena’s act as part of that war reinforced the idea that with one cut, Lorena gained important ground for all women. Hers was an act of intimidation through which women saw the potential to strike fear into the hearts of men. Katha Pollitt with *The Nation* summarized that, “Women have been abused for centuries, and men have been getting away with it, and now the tables are turned a little bit” (*Lorena* Part 2, 31:30). Whoopi Goldberg made similar commentary in a 1994 standup routine, joking that, “You see, women live with the knowledge that weird shit could happen at any point. You go down a dark alley and whoosh, somebody grabs you. And now, men actually have to think about this shit!” (*Lorena* Part 2, 30:49). In other words, Lorena’s act cautioned men to think twice about how they treated women because, perhaps unwittingly, she put truly terrifying consequences on the table. In line with the “gender war” theme, men and women tended to take sides in alignment with their gender.

Barbara Walters observed that the narrative perspective that resonated with audiences likely depended on their gender:

I do think that men and women see this very differently. And men see it as a man being mutilated, I think in the most awful way a man can imagine. Many women see it as a woman abused to such a degree that she struck out at the area that was doing her the most harm. (*Lorena* Part 2, 28:20)

Activists saw potential in the cultural moment cultivated by Lorena's act, and they saw Lorena as a potential face for a much larger movement. Kim Gandy from the National Organization for Women (NOW) discussed how the organization wanted to use Lorena's case to raise awareness about domestic violence. She characterizes Lorena as somebody that battered women could relate to because her act and subsequent escape from John's hold gave women hope that they might also escape. Gandy notes that, "In some ways, I think that Lorena was a symbol for what other battered women were going through" (*Lorena* Part 2, 32:10). Seeing Lorena's poster-child potential, NOW attempted to leverage the Lorena Bobbitt story; however, Gandy explains, their efforts were thwarted by the lure of a more exciting narrative:

We sent out press release after press release thinking there were gonna be reporters who want to talk about this issue, who want to understand domestic violence and understand what might have driven a victim to do what she did. But the public was so entranced by the act that they just couldn't really focus on anything else. (*Lorena* Part 4, 11:54)

Although Lorena's story inspired many, these attempts to make her into a poster child for domestic violence were largely ineffective at the time of the trials because there were too many other exciting details that captured the public's focus.

Empathy fatigue may have contributed to this lack of interest in the domestic abuse cause as well. In the early 1990s, advocates were trying to illustrate the enormity of the domestic violence problem. Surgeon General C. Everett Koop acknowledged it as a public health crisis in 1989, reporting that "battery is the single most significant cause of injury to women in this country" (*Lorena* Part 1, 18:33). In this address, Koop attempts to

motivate action by urging that society can “no longer bear” this overwhelming burden. In 1990, *Nightline* reported that only about 100,000 rapes were reported for 1 million committed (*Lorena* Part 1, 19:14). These messages about the extent of the problem may have seemed overwhelming to a general public that still largely believed that domestic violence was a private matter and that rape was rare--happening mostly to people who made poor decisions. In this context, Lorena didn't stand alone as the face of abuse. She came with a wave of statistics about domestic violence that may have triggered empathy fatigue. The details of Lorena's abuse, coupled with such overwhelming statistics, would make for a much less appealing narrative than one that centered on the laughter and the amazing recovery of a severed penis.

Lorena eventually became an advocate for domestic violence, though she did so quietly after the media storm died down. In many of her public appearances in the years following the trial, she makes sure to address the issue of domestic violence.

Interestingly, it seems that she has embraced the poster child narrative that women had originally sought from her. In an appearance on the *Steve Harvey Show* in the mid-2000s, Lorena tells Steve, “I'm here to tell you, and tell everyone, what happened when a woman gets abused by a man” (*Lorena* Part 4, 54:07). In this statement, Lorena seems to embrace the revenge narrative and implies an intentionality in her actions that wasn't present at the time of her trial. Some may see this as evidence that she lied in court when she reported having flashbacks before cutting John and no memory of the act itself.

However, there's the more complicated fact of tellability to consider as well. As an advocate (or poster-child) for a cause, Lorena has embraced a version of her story that provides a sense of strength and agency to abused women. By embracing this version of

the narrative, Lorena positions herself as an active agent in gaining her own freedom rather than an abused victim who lashed out in a moment of mental breakdown.

The former narrative can accomplish something that the latter cannot, and to various extents, I think both versions are true. When Lorena talks about her ordeal, she puts the good of her advocacy work before anything else. In a 2019 *New York Times* Article, she says, “I’ll put myself through the jokes and everything as long as I can shine a light on domestic violence and sexual assault and marital rape,” (Chozick n.p.); and near the end of the docuseries *Lorena*, she concludes, “I went through the whole ordeal to have women understand that--that they are not alone. And they can escape domestic violence if they need to, and claim their lives again like I did” (Part 4, 54:15). By embracing the jokes and the version of herself that inspires abused women, Lorena allowed her story to travel beyond her in service of helping others. Perhaps in defiance of the narratives that were framed for entertainment and profit, Lorena has chosen to embrace narratives that work for a greater good.

“One Angry Woman”: Lorena Maligned in the Media

As previously mentioned, Lorena was repeatedly portrayed by the media as an “out-of-control” woman who could not contain her anger. Public commentary on the case reflected the efficacy of this messaging. One public commentator (a woman) in 1994 remarked that Lorena “Should get some help so she doesn’t react that way next time” (*Lorena* Part 4, 6:45). Within the context of Lorena “going crazy” for no reason, this comment makes perfect sense. The commentator seems to believe that Lorena needs to learn how to regulate her emotions so she can handle conflict without extreme violence.

However, within the context of the full story, this comment no longer make sense. The “next time” means the next time she’s raped and/or abused by her husband--as if it’s normal for there to be a “next time” of abuse. This commentator is either unaware of or ignoring that part of the narrative, or she has taken for granted that a wife will be abused by her husband and it’s expected that she respond “rationally” when such a thing occurs. On his talk show, Geraldo Rivera perpetuates the “angry woman” narrative by giving a sensationalized summary of the case, offering a petty motive as the sole reason for her actions: “She felt the husband was selfish because he had an orgasm and she didn’t. So, she grabbed a handful and sliced. I mean this was one angry woman” (*Lorena* Part 3, 0:55). Geraldo’s summary foregrounds the least relevant piece of evidence to explain Lorena’s motivations, but relevance pales in comparison to such a titillating summary. The addition that she was an “angry woman” is key because it explains how she could take such extreme measure for an insignificant reason. Even if there’s no evidence to support this evaluation of her character, the label works because it makes the pieces fit. Perceived accuracy is enough to move this version of the narrative forward, particularly if audiences are positioned to consume the narrative for entertainment. In this case, the perceived accuracy is based on social assumptions about women’s relationship to anger.

Research on gendered expressions of anger indicate that women are socially sanctioned for expressing anger, even in situations where it may be warranted. In a study on emotion in the workplace, Brescoll and Uhlmann found that women’s expressions of anger were often attributed to “internal characteristics” like “she is an angry person” or “she is out of control” (273). The study further found that compared to men who expressed anger, women were “accorded lower status and lower wages, and were seen as

less competent” (Brescoll and Uhlmann 273). Gendered assumptions about certain emotions likely fuel findings like these. Women are supposed to be kind and nurturing, not forceful or angry. Brescoll and Uhlmann note that anger is a “status emotion” (273) which may explain why it can cause unease when displayed by women who are generally assigned a lower status than men.

A 2015 study on anger expression and influence corroborates the idea that anger is a status emotion. The study found that anger decreases influence for women in mock jury deliberations (Salerno). The study held deliberations in a chat room setting, with the angry “hold out” having either a male or female name. Salerno reports that even though “male and female holdouts communicated with exactly the same words via typed text, our results show that women are penalized for anger” (590).¹⁸ Another study focused on the role that gender stereotypes play in evaluating criminal defendants found that jury perception of female defendants was impacted by gender stereotypes (Strub and McKimmie). The study found that “female defendants described as possessing masculine traits were treated more harshly than their feminine counterparts” (Strub and McKimmie 495). One explanation offered for this is that those who violate gender norms are subject to “dual punishment,” both for breaking the law and for violating a social norm (Strub and McKimmie 495). Generally speaking, women are less likely to be convicted than men perhaps because “female defendants are stereotypically perceived as less dangerous, and lacking physical strength and intention to harm to the ability to threaten others” (Strub and McKimmie 488). However, Strub and McKimmie found that female defendants were actually treated more harshly than their male counter parts when accused

¹⁸ See also Becker et al and Salerno, Peter-Hagene, and Jay.

of certain crimes. For example, in sexual harassment cases women were more likely to be charged than men. Strub and McKimmie offer that this may be because men are typically “responsible for initiating sexual advances” and therefore women are violating social norms by being sexually aggressive rather than sexually passive (488). Again, women suffer a dual punishment for violating both the law and a social sexual norm.

Lorena was labeled as an angry person not only because of her gender and the circumstances of her crime, but also because of racist assumptions about her ethnicity. She explains that “People were talking about my background, saying I was just a hot-blooded Latina woman” (*Lorena* Part 2, 5:55). One commentator on the case remarked, “It’s so rare in the United States a penis is severed like this, but my understanding is that in Latin America, and that’s where Lorena Bobbitt is from, it’s not all that rare” (*Lorena* Part 2, 5:46). It’s unclear what informed this comment because there’s little evidence that malicious wounding of this type is common in Latin America. Some research indicates that Thai women cut their husband’s penises off frequently enough that it’s a social norm to make jokes about being faithful *or else* (Abrahams). The study on this phenomenon in Siam found an “epidemic” of cases in the late 1960s and 1970s, but only 18 patients were described in the study, and it further found that amputations had since “abated” at the time the article was written (Bhanganada et al.). Though there were some copycat crimes following the coverage of Lorena’s story (one as recently as September 2019 as reported by the *Washington Post*)¹⁹ cutting off a man’s penis as an act of revenge is not “common place,” even if it does happen occasionally. However, Lorena’s anger and her actions were attributed to her personality and her ethnicity because those “facts” fit with social

¹⁹ Beachum, 2019

assumptions about why women express anger (internal motivation/character quality) and how Latin American women tend to behave (hot-blooded).

During Lorena's trial, John and his attorney used this narrative both in court and in media appearances, claiming that John was actually the victim in the relationship. John alleged that he needed to restrain his wife when she flew into rages, hitting him and beating him. In a 2019 *New York Times* article, Lorena notes that she weighed 95 pounds in 1993 when John claimed that she victimized him with physical altercations in their marriage (Chozick 2019). John was an ex-Marine well-known for his physique and physical strength, sometimes using the nickname Jean-Claude (Van Damme) for himself. Like many of the claims that John made over the course of both trials, there was little evidence to support the accusation that he was actually the victim in the relationship. However, the media ran with the narrative that Lorena was "crazy" and that she lashed out in anger.

Though it became clear through the progression of her trial that John was in fact a batterer, even those who accepted this as true still perpetuated the narrative that she was out of control. In terms of the dominating media narratives, at best the acknowledgement of his guilt canceled out her guilt, making them both culpable, and according to some, deserving of one another. One commenter remarked, "well I think a lot of people look at this and say, my god these people deserved each other" (*Lorena* Part 2, 27:37). Paul Ebert, public prosecution attorney for the state of Virginia prosecuted John and then Lorena respectively in their trials. On *Larry King Live*, he offered a summary of John and Lorena that perpetuated the narrative that both sides were at fault: "You had a history of violence between both of them. He wasn't the brightest bulb that ever burned and she was

a very volatile person” (*Lorena* Part 2, 12:54). The volatile label suggests that she’s quick to anger, but there’s no discussion of when it might be okay for a woman to lose her temper. As discussed in the last chapter, women are not typically protected by the justice system when they fight back against their attackers. The expectation that women are non-violent supplants any logic about how a person could or should respond when they are in a life-threatening situation. Dominant discourses about gender-appropriate behavior, emotion, and self-presentation drive the tellability of narratives like Lorena’s, creating additional barriers for women who seek justice for crimes committed against them.

Looking back on the case, reporter Melissa Jelstsen with the *Huffington Post* notes that people were quick to label Lorena but slow to inquire about the broader context. Jelstsen observes, “What I noticed is this portrayal of Lorena Bobbitt as a vengeful, crazy woman who just snapped for no reason, and that really missed the context of her story and did a disservice to domestic violence victims across the country” (*Lorena Part 3*, 13:00). Kim Gandy shares a similar sentiment, claiming that the media’s framing of the Bobbitt case hindered NOW’s agenda to disseminate information about domestic violence. Gandy explains that “it was really hard to get to that point because there was so little coverage of her actual abuse and so much coverage of how she made sure he wouldn’t do it again” (*Lorena* Part 2, 32:10). In making the Bobbitt case more “tellable” (and more entertaining), the media leaned on a caricature of Lorena that overshadowed both her own side of the narrative and any social progress that could have grown out of her narrative perspective.

What Audiences Remember: The Laughter

Public memory is important to consider because it's an indicator of what discourses prevailed and what information those discourses conveyed to the public. The Bobbitt case, unfortunately, was largely remembered as a joke. In their podcast "You're Wrong About" journalists Sarah Marshall and Michael Hobbes revisit culturally significant moments from the past to discuss how they've been misrepresented or misremembered. They return to the Lorena Bobbitt story, noting that the most commonly forgotten, though significant, detail is the fact that there were two trials ("Lorena Bobbitt"). John's crimes fell to the wayside largely because they weren't covered by the media as voraciously as Lorena's. Marshall and Hobbes note that the story's entertainment value is largely what people remember. Although feminist activists and Lorena's core supporters followed the case closely, most people consumed whatever blurbs showed up on the news, the radio, and various entertainment outlets during and following the case. That coverage largely devolved into low-brow humor and Late Show bits. The jokes started quickly and were ubiquitous. Coming back to the primacy and recency effect, it's useful to note that jokes became a dominant framework for the story as well. The sheer volume of jokes, and their presence on popular shows, kept the comedic version of the narrative fresh in people's mind.

SNL, for example, did a sketch in 1993 on John and Lorena, with Michael Meyers playing John and Rosie O'Donnell playing Lorena. In the sketch, they're a couple seeking counseling for their marital problems. O'Donnell says that she was dissatisfied with the marriage because her husband "forced her to have sex" to which Meyers immediately objects. The therapist asks, "what did you do with that anger?" and

O'Donnell replies, "I cut off his penis." This truncated version of events is familiar as it fits with the other dominant narratives circulating at the time. It's also noteworthy that the truncated narrative is what allows it to be funny. Lorena is not portrayed as a rape victim; she is a wife who did not want to have sex with her husband. She is further portrayed as an irrationally angry woman who responded with an irrational action to what's framed in the sketch as "normal marital problems." The core of the humor in the SNL sketch is that she did something that most men would find unforgivable, and yet the therapist is still earnestly trying to help them patch things up--pun intended. What's also notable about this sketch is that O'Donnell is much taller and bigger looking than Meyers (aided by Meyer's crouched and fearful posture) positioning Lorena as the scary villain who looms large over her victim.

Howard Stern made many comments about the Bobbitt case on his radio show, including the comment that "a guy's whole life is his penis" (Shorey n.p.). Stern's most highly-publicized event was a farcical New Years' Eve fundraiser for John in 1994 where the funds raised were tracked by a giant phallus. The event included a reenactment of the malicious wounding, and paraded John as a victim turned hero for whom the show reportedly raised over \$250,000 (Shorey n.p.). In the docuseries, Lorena talks about how many jokes were circulating at the time of the trials. She observed, "Jokes was everywhere. Approaching Thanksgiving, the whole country making jokes about me" (*Lorena* Part 2, 5:18). Though Lorena has found some humor in the situation now, at the time the jokes were hurtful. She commented, "And the jokes did bother me because I didn't know how to handle it" (*Lorena* Part 2, 5:38). In a 2019 interview with the *New*

York Times, Lorena comments on her frustration with the media coverage, noting that “And it’s like they all missed or didn’t care why I did what I did” (qtd. in Chozick 2019).

These humorous takes are largely what stuck with the public, further skewing the case in the minds of those who remember it. Sarah Marshall comments that if it had been his hand she cut off, people wouldn’t have found it nearly as entertaining, but because it was a penis--a body part that even doctors and first responders couldn’t name 25 years later without giggling--it came stocked with entertainment value. Audiences also felt curious about what happens when a man’s penis is severed and re-attached. Marshall comments that when she watched the pornographic film that John made after his penis was reattached, she found herself impatiently waiting to see how well everything worked. John’s penis became the underdog in a story, pulling through against all odds, and it’s this part of the narrative that allows for the unabashed amusement. Once the penis comes through--fully reattached with no loss of function--there’s a collective sigh and then laughter to release the tension. The fact that the center of attention is a penis only fuels that laughter. Marshall acutely observes, “That’s why it’s allowed to be funny because his penis came through it with him” (3:24). Hobbes agrees with her and elaborates, “That’s my overwhelming impression of this case is that it was a national joke. ...Both of them were just national laughing stocks and this case was something the country did not take seriously at all” (3:30).

However, *Lorena* aimed to help people re-remember the story not in terms of its amusement, but in terms of its darker realities. It seems to have had that effect. The public Amazon reviews following the 2019 *Lorena* premier reveal shock from viewers who had

largely only remembered the case as a farce. Viewer after viewer make similar remarks about there being more to the story than they had known or remembered:

Stunning. So much I didn't know about this whole saga.²⁰

Finally, a series that sheds light on the domestic violence case of Lorena Bobbitt and the issues that continue to be a major problem in this country.²¹

Thanks to the directors for this documentary. Before seeing this I blamed her & accused her of lying and I'm a DV survivor!! Now I know all the facts: the history of violence she endured from the police and the testimony of his own friends!²²

Very very good, and not the story I remember from the media at the time.²³

This finally tells the story that the whole world should've been more focused on to begin with: a woman was abused, again, and again. And, again.²⁴

I was in high school when this happened. What I remember from that time was how crazy it was that she actually threw his penis in a field after cutting it off. It was then actually recovered. And actually successfully reattached. Those facts alone were unbelievable. He then went on to star in porn. And all the jokes that were made about it. That was it. I never heard about the domestic violence.²⁵

As one viewer notes, they are also a domestic violence (DV) survivor, yet they did not sympathize with Lorena at the time of the event because those details about the abuse were buried in the media coverage. Lorena's status as a battered woman seems to significantly change the story for these viewers, moving them toward sympathy for Lorena and even understanding for what she had done and why. The details of abuse fill in a logical motive that was missing from the original narrative. Certainly, a woman driven crazy with jealousy or just acting on a hot temper is much more exciting, but that version of events doesn't hold up to scrutiny, if audiences take the time to think critically

²⁰ rABiD kittEn Feb 14, 2019

²¹ Bluebe65 Feb 14, 2019

²² RV Feb 16, 2019

²³ heather Feb 15, 2019

²⁴ Courtney Feb 15, 2019

²⁵ Lauren Garcia Feb 17, 2019

about what they're being told. Or, alternatively, if they are presented with a narrative that does some (or most) of the critical thinking for them.

Part of exploring the nuance of this story is acknowledging that we shouldn't have been laughing in the first place. One of the final words of the *Lorena* docuseries is given to a witness who came forward during Lorena's trial. Regina Keegan had had a nail appointment with Lorena before the attack, and she noticed that Lorena was covered in bruises and emotionally distraught. Keegan, looking back on Lorena's trial, comments, "We were being entertained on the fodder of someone else's real human suffering. It's still going on. And I don't know when we're going to wake up" (*Lorena* Part 4, 60:35). By giving Keegan one of the last words in the docuseries, the narrative woven by *Lorena* emphasizes that although laughter is sometimes the easy response, it may be masking something that we don't want to address. It's easy to get swept up by an entertaining story, but we cannot let our desire for entertainment completely shut down our critical thinking work.

Conclusion: Narrative Reframing

What's clear about the retelling of the Lorena Bobbitt story is that much of the laughter has stopped. With the exception of a few chuckles at the beginning of the series when interviewees describe searching for John's severed penis--which does include a few comical details including the fact that one of the first responders stepped on it before he realized what it was and another retrieved a hotdog bag from a near-by 7-Eleven to carry the penis back to the hospital--the series is otherwise somber and sometimes difficult to watch. Lorena's pain and suffering frame the narrative. The shift in audience response

corresponds to how the narrative was framed in the docuseries versus how it was framed in the 1990s. A juxtaposition of the two narratives, and their various cultural impacts, centralizes the central issue of this chapter--the problems that arise when a narrative is sold primarily for its entertainment value, even when it involves a serious issue like domestic violence and/or sexual assault.

We tend to believe that each person's story is their own and that the details are unique to them. However, narratives are shaped to fit dominant discourses and in that shaping, something is usually lost. When a narrative is appropriated by somebody who is not a story's original owner, not only is some of the story lost, but much of the agency felt by the story's owner is lost as well. As this analysis has shown, Lorena stood helplessly by as her tragic story became a national joke. Survivors of sexual violence often find their stories shaped and appropriated in ways that are damaging, but there's often little they can do about it. Whenever a survivor is asked about her sexual history, her choices, or the circumstances of an attack, she finds her narrative agency slipping away. The implication of these questions is that she is to blame for what has happened, which is a drastic shift away from focusing on the perpetrator. Social assumptions about sex and gender reinforce the tellability of this skewed narrative, which is why so many survivors find themselves struggling to tell what has happened to them. We tend to drive narratives toward tellability because we want to find connection and understanding; however, if the tellable narratives available to us are damaging, then we may unwittingly participate in causing further harm to a survivor by appropriating their stories with our own narrative agendas.

One of the benefits of a story like Lorena's traveling beyond her--even if the story becomes somewhat flattened as it travels--is that it provides visibility and hope for other women who have had similar experiences. However, the loss of nuance in an individual's story can be damaging too. Lorena's case illustrates that. She became a powerful symbol and advocate for abused women. In a *New York Times* interview she acknowledges that she accepts the way her story has been used because it has also allowed her to become an advocate for other abused women: "I'll put myself through the jokes and everything as long as I can shine a light on domestic violence and sexual assault and marital rape" (qtd. in Chozick n.p.). In other words, Lorena has accepted the pain of having her story appropriated as long as she can ultimately use it to help other women.

In the 1990s, Lorena Bobbitt's story had enormous potential for changing the conversation about domestic violence and marital rape; however, as illustrated by the discussion of the dominant narratives that circulated, that potential was squandered. The revisitation of her narrative has reopened these conversations and allowed the public not only to see where it went wrong in the handling of her case but what important details were missed in that initial coverage. Lorena's case affords a unique opportunity to see how audience response shifts when a new narrative emerges. However, the question remains--did the narrative presented in *Lorena* shift social views or did social views shift to accommodate this new version of the narrative? As I will discuss in the next chapter, prevailing social attitudes often need to change in order to make room for new (dominant) narratives, both inside and outside the courtroom.

CHAPTER 3: NARRATOLOGICAL LIMITATIONS OF SOCIAL AND JUDICIAL DISCOURSES

The advent of Court TV and its like may have been revolutionary for bringing live court proceedings into people's homes, but there's nothing new about the spectacle of trials, courtroom drama, or the public appeal of justice served. Historically, the mixing of justice and entertainment has yielded horrific results. The Colosseum of Rome is a distant example that, with the passage of time, has become mythic in memory. The sensational tidbits have become immortalized while the stilted system of justice is often ignored or forgotten. The Roman Colosseum draws about 6 million²⁶ visitors each year, many of them with Rick Steves in one ear enthusiastically recounting the gory scenes of "justice" and entertainment that were typical in the Roman Empire. Prisoners of war and convicted criminals faced brutal deaths in the sandy arena with as many as 50,000 spectators cheering on. With some repackaging, even modern sensibilities find appeal in these barbaric forms of entertainment. Gladiators remain a popular source of entertainment, inspiring film, television, novels, and comics.

In more recent American history, it wasn't 70 years ago when white families joyfully picnicked while taking in the spectacle of public lynching. Empathy was distilled out of these scenes, leaving only the entertainment value of something lurid, violent, and shocking. Dehumanization of the punished is largely responsible for such callous scenes, but it's not the only way scenes of violent justice are justified. A prevailing sense of righteousness can also validate hasty verdicts and punishment. In other words, it's easy to believe that the person on the receiving end of "justice" deserved it. Enforcing a sense of order is satisfying because it provides a sense of control over the seemingly chaotic force

²⁶ <https://www.rome.net/colosseum>

of crime and civil disruption. The veil of “law and order” protects these acts from being judged immoral because it’s assumed that the law and its enforcement is always moral. To be entertained by such events is to delight in moral righteousness. It’s not moral violation but moral rectitude, which means that those who bear witness may do so with relish. This kind of swift justice--with its slippages into the realm of entertainment--doesn’t maintain balanced scales: once the sense of empathy disappears or is justified away, the entertainment value takes over for viewers while the subject’s hope for justice diminishes to almost nothing. With the support of the general public, these displays of justice become as normalized as the picnics that accompanied them.

Today, it’s relatively uncommon to see a miscarriage of justice to this degree, but glaring problems with the criminal justice system remain, stemming from both inside and outside the system itself. Most pertinent to this study are those who pass judgement, both in official and unofficial capacities. The use of juries has been a cornerstone of the United States criminal justice system for centuries. Although juries are screened and often receive special instructions, they are still comprised of individuals who are subject to larger social discourses. While the courtroom has its own specialized discourse, it is not fully shielded from these social discourses. Officiants of the law--including police officers, judges, lawyers, and jury members--are often asked to use their best judgement to determine a course of action, a ruling, or a penalty for another person. It’s perhaps assumed these individuals, as stewards of the law, cultivate a sense of fair judgement through experience, yet a mountain of evidence illustrates that law in the United States is unevenly applied.²⁷

²⁷ See Salerno, Strub and McKimmie, Peter-Hagene, and Jay from Chapter 3; See also Mitchell, Burch, and Park.

Whatever dominant discourses exist in society also exist in the courtroom. When trials become intermingled with entertainment, this impacts those prevailing discourses in a specific way. The increasing popularity of “true crime” entertainment has caused concern that juries may come with unrealistic expectations about courtroom proceedings or that they may feel more equipped to pass judgement based on their own analysis of the available evidence rather than an expert witness’s. While it is up to the jury to pass judgement, there’s an important difference between a jury that comes with an open mind and a jury that comes in with a false sense of preparedness or expertise. Unconscious biases may supersede any instruction that juries receive, creating a kind of tunnel vision for jurors where instead of observing evidence “fresh,” they fit it into existing schemas that they may have developed²⁸ from consuming entertainment news, true crime content, or fictionalized court proceedings.²⁹

This chapter is concerned with how people engage with judicial information, both inside and outside the courtroom. From a perspective of readers or audiences, I examine how people actively engage with or passively consume various media and what impact that has on their ability to serve as a well-prepared member of a jury. I propose that the inability to critically “read” various pieces of information (or various forms of media) can impose problems on the fair delivery of justice, both inside and outside the courtroom. As

²⁸ This notion is based on the philosophical notion of “seeing” versus “seeing as,” a distinction that illustrates how our perceptions are largely influenced by interpretations already available to us. In other words, we tend to incorporate new data into existing schemas, rather than trying to understand it on its own. The “seeing as” model is used “to express the way in which the character of our cognition—including the contextual factors and background assumptions that affect our cognition—actually shapes our perceptions of the world” (Dea 140).

²⁹ It’s important to remember that even “true life” television is highly edited or highly selective in its narrative because it must fulfill certain “tellable” expectations and above all it must be entertaining. In this sense, there is some times little difference between “true life” crime television and fictionalized versions of true events.

I will discuss, although the courts have official powers to deliver justice, the court of public opinion often moves to impose tangible consequences for individuals even without a trial (or in spite of one).

To establish a foundation for this chapter, I will start with a brief outline of some issues that arise when considering issues of readership and audiences. Then I will begin to unpack the social and judicial discourses that direct justice in our society, starting with the social realm and the court of public opinion. Using a contemporary case study as a guide through this concept, I will illustrate how public opinion today does not typically remain merely opinion but active participation, fueled by social media organizing. Then I will turn to the justice system using the lens of metaphor to explain the disconnect between how we view the justice system and how the justice system effectively operates. Through this discussion I will move through some of the problems that exist within our justice system, exploring the interplay between the social and judicial realms which are not as distinct from one another as we may expect. Lorena Bobbitt's case will remain a touchstone for illuminating these problems.

Audience, Readers, and Consumers

In his seminal essay "The Writer's Audience is Always a Fiction," Walter Ong argues that rhetoric has not appropriately dealt with the shift from the oral to written tradition and thus the shift from audience to reader. In Ong's view, "audience" is a singular body that the orator addresses in real time, while readers are individuals who, typically, read a text outside the company of others and the author. He reasons that "'Audience' is a collective noun. There is no such collective noun for readers, nor, so far

as I am able to puzzle out, can there be. ‘Readers’ is a plural. Readers do not form a collectivity, acting here and now on another and on the speakers as members of an audience do” (11). Because, as Ong explains, the audience is not directly in front of the orator, the writer must do additional work in order to communicate with the same clarity; the writer must imagine the audience, and that imagination is always a fiction (Ong 11). Thus, he argues, writing requires “mysterious” skills that few possess (Ong 10). While I agree that writing is an often-difficult task given that writers are unable to “check in” with readers as they communicate, Ong’s view of an in-person audience is inappropriately idealized. Similarly, his assessment of successful written communication is elitist and plainly incorrect. In the case of small-group communication, there is ample opportunity for a speaker to elaborate and explain ideas; however, when addressing a larger audience this is not typically the case. The listening audience must “read” (i.e., interpret) information as it is given in real time, and they do not have the opportunity to go back and “re-read” as they would if they had a text in front of them. While an orator may be able to “read” the audience and respond accordingly, it’s simply not possible for them to anticipate the needs of every individual in an audience. So, while “audience” is a collective noun, it is still comprised of individuals just as much as a readership.

What’s useful from Ong’s assessment is the idea that writers must imagine their audience and that imagined audience is, to some degree, always a fiction. However, I would press this idea further and suggest that an audience can be a readership, a physical audience, or even a single person engaged in conversation with another. In any of these scenarios, the audience cannot be essentialized or fully knowable to the speaker and must, to some degree, be fictionalized. Ong argues that writers learn how to fictionalize

audiences by looking to earlier writers and considering how they imagined their audiences in a pattern that has repeated “so on back to the dawn of written narrative” (11). However, there’s usually forward progress with this imagining because even as an author imagines an audience based on past audiences, they also imagine the shifts that have occurred to bring readers forward into the current moment. Ong supposes that readers participate in this fictionalization by picking up on the “role” that a writer has imagined for them. As genres and narrative conventions shift over time, so too do these roles, paving way for new reading experiences via new roles (Ong 12). This description of the evolution of readership and the roles that readers assume is useful because it more accurately captures something of the complex relationship between writers and readers. It also illustrates how writers work to position their reading audiences through their imagination of them, and how readers often cooperate by assuming these roles.

This relationship is similar to the reader/writer relationship described by Booth where he imagines that texts invite readers in, asking them to experience the narrative from within the confines of the narrative structure created by the author. These roles, and readers’ readiness to accept them, depend on historical context, contemporary norms, what’s come before, and what readers already find familiar. These various circumstances allow for audience roles to evolve and for audiences to be able to recognize the role a writer has imagined for them. This relationship between writers and readers, as described by Ong, is something akin to tellability because it requires mutual understanding and recognition between reader and writer. Writers use cues to signal to their readers what role they are meant to inhabit, and readers are invited to take up that role as they share in the narrative experience (Ong 13). If the cues are rooted in the unfamiliar, they may be

missed, which can lead to confusion on the part of the reader as they are uncertain how to interact with the narrative. This uncertainty can also be understood as untellability.

Rather than imagining audiences and readers as different because one is physically present and the other is not, I think it's more useful to think about what it means to be an audience to something versus to read something. To be an audience is to bear witness, which means taking something in. To bear witness doesn't necessarily require active engagement or that audience members have cooperated in meaning-making. Reading, on the other hand, implies a more active engagement with the text--active coproduction of meaning with the text. However, the fact that not all "reading" is the same complicates this distinction. That is, reading, as we tend to understand it, does not necessarily equal comprehension, connection, understanding, or even thinking.

Although the activity of reading is often taken for granted, scholars have begun to realize that the reading that happens among many college students may be inadequate. As it turns out, many college students do not know how to actively engage with their texts and they're often taking away little to no comprehension of what they've read. Many of them believe that "eyes on the page" constitutes reading, regardless of comprehension. In his appeal for active reading instruction, Paul Corrigan cites a report that found that "college students read assigned texts with a 'basic level of comprehension' less than a third of the time" (148). "Basic comprehension" is already a low bar, and only a third of students are clearing it. In response to this problem, Corrigan identifies three types of reading that should happen in classrooms: critical reading, contemplative reading, and active reading. For Corrigan, "active" reading provides a foundation for both critical and contemplative reading (155). Active reading requires thoughtful engagement with a text that leads to

understanding and comprehension. However, if something has been “read” with little or no comprehension, does that actually count as reading? What Corrigan calls “active reading” I would just call “reading.” Reading should close the communication circle between two interlocutors through the active production of meaning. Without the “active” portion of reading, I don’t think it’s appropriate to say that reading has occurred at all.

It goes without saying that students will do better in their courses if they read more attentively, but there’s more at stake than this. Outside the academy, it’s unlikely that people will spontaneously learn to read more attentively. This means that these “reading” practices carry over from the academy into the “real world.” I will revisit the implications of and possible solutions to this problem in the pedagogical section of the conclusion chapter, but for now I mean to establish a clear distinction between reading and not reading. When a person is “not reading” a text, they are merely bearing witness to it. They are an audience, but not a reader. I argue that being an audience is passive while reading is active. This is not to say that a physical audience can’t do the work of “reading” as they listen, but in doing so, they become “readers.” In this sense, one could be either audience or reader depending on how they engage with the text.

This is important because “text” is also a term that can be applied broadly to anything that attempts to communicate something to an audience/readers. Any of the narratives that exist in the world are open to either active or passive engagement. As discussed in Chapter 2, the work of Green et al. illustrates that our critical thinking centers can shut down when we are transported into an entertaining narrative. We may resist going into “critical thinking mode” because that interrupts the enjoyment of the narrative. This may be why students tend to complain that English class “ruined” their

enjoyment of reading. However, also at issue here, as Corrigan points out, is a lack of any engagement at all. This may be because readers are uninterested or distracted, but it may also be because they lack the appropriate frames of reference for understanding what they are reading. From a student perspective, it can be incredibly disorienting to jump into the middle of an ongoing academic conversation that began long before they were born. It can also be frustrating to make sense of an argument based on a theory that the writer takes for granted but that the reader has never encountered before. Similarly, “readers” of various media may lack the appropriate foundation or contextual information for understanding certain complex social issues (like domestic violence and sexual assault). In short, this lack of engagement is important to consider, but it’s not a simple issue. However, what remains true is that a lack of critical thinking leaves individuals vulnerable to letting somebody else do their thinking for them.

Corrigan cites feedback on the active reading process where one student noted that, “my thought process in the past has been if I get it, good, and if I don’t, I guess the teacher will tell me tomorrow what it means. Reading actively really helped me to learn to look for meaning on my own and not just rely on the answers being given to me” (168). I would argue that this desire for being given the “answers” is the same driving force behind a desire for easily-consumable narratives. In other words, disengaged consumers desire uncomplicated narratives that come with commentary and explanation baked in. As discussed in the last chapter, these are the kinds of narratives popularized by the fusion of entertainment and news. While I don’t mean to insinuate that there is no grey area between passive and active engagement with a text, I think it’s important to understand the implications of *consuming* versus *reading*, particularly for the purposes of

this project. It's also important to note that any co-production of knowledge is imperfect, and readers may "read" into a text information that the author was never intended. This is a downfall of any form of communication.

Lisa Ede and Andrea Lunsford offer illuminating insights on the writer/reader relationship that further clarify my position. In their essay "Audience Addressed/Audience Invoked," they argue that audiences are neither only addressed (meaning the speaker or writer has a strong sense of who comprises their audience) nor are they only invoked (or imagined, as Ong has described). Though it's possible to discover some information about the addressed audience through demographic research, to some degree an audience must also be imagined and/or created by the speaker/writer as Ong describes. Ultimately, writers and readers are in a relationship with one another, and the audience can't be separated as either addressed or invoked because it's always something in-between. Ede and Lunsford don't give too much weight to writer *or* reader because, they emphasize, it's a balance. They describe that, "no matter how much feedback writers may receive...as they compose writers must rely in large part upon their own vision of the reader, which they create, as readers do their vision of writers, according to their own experiences and expectations" (158). Part of this communication is drawing on rhetorical cues that the writer hopes the reader will recognize and correctly interpret in order to guide them through the writing. As Ong similarly described, Ede and Lunsford summarize that, "the writer uses the semantic and syntactic resources of language to provide cues for the reader--cues which help to define the role or roles the writer wishes the reader to adopt in responding to the text" (160). This description gives agency to the writer to create an intelligible text for the reader, but it also implies that

readers need to be able to pick up on these cues and make sense of them. (Of note--if a reader is not actually “reading” they will miss these cues entirely.)

Ede and Lunsford further explain that according to their more balanced model, “A fully elaborated view of audience, then, must balance the creativity of the writer with the different, but equally important, creativity of the reader. It must account for a wide and shifting range of roles for both addressed and invoked audiences” (169). In other words, the writer should consider the audience they anticipate but also the audience that they imagine, and readers will respond in various ways, depending on how they pick up on and interpret the cues left by the writer. Of course, once again, this communication is highly contextualized and dependent on historical context and contemporary moment, i.e., what knowledge writers and readers share.

When considering the writing and consumption of entertainment media in particular, this balance is important. There’s certainly a demand for different kinds of content and there’s perhaps more information available now than ever about what people want, but in many ways, writers still create their audiences as they write. If they didn’t, then there would never be any new conventions or any evolution of genre. What seems to be evident is that “tellable” content evolves and it evolves with shifting social discourses. More importantly, this interplay between writer and audience/writer and reader is a sort of discursive feedback loop wherein each acts upon the other in various ways. The extent to which one acts upon the other may depend on the extent to which audiences are “reading” material, as I described above, versus passively consuming it. Perhaps more importantly for our contemporary moment is consideration of how individuals respond based on what they have passively consumed versus what they have actively read.

Court of Public Opinion: Entitlement Claims in the Name of Empathy

The court of public opinion delivers swift and often unwavering verdicts, sometimes followed by social sanctions that can, from a certain perspective, seem like justice. The constant flow of attention-grabbing headlines afforded by the 24-hour news cycle generally keeps people focused on the newest headline rather than searching for nuance or subtle case-changing details of a past headline (that may or may not even be made available by mainstream media). As discussed in the last chapter, it's difficult to break out of the schema created by the initial or dominant narrative of a news story,³⁰ and the rapid churning of headline news only further discourages retrospective reflection. Though the court of public opinion doesn't typically result in a public death sentence, a negative ruling can cause a tremendous amount of damage to the individuals involved and to the discourse surrounding the event in question.

The case of Brooke Skylar Richardson illustrates the impact of public "rulings," particularly in cases where the courts and the public ultimately draw different conclusions. In May 2017, Richardson, a high school senior, gave birth in secret to a baby girl who she named Annabelle. Nobody knew about the pregnancy except Richardson's gynecologist, and Richardson herself had only discovered the pregnancy about a week before Annabelle's birth. Richardson maintains that Annabelle never cried and that she was born with a severed umbilical cord. Instead of telling her parents what happened, Richardson buried Annabelle in her backyard.

³⁰ The initial framing of a story activates the "primacy" effect by creating a schema for audiences to interpret and understand the information contained in the story, while the dominant narrative activates the "recency" effect by being the narrative that audiences are most likely to encounter and/or be reminded of.

When it was incorrectly reported that Richardson had burned Annabelle's body prior to burying it, the story quickly turned on her. She was no longer a teen who had a stillborn baby, but a heartless baby killer. *The Washington Post* reported that, "The lurid details of the case— including recanted allegations that Richardson burned the baby's corpse before burying it in her family's backyard — drew national headlines and turned the young woman into a pariah in her small hometown" (Shammas and Flynn n.p.). A Facebook group called "Justice for Baby Carlisle"³¹ attracted hundreds of angry followers who wanted Richardson to pay for the crime they believed she committed (Chopra n.p.). A report by *Cosmopolitan* noted that "Much of the town had already made up their minds" (Chopra n.p.). People camped outside the Richardson house, taking pictures and reporting family activity to the group, while online group members poured over Richardson's pictures and social media activity, attempting to prove that she knew she was pregnant well in advance of her delivery. Sonya Chopra reports:

I've been a local news reporter here for years, and in the week between Skylar's initial questioning and her arrest, I watched the local story shift from a tragic one of a teenage girl who committed a crime by burying her stillborn baby, to a salacious one of a teen murderer who gave birth to a live, full-term baby, then killed it and mutilated its corpse. (n.p.).

The turning tide of media doesn't seem to shift quickly when a story of innocence breaks; it seems that the tides only turn quickly when there's a salacious angle that touches

³¹ Named for Skylar's hometown, Carlisle, Ohio

The name of this group raises the question--what justice did group members hope to achieve? As will be discussed, some group members expressed distrust in the legal system and others expressed a desire for vigilante justice.

peoples' need for justice, especially when there's a clearly definable victim who can be characterized as innocent or helpless. It's empathy at work here, driving people to seek justice for the lost baby, yet ostensibly there's very little empathy for Richardson. Once she is positioned as perpetrator of an "unforgivable" crime, there's nothing left for an angry public to do but get angrier. Empathy mutates into bloodlust as people grasp for justice. Amy Shuman warns that as stories like Richardson's travel beyond her, others may use empathy to claim entitlement over the story. However, Shuman warns that "empathy is weak claim to entitlement" because empathy tends to serve "the interests of the empathizer rather than the empathized" (18). In other words, although one's empathy may *feel* like it's serving an individual who needs help or representation, but it's likely only serving the "empathetic" person's own interests.

A classmate of Richardson notes that, "[Richardson] is hated in Carlisle...Really, her life is ruined. When you hurt someone, people want justice for the victim" (Chopra, 2018). Another friend astutely observes that:

The part that really bugs me the most about this whole thing is that...people are in love with the idea of Skylar³² being a bad person even though she is not. ...They want entertainment, and it's sick because it's her life that's entertaining them. They don't think about the fact that she is a human being and she has feelings and she is not a show for them. Skylar is no danger to anyone. (Chopra n.p.)

Chopra further reported that community members would shout "baby killer" at Richardson if they saw her outside on her porch (Chopra n.p.). Users of the Facebook

³² Richardson goes by her middle name, "Skylar"

group say much worse. One user commented, “Hope someone kills her,” (Salo n.p.). A family friend expressed dismay at this the public outrage and harassment, observing that “innocent until proven guilty” seems to be more of a sentiment than an actual status; they commented that, “she hasn’t even gone to trial yet and she’s been persecuted in this town and crucified” (Salo n.p.). As it turns out, there was no evidence to support the claim that Richard had burned the baby’s body before burying her, but there was no course-correction in the community once the incorrect information was redacted. The harm had already been done. Although Richardson was acquitted of murder charges in September 2019, she commended that she’s still “living with a lot of fear” (qtd in Salo n.p.). A label like “baby killer” is a hard one to shake. The viral animosity for Richardson, bolstered by a sense of entitlement over her story in the name of protecting a wronged child, lead to real-life consequences for Richardson and her family regardless of the court’s final verdict. When the narrative turns somebody in a villain, as it did with Richardson (and as it did with Lorena) empathy disappears because it’s assumed that “bad people” don’t deserve empathy.

In the last few years, “Cancel Culture” has emerged as a term describing the efforts of ordinary people to organize and to punish “bad” people and/or to ban “bad” content or activities. Rhetorically, the term Cancel Culture has been weaponized by people on the political right to imply that political correctness has gone too far and that people “these days” are too sensitive. This can be seen in the backlash against the #MeToo movement, where victims have used the platform to spread awareness of well-known perpetrators. The political right has called this organizing effort unfair, claiming that it has ruined the lives of accused men. However, although the term Cancel Culture is

relatively new,³³ the concept is not. Harnessing the organizing power of the internet (and other powerful resources before the internet) has been used by the political left *and* right for decades. Special interest groups coming together to ban books, music, and even people is nothing new, and the connectivity of social media has only facilitated this activity. Although the term Cancel Culture has become politically fraught, the collective organizing that it describes can be empowering. For the #MeToo movement at least, it has allowed victims to feel supported in a way that was not readily available to them before. The impulse to “cancel” somebody or something can also be a reactionary impulse that does unfairly malign something or someone. It’s a new term for an old form of public “justice” that is well-illustrated by the Richardson case.

The public response to Richardson’s case was the focus of several media stories, including one story from the *New York Post* whose headline read: “From Teen queen to ‘baby killer’ without a trial” (Salo n.p.). This headline acknowledges the swift justice enacted by the public, sometimes before a trial even occurs and sometimes regardless of the trial’s findings. The way a public uses a narrative can result in consequences that reach beyond the social and into the judicial. Attorneys are typically aware of the impact that the media and the court of public opinion can have on their case. *The Washington Post* reported that, “Richardson’s attorneys blasted prosecutors for ‘overcharging’ the young woman and said they feared she might never escape the media glare” (Shammas and Flynn n.p.). Similarly, *The New York Post* reported that the defense showed concern over the media coverage and public response to the false information that Richardson burned her baby, arguing that “although this false opinion was subsequently retracted, the

³³ A Google Trends search between 2004 and today shows no data on the term until 2019.

damage remains” (Salo n.p.). Individuals may suffer greatly at the hands of the public based on quick interpretations of captivating stories.

While this was certainly the case in the era of Lorena Bobbitt, our evolved internet culture, the 24-hour news cycle, and the advent of social media has exacerbated this social phenomenon. The circulation and evolution of opinion happens at lightning speed, and more than ever individuals feel entitled to formulate and share their opinions regardless of knowledge or expertise. Individuals quickly form opinions about events, sometimes without knowledge of the event beyond public chatter and headlines. Yet, people feel entitled to their “hot takes”³⁴ because it’s become culturally acceptable for every individual to weigh in, regardless of their knowledge on the subject. It’s part and parcel of American free speech.

When Wayne Booth argues that we must be thoughtful about the “company we keep” he means that the stories that surround our lives, like good or bad friends, will result in like influence. Booth concerned himself primarily with the role that fiction plays in our lives, but he also acknowledged the very blurry lines between fiction, nonfiction, and lived experience. As previously discussed, the circulation of nonfiction stories for entertainment purposes positions them in our lives more like fiction than what has traditionally been deemed “nonfiction.” Any story shared because of its salacious nature is positioned to titillate, if not entertain. This includes stories in the media, but it also

³⁴ Reeve from *The New Republic* traces the “hot take” back to sports writing in the 1960s and 1970s when sports writers “began wrestling with larger societal problems in their columns” (2015).

Simon Maloy from *Salon* defines the hot take as: “a piece of deliberately provocative commentary that is based almost entirely on shallow moralizing” (qtd. in Reeve 2015).

The urban dictionary, which tracks vernacular usage of slang phrases, defines “hot take” as “an opinion that is likely to cause controversy or is unpopular.”

includes gossip, both in-person and online. These social discourses take on a narrative structure that become woven into the tapestry of stories that support and define our lives. They are the company that we keep, shaping the foundations of our own narrative realities and providing reference points for understanding the world around us. They enter our schemas and influence our expectations, social awareness, and psychosocial understanding of the world around us. They teach us what to expect, what's normal, what's abnormal, and how to respond.

The trend of consuming “true crime” narratives in both fiction and nonfiction formats has ushered in a return to mass consumption of entertainment justice, and online communities and the social norms of those communities encourage active participation in this “justice.” It is no small thing that these salacious stories have conditioned many readers to accept as narratively sound stories from which all nuance and human complexity have been removed. It's also problematic that many of these stories use misplaced empathy to motivate and validate a desire to pass judgement or a wish for vengeance. These narrative frames--often intentionally framed as inflammatory--send the message that it is an individual's right to formulate an opinion and pass judgement based on a flattened narrative containing only a very narrow band of information.

True Crime and the Cultivation of False Expertise

The term “true crime” refers to a genre of entertainment based on actual crimes and the real people involved in them. Telling these types of stories requires some selectivity because most crimes involve too many perspectives to try to encapsulate them all. Further, narrative framing is essential for a cohesive narrative, and any kind of

framing will inevitably exclude some parts of the original story. Taking “true crime” one step closer to fiction, there’s also “based on a true story” crime that acknowledges that it’s heavily fictionalized for entertainment purposes. The “true crime” basis for the narrative can be explicit as when a movie includes the “based on a true story” tag, or it can be more covert as with *Law & Order*, which draws inspiration from real cases for many of their episodes. What’s important to keep in mind is that both “true crime” and “based on a true story” narrative types require narrative framing and they draw on storytelling techniques and tropes in order to create an alluring final product.

Many crime shows, both fiction and nonfiction, position viewers/readers/listeners as co-investigators who collect information alongside the main characters or hosts. As both Ong and Ede and Lunsford pointed out, writers include cues for their readers that signal how they are supposed to interact with the text. Drawing from classic mystery stories that paved the way for the true crime genre, many of these stories reveal clues that readers attempt to puzzle out along with investigators. Taking from the convention of mystery novels to save the “reveal” to the end, this unfolding narrative cues readers that they are invited to take on the role of co-investigator. As I mentioned previously, audiences (generally) will interact with a text to varying degrees. Some will do a fair amount of work to “read” into the narrative, attempting to solve the mystery before the end reveal. Others may prefer more passive consumption driven to the end by curiosity rather than a desire to see whether or not they correctly solved the puzzle. Either way, however, one potential problem of inviting readers into this role is that it cultivates a general sense of expertise that doesn’t actually exist. Even an audience that doesn’t

“read” the text as carefully still consumes information that may lead them to feel as if they have garnered some insider knowledge.

Most true crime entertainment--television shows, movies, podcasts, articles, or books--do the leg work ahead of time to lead readers to the right answer. Shows of this nature present a carefully constructed version of events, using narrative foreshadowing and careful placement of clues that lead to a pre-determined conclusion. Unlike a story unfolding in real time, a narrative has the benefit of already knowing the ending, yet “true story” and “narrative construction” are conflated to heighten audience enjoyment. Some astute crime narratives will throw out a red herring or two, but these, too, are part of the carefully curated narrative that still ultimately has a pre-determined outcome. Readers familiar with the genre may spot these red herrings and feel all the more validated in their expertise. Consumers of this type of drama feel the satisfaction of seeing the whole picture come together in the end in a way that doesn’t typically happen in real life. This is because the pieces that are included in the frame are often included *because* they fit, not because they are the only pieces of information present. As a piece of entertainment, it has a contract with the consumer to *entertain*, and that task becomes much more difficult if the consumer finds the narrative confusing or lacking cohesion.

This rhetorical positioning gives readers the sense of being “in on something,” as if they are educated enough in these matters to make these decisions alongside the hosts, protagonists, or experts featured in the narrative. As Ong described, a writer’s sense of audience evolves over time, within a given historical context, and the general public’s growing interest in true crime has perhaps inevitably led to a rise in narratives that rhetorically position readers in this way. Now, there’s a new readership sometimes

referred to as “crime junkies”³⁵ who seek to consume true crime narratives across various mediums: books, podcasts, documentaries, television shows, and films. This consumer, having been positioned over and over again to “solve” the crime or discern important information from evidence, may begin to feel as if they possess real expertise, and there are plenty of forums on the internet where they can share this expertise with others.

It was perhaps somewhat inevitable, then, that the genre would evolve to explicitly acknowledge and encourage use of this “expertise” from its readers. A new podcast called “The Murder Squad” doesn’t dance around its agenda of positioning listeners as co-investigators--it tells them directly that they are. The “Murder Squad” website summarizes the podcast:

Each week ride shotgun with retired cold case investigator Paul Holes and investigative journalist Billy Jensen as they attempt to solve an unsolved murder case using a variety of methods, from routine shoe-leather work to advanced technologies like familial DNA searches and social media geotargeting. But their secret weapon in the search for justice is staring right at this page. You have been watching and listening to stories about violent crimes and investigations for years. Now is the time to put all of that knowledge and wits to good use to actually help solve a crime. Welcome to the Murder Squad.

The listener is put in the passenger seat of the squad car, along with two other experts, creating a crime-solving team. The tagline “Welcome to the Murder Squad” is an initiation of any listener into this investigation team, insinuating the formation of something tangible beyond the podcast itself. Most noteworthy in this summary is the

³⁵ “Crime Junkies” is also the name of a popular podcast

turn to listeners, positioning them as the “secret weapon” in the investigation. It’s the listener’s expertise, cultivated from “watching and listening to stories about violent crimes and investigations,” that will fuel the success of this crime-solving podcast.

Consumption of “true crime” becomes a kind of specialized training in crime solving. There’s a tacit acknowledge of the overwhelming popularity and ubiquity of “true crime” or similar such media for people to consume. An important detail of this particular podcast is that the “Murder Squad” crimes are unsolved. The summary at least implies that The Squad will actually solve cold cases, which creates a sense of purpose and urgency because there’s a standing injustice in the world that needs to be corrected. Again, empathy is one driver, but it’s open to critique because it may be serving the audiences of the podcasts more so than the individuals involved in these cases.

Perhaps more importantly, this empathetic drive--as illustrated by the Richardson case--can morph into something vicious. In a critique of the podcast *My Favorite Murder* hosted by Karen Kilgariff and Georgia Hardstark, Andrea Denhoed argues that the show, and others like it, inspire audiences to make harsh snap judgements about how justice should be carried out. She cites for example an episode where Kilgariff notes that the man responsible for an attempted murder died in prison of cancer before he could be subject to capital punishment. Kilgariff says, “Unfortunately, he died of cancer in a prison hospital, instead of being fried,” a comment that Denhoed describes as “shockingly blood thirsty” (n.p.). During their live shows, comments such as this inspire the crowd to go “wild” which Denhoed observes with measured concern, “there is a definite whiff of the Colosseum about the whole thing” (n.p.). Denhoed recognizes that there’s a sense of catharsis in calling for this kind of justice, but it’s a similar sentiment

that drove people to stalk and harass Richardson and her family and that drove people to make harsh snap judgements about Lorena. The emotions cultivated by this participatory theatre can spill into other situations, as when a person is asked to serve on a jury or when they have the opportunity to become personally involved in a case in some other way.

On the other hand, when there is no right answer, this kind of entertainment often leads readers to believe that it's acceptable to "just know" and make a decision based off gut instinct. Gut instinct is how seasoned investigators crack their cases, and it's cultivated from years of experience and the "study" of various crimes. *My Favorite Murder* has the tendency to encourage the idea that a person would "just know" based on instinct. Though the hosts do not position themselves as crime experts--they are merely story tellers with a morbid interest in murder--they none-the-less pass judgement about the information they uncover. They frequently make confident claims regarding innocence or guilt as if they have the knowledge or experience to do so. For example, in episode eleven of the podcast, Kilgariff and Hardstark imagine playing a game where they listen to 911 calls made by husbands whose wives have been murdered in order to see if they can tell which ones are responsible for the murder and which ones are innocent. This game of "instinct testing" perhaps provides some cathartic comfort in that it leads the player to believe that they could know the difference and, in a real situation, either keep themselves safe or help reveal a murderer.

In the first episode of their podcast, Kilgariff and Hardstark express this very sentiment as one reason why they are interested in true crime. Kilgariff says, "Tell me everything so I can avoid it" (9:54). Hardstark agrees, elaborating, "that's what all this is

really, I just want to collect information and hear theories and stories so that I can be braced so that...I'm ready" (9:58). Kilgariff acknowledges that this instinct has "no bearing in science" but Hardstark reassures her that it doesn't matter because "it's not scientific, it's spiritual" (10:28). The root anxiety, perhaps, for consuming these types of narratives is a feeling that these dangers may become less uncontrollable through the dissemination of the knowledge of other types of crimes. As Denhoed summarizes in her critique of the podcast:

Popular crime stories, both fictional and not, bolstered an ideal that is still in place today, of a law-enforcement establishment made up of efficient, dispassionate, infallible investigators, quietly protecting us all from chaos by using science and cunning to see hidden but indisputable truths. ...In a way, crime stories, true or otherwise, have always been about self-soothing. They provide reassurance that we live in a stable, knowable world. (n.p.).

Positioning oneself as able to pass judgement over these various crime stories reinforces the idea that the wicked will suffer punishment and the innocent can be protected. This, of course, is not always the case, but that fact may be too frightening for some. In collecting "knowledge" about various crimes, a reader may feel safer or may feel as if they would be able to "know" if they were in danger or heading into a dangerous situation.

However, there's no real foundation supporting what these hosts (and their readers) come to "know," and that's illustrated in other portions of their podcast. In a discussion of the murder of child beauty queen JonBenét Ramsey, Kilgariff describes the 911 call that Ramsey's mother Patsy made, describing that, "It's Patsy freaking the fuck

out, but the wording in her call and if you, like, listen to it and listen to the interpretation, like she's saying everything wrong" (35:50). Kilgariff goes on to describe various interpretations that people have made of the call, but she doesn't say who has made these interpretations or the credentials that they may have to do so. However, the credibility of these interpretations is not questioned. Instead, Hardstark adds that, "She's setting up a story, it sounds like" (36:14). The Ramsey murder remains unsolved, yet in their discussion of it, they don't hesitate to make inferences about what's true and what's false. Similarly, later in the description of the case Kilgariff describes how Patsy threw herself on JonBenét's body after she was found and Georgia commented, "I mean...that's all guilty. ...I don't think I would throw myself onto the body of a dead child" (41:38). In other words, because she doesn't think that she would react that way, she believes that the action is a sign of guilt. Her evaluation comes from her own experiences and perhaps what feels like her own "common sense" but there's nothing to support this evaluation. However, the evaluation is not tempered other than by the general knowledge that the podcast is supposed to be "entertainment" and that they are not "experts." Yet, the rhetorical positioning of audiences and the authority with which they speak suggests otherwise.

These examples illustrate how readers of narratives that are intended for entertainment can easily become positioned as "decider" who has the knowledge and power to pass judgement. Or to take action. There are many interconnected problems with this kind of positioning. First, when readers become invested in the entertainment value of a story, they may be less willing to sacrifice the joy experienced by transport in order to activate critical thinking centers. Second, these narratives are framed to highlight

certain pieces of information and downplay or exclude others. By the very nature of narrative, the story is told from a certain perspective and included with that perspective bias. Third, the “fictional” tropes that find their way into nonfiction narratives are often flat and do not leave room for the nuances of real life. For example, accepting that Lorena Bobbitt who committed a violent crime (read: perpetrator) was also a battered woman (read: victim) may not make sense for people who see the world in the stark contrast of good and bad. Lastly, these narratives are the stories of our lives, the company that we keep, and they will impact our ability to understand similar stories in our own lives.

We as citizens are not merely functioning in the court of public opinion, but also in the actual court systems. After learning the validity of the “hot take,” we are ushered into court rooms to serve jury duty for trials like Lorena Bobbitt’s or Skylar Richardson’s. While courtrooms attempt to mitigate this kind of swift judgement, no amount of jury instruction can completely undo the biases that individuals acquire through their life experiences. The courtroom is often taken for granted as a space where justice is carried out with little to no bias; however, it is, like all things created and managed by people, subject to the errors of human fallibility.

The Metaphor of Justice

Even people who claim to only use “direct language” rely on metaphor to communicate; they just don’t realize that they do. George Lakoff and Mark Johnson illustrate that most people associate metaphors with flowery language or poetics when in actuality “metaphor is pervasive in everyday life, not just in language but in thought and action” (3). Many of the metaphors that we use every day masquerade as “ordinary

language” which means that we may be taking for granted the ways in which the metaphors that shape our lives impact our thinking and our action (Lakoff and Johnson

3). For example, consider the metaphor that ideas are commodities:

It’s important how you *package* your ideas. He won’t *buy* that. That idea just won’t *sell*. There is always a *market* for good ideas. That’s a *worthless* idea. He’s been a source of *valuable* ideas. (Lakoff and Johnson 47-8)

These metaphors--often used without consideration--emphasize the monetary value of good ideas, which, in an individualistic culture like that of the United States, can foreclose on collaboration. Collaboration means sharing not only the idea, but the compensating potential that comes with it. Framing ideas as existing in a capitalistic market place creates a sense of competition; a fight for gain and survival. This particular metaphor may also be at the root of how we think about and address issues of plagiarism in the United States. Most educational institutions in the United States impose strict parameters about what constitutes plagiarism and committing plagiarism can result in failure of a course; however, other countries view plagiarism very differently, more like collaboration rather than “stealing” ideas.³⁶ Through our use of these everyday metaphors, we develop a “conventional way of thinking about language” that can make it difficult for us to conceptualize another way of thinking (Lakoff and Johnson 11).

In other words, we take for granted that other cultures may conceptualize like concepts differently. We may further take for granted the value system that our metaphoric frames create. Lakoff and Johnson summarize, “So it seems that our values are not independent but must form a coherent system with the metaphorical concepts we

³⁶ See, for example, Heitman and Litwka, Handa and Power

live by” (22). Understanding how metaphors direct our thinking and therefore our actions can provide a foundation for social critique and guide the re-framing of social norms. For this reason, I turn to the justice system and an examination of how the metaphor of justice obscures the gap between the way our system functions and how we metaphorically understand it to function.

We tend to associate courtrooms with fairness, justice, and due-process. The image of the judicial branch is lady justice, with her blindfold and her scale, conveying a sense of trust and impartiality. The scale is scientific and unbiased; it is a reliable tool for measure. The scale will always record an ounce of gold heavier than a feather. As a symbol of impartial measure, it implies that justice is also an impartial measure. Once all the evidence from both sides of the case has been presented, placed on opposite sides of the scale, a verdict will be measured. Some verdicts come as no surprise, as if one were comparing the weight of gold to a feather. Other verdicts might be much closer, as if weighing two buttons of similar size. However, the outcome is final--no matter how close or how unexpected--because a scale’s job is to reveal empirical fact. Lady Justice’s scale as visual metaphor conveys a level of impartiality that doesn’t (that can’t) exist in practice. Though scales and the justice system measure very different things, the metaphor draws on their similarities and downplays their differences.

Like the scales, Lady Justice’s blindfold is also metaphoric, imparting the widely-cited belief that justice is blind. She does not judge based on race or wealth or social affiliation. This blindness ensures that all who come to her for judgement will be treated equally. However, it’s this same sense of blindness that fuels inequality in our material world. When a person says that they are “color blind” they often do so with the best

intentions, yet what this phrase actually conveys is ignorance about the vastly different experiences of BIPOC communities. When a person says that they don't "see" gender they only see "people" they are similarly ignoring the ways in which various genders experience the world and its biases. To assume that these biases would remain out of a courtroom is similarly ignorant. In practice, this "blindness" is not impartiality but a misunderstanding of the lived experiences and material reality of many people. Lady Justice also holds a sword--a solemn reminder that her role is punitive. The guilty will be met with swift and righteous punishment.

Through this symbolic representation, Justice becomes anthropomorphized as a singular, god-like entity who presides over all judicial affairs with scientific precision and unwavering impartiality. She represents everything that flawed human beings lack, which is why we put questions of justice to her. Her symbolic meaning becomes calcified as literal. Instead of being a reminder of what we must continue to strive for, she becomes a symbol of what is. This metaphoric representation of justice obscures the reality of our justice system, leaving for most only a sense of trust. Lakoff and Johnson observe that metaphors work to draw a comparison between two things in order to facilitate understanding of abstract concepts. That metaphoric framework, while useful in many ways, emphasizes similarities and downplays differences which can obscure conceptual truths within the folds of metaphor. They explain that, "The very systematicity that allows us to comprehend one aspect of a concept in terms of another...will necessarily hide other aspects of the concept" and that "a metaphorical concept can keep us from focusing on other aspects of the concept that are inconsistent with that metaphor" (10). Our metaphoric understanding of justice obscures the fact that the people involved in the

conveyance of justice--lawyers, judges, and jurors--are not infallible, unbiased, symbols of absolute goodness. They are people working within a system that was neither created nor perpetuated by a force as pure as the metaphoric Lady Justice. Yet, when viewed through metaphor, these individuals working within the justice system are mere conveyors of a just ruling that would have come about equally had it been another set of lawyers, judges, and jurors responsible for the case. The verdict is handed down not from twelve jurors or a judge, but from justice herself. This verdict carries weight because it transcends the flawed judgement of the individual. The courtroom is not a free-for-all; it's a serious space of justice that's bound by rules, decorum, traditions, and a right way of doing things.

The Discursive Power of Justice

These metaphoric representations of justice help maintain power within society. This power has several sources. It can be envisioned discursively, both from a socio-linguistic³⁷ and a Foucauldian point of view.³⁸ It can also be described in terms of performativity, as described by Judith Butler. From a socio-linguistic perspective, discursive power stems from communication. Isaac Reed summarizes that discursive power comes from “talk, symbolization narrative, and coding, and more generally the

³⁷ Alec McHoul Wendy Grace characterize this approach as “non-critical” and note that it is rooted in linguistic, sociological, socio-linguistic and other disciplines (*A Foucault Primer* 27). Linguists and socio-linguists take a more literal approach to discourse and are primarily concerned with texts (formal discourse) while sociologists are more concerned with human conversation (empirical discourse) (McHoul and Grace 29).

³⁸ Note on scholarship: My scholarly exposure to and usage of Foucault has been limited and come primarily through other texts, namely Judith Butler whose theories of performativity are based in Foucauldian discourse. While I've read a few essays of Foucault's and one text (*The History of Sexuality Vol. II*), these are not the primary texts that outline his theories on discourse. In my scholarship so far, I've found Butler to be more accessible and useful than Foucault, which is why I come at Foucault through other texts. If I must read *The Order of Things* in order to make this argument, then I will, but I would prefer to not.

intersection of perception and advantage” (194). In other words, power stems from how one uses language to yield certain results. By drawing on social norms, values, and expectations, one can use language to shape others’ world view. The goal of discursive power is to convey the naturalization or inevitability of events (Reed 194). In other words, an issue may be presented in terms that suggest the possibility of only a single outcome. The biological certainty of binary sex representation (and gender by extension) is a useful example of discursive power at work. Social norms encourage either male or female gender presentation, which means that most of what we see in terms of gender is represented in a clear binary. We value this binary because it provides a sense of social stability. It also fulfills our expectations of how the world works because we understand many things in terms of binaries (and/or adversarial oppositions). General social understanding of scientific evidence reinforces this naturalized view (e.g., a person is born either a male or a female), yet actual scientific evidence provides a much more complicated view of gender and sexuality and ultimately does not support the sturdy binary model of sex and gender.³⁹ As this example illustrates, the framing of an issue (more so than the actual facts) is essential in the exercise of discursive power. Reed notes that those exercising discursive power “become very good at ‘framing’ the issue” so that the “outcome has been naturalized as inevitable” (Reed 194).

As previous discussions of framing in this project have illustrated, it can be very difficult to move beyond the initial impression or circumstance introduced by a narrative frame. When a certain way of framing an issue is reinforced by social norms, values, and a common understanding of information supported by trusted institutions (like science), it

³⁹ See, for example, Gaetano, Fausto-Sterling, Intersex Society of North America, and Lehrer

becomes increasingly difficult to move beyond that framework to see other possibilities. Framing is also an important aspect of tellability because narratives must be framed in certain ways that allow them to be understood (tellable). As Amy Shuman illustrates, narratives are much more limited than they may seem because they require a recognizable narrative frame if they are to convey shared understanding (or create shared meaning). Without the touchstone of tellability, narratives are rendered moot. Some would note that those subject to discursive power and not merely persuaded by it but produced (Reed 194). Reed describes that individuals may be “produced by the repeated talk and writing that they engaged in. Qua decision-making subjects, they have been constructed and construed by the significations in which they are immersed” (Reed 194). Returning to the example of gender, it’s clear that our discursive understanding of gender does produce binary gender expression because although science supports the fact that there is an incredible amount of variation in human sex, gender, and sexuality, typical representation of human expression remains largely binary and closed. This fact is also theorized by both Michel Foucault and Judith Butler, which illustrates some overlaps between the two discursive views. However, in this view, language (and communication more broadly) itself is a powerful agent in shaping how humans understand the world around them and in the production of humans as discursive subjects.

Discursive power can be seen at work in the framing of the Lorena Bobbitt story. When the media framed Lorena as an “angry woman” they were not only drawing on normative (American) understanding of Latin American women as “fiery” and “hot-blooded” but also on gendered expectations of women as not-angry. By portraying intrinsic anger as the primary motivation for her actions, the media emphasized both

Lorena's "otherness" in terms of what's normative for American women versus Latin American women as well as her personal short-comings as she transgressed against female nature. Anger becomes the frame wherein Lorena's actions are explained by her personal "defects," not by the circumstances of her case. The social discourses surrounding Latin American women and gender roles support this frame.

From a Foucauldian view, discursive power has less to do with actual texts or individual communication than with the force that comes from social knowledge, often as it is rooted in social institutions and bound by historical context (McHoul and Grace 31). In Foucault's description of discourse, "power is everywhere"⁴⁰ which means that although it may reside in communication systems, that is not the sole source of power (Foucault qtd in McHoul and Grace 39). Although we tend to think of power as seated with powerful individuals in society, power is more diffuse and elusive than that. Any power that may seem to originate with an individual actually comes from the institution that supports that individual. Foucauldian discourse is concerned primarily with discipline, understood both in terms of disciplines associated with various institutions (education, medicine, law) as well as discipline in terms of social sanction (McHoul and Grace 26). Discipline then takes the form of "bodies of knowledge" as well as "forms of social control and social possibility" (McHoul and Grace 26). As seen with the sex and gender example, bodies of knowledge have power not merely because of the information that they circulate but because of the trust and credibility ascribed to them. Social control

⁴⁰ A longer excerpt of the quote: "Power is everywhere; not because it embraces everything but because it comes from everywhere... Power comes from below; that is there is no binary and all-encompassing opposition between ruler and ruled at the root of power relations, and serving as a general matrix—no such duality extending from the top down and reacting on more and more limited groups to the very depths of the social body" (qtd. in McHoul and Grace 39).

via social sanction makes it difficult for an individual to exist outside what's been collectively decided as "normative." This is clearly illustrated by horizontal aggression shown toward those who defy gender expectations, the common practice of "corrective" surgery on children born with ambiguous genitals, the outlawing of and/or social outcry against homosexuality, and legislation that attempts to limit the rights of trans men and women. In short, discourse creates and forecloses upon possibility by shaping modes of thinking through institutions and through social sanction. Anything that falls outside the realm of possibility created by a discourse may be rendered incomprehensible.

This is seen in Lorena's trial by the unwillingness to discuss or accept her position as rape victim, but particularly her position as a victim of *marital* rape. The institution of marriage dictates that sex is a necessary component of the marriage contract. It is therefore expected that a husband and wife will have sex. Further, the norms surrounded by gender, supported by the institution of science as discussed above, dictate that men and women behave in certain ways when it comes to sexual courtship. As discussed in the Chapter 1, the social norms surrounding sexuality and sexual courtship foreclose on the possibility of (real) rape. Coupled with the expectations associated with the institution of marriage, marital rape is rendered incomprehensible.

The idea of incomprehensibility echoes Judith Butler's observation that those who fall outside normative social expectation may find themselves "unintelligible" (Butler "Beside Oneself" 30). To be "unintelligible" is to be untellable in one's existence. Butler describes that, "On the level of discourse, certain lives are not considered lives at all, they cannot be humanized; they fit no dominant frame for the human, and their dehumanization occurs first, at this level" (Butler "Beside Oneself" 25). Frames of

understanding emerge again as a key aspect of discursive power. Frames not only highlight the thing which they surround, but they inevitably obscure or omit other aspects of the full picture. When an individual does not fit the norms steer our understanding of what constitutes the human, then that person becomes (on a social level) unrecognizable as human. Butler describes what it means to be unintelligible:

To find that you are fundamentally unintelligible (indeed, that the laws of culture and of language find you to be an impossibility) is to find that you have not yet achieved access to the human, to find yourself speaking only and always *as if you were human*, but with the sense that you are not, to find that your language is hollow, that no recognition is forthcoming because the norms by which recognition takes place are not in your favor”⁴¹ (Butler “Beside Oneself” 30).

Just as social norms dictate the tellability of a narrative, so too do social norms dictate the intelligibility of an individual. That one finds their language hollow means that it does not hold shared meaning. There is no framework for understanding the individual nor the terms through which they attempt to express themselves.

Lorena Bobbitt’s position as a domestic abuse and rape survivor illustrates this concept of unintelligibility. Without the appropriate social frameworks for understanding domestic abuse, it’s difficult for people to understand why an abused person won’t “just leave.” Indeed, the “just leave” narrative haunts most domestic abuse survivors to some degree as it is a common assumption that these individuals have social resources

⁴¹ In *Black Theology and Black Power* (1969), James Cone describes “existential absurdity” which is a similar phenomenon in which an individual understands that they exist and yet are treated by society as if they do not. While Butler writes primarily in terms of gender, Cone writes about the experiences of Black and African American people in America. Cone is a useful source for framing the conversation of “unintelligibility” in terms of race.

available to them and that will be safer once they separate themselves from their abuser. Therefore, the decision to stay is unintelligible, and the way many people make sense of it is to victim-blame. Lorena had other options, but she chose not to exercise them. As a rape survivor, particularly as a survivor of marital rape, Lorena found herself particularly unintelligible. Due to the assumptions about consent in marriage, many had no ability to see or understand what rape within the context of a marriage might look like. To make sense of it without an established framework becomes incredibly difficult. Instead, the inclination may be for individuals (particularly men) to look at their own marriages and imagine if their wives suddenly accused them of rape when they had only had, to their knowledge, consensual marital relations.

Similar to how podcast hosts of *My Favorite Murder* make sense of inscrutable actions by relating to their own lives, one response to unintelligibility is to make sense of it by attempting to transfer the situation into one's own life. However, one's personal expertise or experience may not provide any clarity, so the unintelligible (untellable) elements may be dismissed as untrue or invalid. Or, they may not be seen at all. With so many rape myths embedded in our cultural understanding of "normal" sex, many victims of sexual assault don't always immediately realize that they have been victimized. This may be particularly acute with male victims as our culture often renders male sexual assault victims completely invisible.⁴² The lack of recognition and/or dismissal that individuals experience when they (or parts of themselves) are rendered unintelligible is detrimental to that person's sense of safety and well-being. Unintelligibility is important because the desire to be recognized by others (to be "intelligible") drives conformity to

⁴² See Clayton and Beckson

various norms. This can be a conscious choice, as when a person seeks to make themselves more recognizable to the norms of society. This can be seen, for example, when a queer person who is not out attempts to “pass” as heterosexual by mimicking the various social cues of heteronormativity. These attempts to be intelligible can also be performed without overt effort, as is the case with performativity.

Butler uses Foucauldian discourse to describe the perpetuation of normative gender expression in society through performativity. Starting with performative language,⁴³ Butler explains that the institutions that house this language grant it the authority to have a performative effect (“Critically Queer” 17). As Foucault has explained, the authority of this language does not come from the person who utters it or even the language itself, but the institution that supports it and, importantly, the continued use of performative language to enact or authorize various changes in society. Butler explains:

though it may appear that the binding power of his words is derived from the force of his will or from a prior authority, the opposite is more true: it is through the citation of the law that the figure of the judge’s ‘will’ is produced and that the ‘priority’ of textual authority is established. (“Critically Queer” 17).

A judge’s authority stems first from his legal degree, granted by an institution constituted by bodies of legal knowledge. It also stems from his appointment, granted by the legal institution. This appointment may be based (in part) on his experience which, in Butler’s terms, is reflected by his citation of the law. When this judge hands down a legal

⁴³ Performative language is constituted by utterances that make something so. For example, Butler lists legal sentences, baptisms, inaugurations, and declarations of ownership (“Critically Queer” 17). The most familiar performative utterance is probably, “I now pronounce you...” as part of a marriage ceremony.

sentence, it is not his will that gives power to his declarations, but the will of the institutions that grant that power. Without this institutional framework, the judge is just a person without any formal declarative powers. Similarly, when the judge exists outside the courtroom setting, in plain clothes, he does not possess the power to hand down sentences to any person he meets on the street because that power does not reside within himself. When an “abuse of power” arises, it typically means that an individual has acted beyond the bounds of their institutional authority, likely because they’ve mistaken the source of their authority. However, when that individual is ejected from their institution, they may realize that the source of their power was never themselves. Butler emphasizes that power does not come from institutional authority alone, but from the repetition of actions that validate that institution’s authority. This is the citation of the norm, as Butler describes, and this is how gender continues to create itself/entrench itself in society. This is the root of gender performativity.

Gender performativity is discursive (in the Foucauldian sense) in that it occurs under threat of punishment via social or institutional sanction (“Critically Queer” 21). Butler explains that “freedom” as we tend to imagine it is an illusion as “there is no subject who is ‘free’ to stand outside these norms or to negotiate them at a distance” (“Critically Queer” 22). In other words, we are always bound by the norms of society because they produce us as socially intelligible human beings. (“Critically Queer” 22). In this sense, participation in these norms is compulsory because it grants us the social recognition that is essential to our survival. Butler explains that “our very sense of personhood is linked to the desire for recognition, and that desire places us outside ourselves, in a realm of social norms that we do not fully choose” (“Beside Oneself” 33).

As socially-constituted individuals, we must give ourselves over to the norms that precede and succeed us. In the case of gender, the gender norms that we cite are based on a paradigmatic ideal that does not exist in material reality and that becomes increasingly unstable the more one attempts to define it. This ideal changes with the historical moment (“Critically Queer” 23). Citation of gender norms, then, is an attempt to approximate an ideal that doesn’t exist and that is in a constant state of evolution (“Critically Queer” 23).

Lorena struggled against the weight of gender norms and expectations during her and John’s trials. Lorena transgressed against female gender expectations when she claimed that her husband raped her. Rather than positioning her as a victim, it positioned her as an intractable wife, unwilling or unable to properly fulfill her wifely duties. She transgressed when she acted violently toward her husband. As a woman, she should be nurturing and non-violent; it’s against female nature to lash out, even in self-defense. When John explicitly named this transgression, saying “and, you know, it’s not ladylike to strike out” (Lorena Part 2, 59:27), he was making an appeal to the institutional power of the courtroom. By contrast, Lorena also fulfilled the expectations of her gender in many ways. As a diminutive woman, she typically presented as physically non-threatening, even timid. In footage from court proceedings, she often looks hunched and vulnerable. In her *Vanity Fair* cover photo, she’s in a pool with her hands together in a somewhat defensive position, her head is tilted down showing deference and emphasizing her big doe-eyes. She looks incredibly vulnerable but also beautiful. During her trial, her testimony was sometimes emotional, and she wept openly on the stand. The head juror or foreperson for her trial, Jay Cocalis admitted that her emotions coupled with the details of abuse were persuasive, especially in terms of seeing her as a victim: “She really came

across as--as a victim, and, you know, while you can be somewhat callous and say, 'I think she's being coached' there's still a pretty appalling record of abuse in that marriage" (*Lorena* Part 2, 63:03). He offers suspicion that her emotions were perhaps fabricated for effect, but ultimately her testimony positioned her as a non-threatening victim (in need to help), both of which fit female gender expectations.

Echoing Cocalis, David Kaplan from *Newsweek* praised that, "She was a very good witness" (*Lorena* Part 4, 2:28). However, it's unclear how much of Lorena's "good witness" impression was influenced by the appropriateness of her gendered performance. Lorena's attorneys drew on gender norms to help frame their case against John. One of her attorneys, Lisa Kelmer, gave an opening statement that pushed Lorena's feminine qualities: "This case is about a young, petite, delicate, and naive woman who, for four years, the evidence will show, suffered extreme brutality" (*Lorena* Part 2, 23:14). This onslaught of adjectives does a lot of heavy lifting here, both to position Lorena as a victim but also as a woman existing within the bounds of her gender.

As I've discussed, gender norms played a major role in this case, and Lorena's gender performance worked for and against her in complex ways. However, performativity is a useful concept not only in terms of understanding gender, but in understanding other systems of power, including the justice system. In his philosophical examination of the legal system, "'Living' Law: Performative, Not Discursive,"⁴⁴

⁴⁴ Reed offers a useful distinction between discursive and performative forms of power, illustrating that they are in some way oppositional to one another. However, performativity is rooted both in the performative and in Foucauldian discourse, so Messner's argument becomes somewhat complicated. Messner seems to be referencing non-Foucauldian forms of discourse in his argument because some of his arguments seem to fit well with Butler's descriptions of performativity which is rooted in Foucauldian discourse. In short, it seems that Messner is arguing against the presence socio-linguistic forms of discursive power and arguing for Foucauldian discourse via performative power and performativity.

Claudius Messner explores how law is not as we tend to imagine it--“near the facts, flexible, susceptible to realities” --because it actually exists within a performative system wherein it perpetuates its own discourses in a closed system of power (Messner 537). This is illustrated first in the fact that in order for anything to be recognized by the law, it must first become part of the legal system (come under the law). Messner explains that:

The success of modern law is due to the methodical cutting off of certain claims and certain horizons of meaning. And it is precisely here that we find what primarily seems to compromise the legal order from the perspective of moral or political responsiveness: it cannot respond at all. Expectations, pretensions, claims stemming from “outside” have always already become a “case” when recognized by law. (Messner 539)

In other words, the law creates a narrow field for understanding human behavior which is viewed as necessary in order for the legal system to function equitably and scientifically (in the sense that the processes are reproducible). Whatever occurs outside the realm of the law must be translated into legal terms before it can be dealt with by the law. Like Foucault's observation that discourse forecloses on certain possibilities, Messner notes that the legal system narrows its purview in an attempt to create order. Anything that comes from “outside” the law, must be redefined and/or understood in terms of the law in order to be recognized. In Butler's terms, that which exists “outside” the law is unintelligible to the law. Therefore, a distinction must always be made between “law” and “not-law” (Messner 539). In this closed system, “Law is what determines as law” (Luhmann qtd. in Messner 540). Just as power does not stem from an individual or even the law itself (as there are many laws that are not enforced and exist only because it's a

hassle to expunge them), it stems from the institution and the repeated citation of its norms (or citation of laws). In this way, the law does not stem from morality, but “the great chain of judges who all together narrate an endless novel by everyone contributing a single chapter” (Messner 543).

When lawyers cite “legal precedent” they are drawing on the authority of a previous judgement. This is the novel of the law that continues to write itself, using its own authority to establish its authority. Messner further notes that the legitimacy of this legal novel, as he describes it, is “secured by narrative coherence rather than by logical consistency” (543). In other words, the justification for the ruling given by the presiding judge becomes a framing narrative for understanding and interpreting the law. The law is open to interpretation and therefore often requires an accompanying narrative to make sense of it, particularly how it fits a given situation. The legitimacy of the law is rooted in this continued citation of legal norms, which can be seen as legal performativity. The metaphor of justice illustrates the paradigm that must be cited as part of this “ritualized repetition of norms” as Butler describes (“Critically Queer” 21); yet, as Messner notes, this paradigm does not hold the meaning that we typically ascribe to it. Just as with gender paradigms, the clarity of the justice system decreases upon close inspection. Our view of the legal system is often idealized, and this idealization gives power to the system. The metaphor creates a normative understanding of the law that exists in the social realm, but the law itself has its own set of norms that ostensibly do not answer to the social (not-law) realm. However, as much as the legal system may seem like a tight (closed) system of power, there are tensions and slippages between the social and legal realms.

Tension Between Social and Legal Readers

When a person enters the legal system, in any capacity, their identity shifts from *social being* to *legal being*, so that the law can recognize them as part of the legal system. Citizens called for jury duty become members of a jury; a psychologist becomes an expert witness; an accused person becomes a defendant, and so on. Certain discursive constraints accompany this new role. For example, juries often receive special instructions in an attempt to keep them focused on the purview of the case, to help them understand what the law requires to acquit or convict, or to separate social expectations from legal procedure. Yet, jury members as legal beings are still also social beings, and research suggest that it may not be a simple task for them to leave their previous experiences out of the courtroom. Returning to the genre of “true crime” entertainment as an illustrative example, judges and lawyers have expressed concern over the impact that true crime seems to have had on case outcomes. The term “the *CSI* effect” has been used to describe the unrealistic expectations that people have developed from watching shows like *CSI*⁴⁵ where advanced investigation and laboratory techniques lead to the (often quick) resolution of crimes (Tyler 1052).

CSI is not the first crime entertainment programming to raise concern. Tom Tyler notes that researchers raised in the same issue in 1989 when Judge Joseph Wapner aired, showing concern that actual juries would become “frustrated by the realities of lengthy trials and their nuanced decisions” (1055). In other words, those within the legal system

⁴⁵ Named for the popular television show *Crime Scene Investigators* where the focus is on those who collect and analyze crime scene evidence. Significantly, the show typically ends once the investigators have “solved” the crime through scientific analysis of the evidence, suggesting that this is the most significant (only?) aspect of legal process. There is rarely any depiction of courtroom proceedings.

(and those concerned for the legitimacy of the legal system) feared that entertainment-based depictions of court proceedings would create bias at the nexus of the social and judicial realms, which is particularly evident in the jury box.

In her study on the *CSI* effect, Monica Robbers notes that “for better or worse...the media educate and entertain using images of the social world that are not always accurate but can be powerful enough to influence social discourses and public policy, particularly in the criminal justice arena” (84). Her study is based on the collection of qualitative data from prosecutors, public defenders, and judges who work in the criminal division (Robbers 89). Robbers found that 79% of respondents were able to cite specific instances where jury decision seemed to be influenced by forensic shows such as *CSI* (91). She cites, for example, a prosecutor who wrote, “they [the jury] believed DNA was a test that only took a few minutes to do; they had seen it used ‘all the time’ on *CSI*” (qtd. in Robbers 91). A judge notes that they have presided over many cases where juries expect DNA evidence that is “unnecessary for conviction” (91). Robbers finds support for the theory that true crime entertainment is “hindering the criminal justice process” (100), but Tyler argues that although there’s plenty of evidence to support the notion that outside influences (including television shows) *impact* the criminal justice system, it’s unclear what exactly that impact is (i.e., if it has resulted in more convictions or acquittals).

However, what Tyler’s research overview does illustrate is the complex (and perhaps unrecognized) biases within our justice system and what “outside” influences (particularly those related to expectations cultivated from entertainment) shape jury decisions. Libermam and Arndt describe a number of instances where pre-trial publicity

or the mention of inadmissible evidence may impact a jury's verdict, even when jury members assert their ability to remain unbiased. Similarly, Tyler notes that juries often discuss "legally irrelevant information" even when they are instructed not to (1056). For example, the sexual history of a rape victim may be discussed in court although it has no bearing on the facts of the case at hand. Tyler notes that one study found that even judges were susceptible to this kind of bias. Though judges are generally better at ignoring inadmissible evidence, some studies have shown that they are influenced by other non-relevant data such as the "sexual history of a person in a rape trial" (1062). To offer another example, Tyler summarizes that "although the rules of evidence preclude the introduction of evidence about insurance, one study found that eighty-five percent of juries discussed the issue of insurance and its impact on outcome" (Tyler 1060).⁴⁶ At issue here is the presentation of irrelevant information within the courtroom and a jury's (or judge's) ability to compartmentalize such information. As discussed in Chapter 1, during John's trial for marital rape, the defense showed pictures of John's severed penis and passed around the knife that Lorena used when she injured him. Although the jury was instructed not to consider this evidence in their decision, juror Becki Rinker later commented that these images were powerful and she felt they (the jury) "lost sight of what he was truly on trial for" (*Lorena* Part 1, 57:45). Tyler notes that "studies by psychologists have repeatedly shown that admonitions to disregard inadmissible evidence are ineffective" (1061).⁴⁷ Other studies indicate that calling attention to evidence, even to say that it is inadmissible, may actually increase that evidence's impact on jurors

⁴⁶ See Diamond and Vidmar

⁴⁷ See Lieberman and Arndt

(1061).⁴⁸ Lawyers may play on this fact by asking questions or making comments that they know will likely be sustained from the record, but like planting seed in the jury's minds, likely won't be completely forgotten. In this way, lawyers can shape their narratives by pushing the boundaries of the legal system, illustrating that even they are not completely bound by legal parameters.

The Bobbitt case also illustrates the ways in which the courtroom will limit some narratives while allowing others to slip through. During John's trial, the judge would not allow Lorena's lawyers to discuss or establish the full history of abuse. Lorena could only testify about the five days leading up to the night that she cut him. However, Lorena alleged a history of sexual violence that spanned years of their marriage. Discussion of this history may have afforded more nuance to her story, allowing for some understanding of how their marriage could include both consensual and nonconsensual sex. However, given the limited scope imposed by the judge, Lorena's narrative frame narrowed to only allow for the discussion of one consensual act and two nonconsensual acts. When framed this way, the larger patterns of their relationship become unclear, and it's difficult to understand how Lorena could consent to sex after being raped. However, the patterns of abuse (and times of relative harmony) that defined the years of their marriage could make the events of those five days easier to comprehend. The parameters of the law, in this case, foreclosed on the possibility of Lorena's narrative. Imagine a jury attempting to make sense of this situation (i.e., "read" the situation) without the full context. Imagine further that this jury's framework for understanding marital rape is already skewed toward disbelief. It's no surprise then that the jury found John not guilty.

⁴⁸ See Lieberman and Arndt

The shortcomings of this trial came from a meeting of judicial and social limitations that prevented the jury from recognizing Lorena as a rape victim within the context of her marriage.

Significantly, media exposure as well as related entertainment have been shown to impact jury decision-making, beyond just the *CSI* effect. In their study on the impact of media exposure on juror decision-making, Platania and Crawford found that, “while jurors will use available information to determine awards, they fail to acknowledge doing so (and insist they understand the directive to not consider previously observed information)” (56). In other words, although juries may receive direction to ignore certain information and although they may indicate that they understood said directive, the “sustained” information may still influence their decision. Tyler also confirms that “overall, the literature supports the argument that pretrial publicity shapes verdicts” (1057). Tyler further summarizes that research illustrates that even “jurors who claim to be unbiased during voir dire⁴⁹ are still influenced by prior bias” (1061).⁵⁰ Part of the issue here is that jurors may truly believe themselves to be impartial or may believe that they can compartmentalize information as “allowed” or “now allowed” but the research illustrates that this is often not the case. Outside influence seeps in.

Another complicating factor to this problem is illustrated by research⁵¹ suggesting that “people generally have difficulty distinguishing between various aspects of the mass media, often confusing entertainment, news, and commercials. More specifically, people fail to discount fictional dramatizations of crime when making legal judgements” (Tyler

⁴⁹ voir dire is the preliminary examination of a witness or a juror by a judge or counsel

⁵⁰ See Sue et al.

⁵¹ See *The Psychology of Entertainment Media: Blurring the Lines Between Entertainment and Persuasion*

1062). Given the slippages between fiction and nonfiction discussed in the previous chapter, this is not surprising. Fiction and nonfiction narratives presented for entertainment purposes typically share many commonalities in terms of story arc, characterization, and the use of certain tropes to enhance tellability. Tyler ultimately concludes that “fictional depictions of crime and the criminal justice process can and do spill over to shape public views about the nature of crime and criminals” (1063). This shaping can be seen in the way the legal system has responded to this outside influence. In Robbers’ study, the majority (85.51%) of respondents surveyed felt that their jobs (in the legal field) had been impacted by the expectations created by crime shows (Robbers 93). One prosecutor responded, “I find myself having to spend more and more time discussing the *CSI* effect and trying to get jurors to put these shows aside” (Robbers 95). Similarly, Tyler notes that “many prosecutors are seeking training in the presentation of evidence because they believe that juries demand more compelling discussion of scientific techniques” (1054). These comments and tactics from those within the legal system illustrate an attempt to control or limit the influence from the entertainment realm, which can stem from both “true crime” television as well as fictionalized depictions of crime and/or the justice system.

Returning to the idea of social beings moving into the legal system, these individuals may find not only that their role changes (as illustrated with jury members) but that their presumed identity (within the court context) changes as well. This new identity shifts the way an individual may be treated once they are part of the legal system. For example, Lorena, over the course of two trials, entered the courtroom first as a plaintiff in John’s trial and then as a defendant in her own. These roles are often socially

understood appositionally as “victim” and “perpetrator” although the law dictates that the accused remains innocent until proven guilty. However, as previously discussed, the court of public opinion does not always wait for a verdict before deciding who is innocent and who is guilty and, as just illustrated, activity in the social realm does impact outcomes in the legal realm. These roles and labels become even more significant when dealing with extremely sensitive issues like rape and abuse because survivors are often dealing with trauma, PTSD, depression, shame, and other psychological impacts. Looking at Lorena’s case, it’s significant that she was presented as a rape victim in both trials, even though she was on opposite sides of the bench in each trial.

Our social understanding and treatment of rape survivors is not the same as our legal understanding and treatment of rape victims. First, in the social realm rape victims are often understood as survivors because the victim label can rob a survivor of agency, which is significant because rape survivors have already suffered a great loss of bodily autonomy and agency. Attitudes about rape have shifted greatly in the decades since Lorena’s trial, and there is increased pressure (stemming largely from the #MeToo movement) to believe claims of sexual assault regardless of circumstances, evidence, or legal outcomes. However, there’s also ample evidence to illustrate that rape culture still permeates every aspect of our culture, particularly our entertainment media and that general social attitudes about rape still create and reinforce schemas of understanding that may lead to bias in the courtroom.

Hildebrand and Najdowski describe that schemas and scripts for understanding rape are largely shaped by rape culture and pervasive rape myths. Schemas are the ways in which we understand categories of things, and scripts are the narratives that link

various schemas together (Hildebrand and Najdowski 1071-2). Together, schemas and scripts create a framework for how we understand the world. When we are exposed to new information, we tend to incorporate it into existing frameworks of understanding, similar to how we engage with story frameworks when reading narratives (Hildebrand and Najdowski 1072). Hildebrand and Najdowski summarize that “exposure to rape culture is likely to increase the extent to which the subschema that depicts women as sex objects is cognitively accessible for jurors” (1073). This research further illustrates that the legal realm is not immune to social influence, and biases about rape are likely to impact trial outcomes. It also means that a rape victim’s position within the courtroom may be even more precarious than in the social realm. In addition to facing biases and myths that are used to excuse or explain away rape, rape victims are not treated as victims within the court system and are often revictimized by the legal process.

The codification of a person as a *legal being* can have negative consequences that the norms of the legal system obscure. For example, rape victims often end up just as much on trial as the accused, attempting to prove her status as a victim as she attempts to prove the guilt of the accused. Because the legal system is structured so that the burden of proof is on the prosecution, it’s up to rape victims (and their representation) to bring a believable case to the jury. By their nature, rape cases are incredibly difficult to try because there are rarely witnesses, other than the individuals involved, which creates a “he said/she said” dynamic. In this kind of scenario, the best way for a defense lawyer to do their job is to try to discredit the accuser. Tyler notes that “persuasion research indicates that people are less persuaded by others when they regard them as less competent, less trustworthy or both” (1079). Often the easiest way to make an accuser

seem less credible is to draw on social understandings of rape and rape myths to make them seem less credible. As Lorena's defense lawyer Blair Howard commented, "What every case turns on in the final analysis, over and over again, is credibility" (*Lorena* Part 2, 42:06). Another way is to use tactics to confuse rape victims, making it seem like they don't have their stories straight. As will be discussed in the next chapter, this is much easier to do when the victim has suffered from trauma.

In a study analyzing cross-examination tactics in rape trials during the 1950s versus contemporary trials, Zydervelt et al. found that "little had changed" (565). Zydervelt et al. note that "victims of rape describe cross-examination as the most distressing part of their experience within the criminal justice system" (551). This is because lawyers tend to use specific tactics during cross examination that aim to confuse, discredit, or demerit the witness (Zydervelt et al. 559). Segovia et al. note that tactics meant to confuse witnesses and/or play off of the instability of memory can still be found in legal text books (97). In rape trials, Zydervelt et al. found that "tactics leveraging rape myths were common" and that lawyers "frequently invoked stereotypes about complainant's behavior" in an attempt to illustrate their culpability in the rape (565). The main difference between the 1950s and contemporary lawyers was that contemporary lawyers tended to ask more questions and "employed a wider variety of tactics" (565). As discussed in Chapter 1, during John's trial, John's lawyer pushed her on the "inconsistencies" in her story which were actually inconsistencies in social understanding about why a woman might consent to sex with her husband if there were a history of rape and abuse. Jury member Kenneth Hulse commented on her appearance, noting that at times she looked like a timid house wife and other times she looked attractive with her

hair and makeup done “and everything else going on” (*Lorena* Part 1 53:13). Hulse does not say that Lorena looked “sexy” on these “done up” days, but he seems to imply that she’s not doing herself any favors looking like this during a rape trial, and he does say that she should stick to one look so as to not confuse the jury. He seems more comfortable with his “initial vision of her” which was “frail” and seeming to better fit the role of “victim” (*Lorena* Part 1 53:13).

Hulse makes these comments seemingly unaware that he’s drawing on the prevailing rape myths that women invite sexual assault with their looks. Hildebrand and Najdowski argue that there’s significant evidence to illustrate that pervasive rape culture impacts jury decision making, though direct research on the issue still needs to be conducted. Exposure to rape myths and rape culture in the media (which, they illustrate, is pervasive) tend to increase permissive attitudes about rape and decrease sympathy for victims.⁵² Depictions of rape myths in the media (e.g., that women dressed in “sexy” clothing are asking for it, that women are responsible for preventing rape, or that women want to be or will find pleasure in being raped) reinforce social understanding of rape (Hildebrand and Najdowski 1063). Further, without corrective measures, these rape myths will persist (Hildebrand and Najdowski 1065). In other words, jury bias coupled with lawyers intentionally drawing on these normative understandings of rape (rooted in rape culture) stack the deck against women who take their accused rapist to trial. In support of this, Hildebrand and Najdowski cite an abysmal criminal conviction rate of about five percent (1060). Zydervelt et al. acknowledge that reform is needed so that survivors of sexual violence are not revictimized by this normalized process of legally-

⁵² See Burt; Lonsway and Fitzgerald; Payne, Lonsway and Fitzgerald

sanctioned victim-blaming; however, they also note that “criminal justice system reforms will have little impact on courtroom practices until there are changes in societal attitudes towards rape” (566). They indicate that research has shown that “many jurors believe these misconceptions about rape” and that “mock jurors who subscribe to these beliefs allocate more blame to victims, allocate less blame to perpetrators, and are less likely to return a guilty verdict in a sexual assault case” (566). With this in mind, they argue that social beliefs about rape need to change before cross-examination tactics will (566).

Questioning social norms is an unsettling process because it can make us feel unmoored from what we perceive as a stable sense of reality⁵³. Similarly, questioning the legitimacy of the legal system is just as unsettling. The serpent under Lady Justice’s feet is a reminder of the evil that exists in the world, and justice keeps the evil at bay. To challenge the system is to challenge her and to unleash an evil that only she can subdue. Of all the discursive systems that scholars work to dismantle and reimagine, our justice system is one of the most difficult because it’s not just a threat of chaos that comes with her dismantling, it’s the threat of unleashing evil. Tyler notes that “the desire for retribution following wrongdoing is the oldest form of justice and is central to all societies” (1067). We feel a strong psychological pull to maintain social balance through justice and punishment. Tyler also argues that convictions provide a sense of closure, which is why fictional depictions of crime are so satisfying (1063). He observes that, “The popularity of *CSI* lies in its ability to simplify the messy uncertainties of real-world

⁵³ In their discussion of the post-truth era, Foroughi et al. argue that post-modernism thinking has “shaken people’s faith in objective facts” (137). In other words, it has moved some people away from the comfort of a knowable reality and pushed them toward absolute relativism, comfort from which may come through the fabrication of one’s own reality or the embracing of whatever version of reality feels most comfortable. I will discuss this issue in detail in the conclusion chapter.

crime. *CSI*'s plots are consistent with the strong psychological need to achieve closure following the commission of a crime" (1065). Indeed, much of the enjoyment audiences derive from shows like this comes from the satisfaction felt once "moral sanctions" are "delivered to wrongdoers" (Tyler 1065). As the metaphor of justice also illustrates, humans want to believe in a "just world" and therefore feel motivation to uphold justice, in whatever way they have available to them (Tyler 1066).

Competing Narratives in the Courtroom

The structure of our justice system is designed to be oppositional and adversarial.⁵⁴ It's a binary system where one side wins and the other side loses. The assumption rooted in a system like this is that only one side is telling the truth and the legal process will reveal which party has a right to their claims. However, our social representations of the justice system (particularly in the entertainment field) reflect a deeper understanding of the cost of this type of system. Lawyers are typically portrayed as dishonest and blood thirsty, willing to do anything to win their cases. The 1997 film *The Devil's Advocate* portrays this well when a young defense attorney who knows that his client is guilty of molesting young girls has to decide if he's going to sacrifice his perfect trial record or continue defending his client. He chooses the latter and brings a middle school-aged girl to tears on the stand with a relentless cross examination. He wins

⁵⁴ We tend to take this system for granted, as if it is the only way. However, restorative justice systems illustrate that we can take into account the rights of defendants and plaintiffs and attempt to seek resolution outside an adversarial system. Further, restorative justice focuses on the prevention of crime by addressing the social ills that lead to the majority of crimes. For example, if we had a better system for supporting and aiding battered women, it's likely that Lorena would have left her husband sooner, saving them both a lot of pain. See Haith for summary of restorative justice.

the case. This film posits that the legal space is more of a racquetball court than it is a place of justice; the better player, not the “truth” will win.

One angle that lawyers use to stack the court in their favor is jury selection. A jury is a curated selection of individuals who will “read” the narrative of the court then pass judgement. They are expected to be active participants rather than a passive audience; however, some jury members may not be experienced in reading complicated scenarios, having been more comfortable in the position of passive audience. Or, conversely, their experience of “reading” various true crime narratives may have set up unrealistic expectations for court proceedings. Adept lawyers will attempt to select jury members likely to “read” the situation in a way that is favorable to their case. While jurors may enter a jury box with a sense of duty or a feeling that they are present to service justice, they may have little awareness of why they were selected or how they are being swept into a system that pits people against one another. One case study on jury decision making notes that:

A common notion in the legal profession is that certain types of people are more desirable than others for service as jurors...Because of this belief that jury selection is critical to winning or losing, one of the talents cultivated by trial jurors is the ability to recognize and choose jurors favorable to their cases.

(Howard and Redfering 83)

Lawyers attempt to “stack” the jury box with individuals that will be sympathetic to their case, which doesn’t exactly scream ethical, but it’s a normalized part of our judicial system. While lawyers make jury decisions knowingly, a member of a jury may not be aware of why they were selected to serve. They may not be fully aware of the critical

“reading” work that they will be expected to perform as part of their duty, and there’s ultimately no safeguard to ensure that juries have fully recognized and absorbed all of the information presented in the trial.

The kinds of personalities found to be most likely to convict are the types who prefer black and white explanations rather than nuanced and/or complicated explanations. Howard and Redfering found that “the authoritarian personality has a low tolerance for ambiguity. Hence, such an individual may vote for one who gives simple answers to difficult, complex problems” (85). This kind of authoritarian thinking and desire for simple binaries is heavily reflected in patriarchal social constructs. Patriarchal thinking also attempts to categorize rape as a black and white crime. It’s either a stranger violently forcing himself on a victim or it’s just sex. Dealing with the nuance of rape occurrences becomes simplified through victim-blaming. What this kind of thinking clearly demands is a narrative that’s straight forward, easy to understand, and fitting with existing schemas of understanding. Authoritarian personalities will be more likely to fall in line with hegemonic thinking which eschews ambiguity for simple explanations/simple accusations of blame. These are the personalities and some lawyers actively seek out for their juries because it will help them win their case.

Physical evidence tends to be extremely persuasive, particularly for people who lean toward black-and-white thinking. Tyler notes that people tend to feel a great deal of trust in science and tend to trust scientific evidence (1072). Howard and Redfering also found that physical evidence tends to be incredibly persuasive in the courtroom. This makes sense when considering the scientific discourse that surrounds our justice system. There’s a sense that through the scientific collection and presentation of evidence, a

crime can be solved with little to no ambiguity. There's also a sense that forensic science is air-tight and that the findings can be trusted. Howard and Redfering find that jurors heavily weight the importance of physical evidence, because "such tangible evidence reduces the risk of making 'wrong' decisions (or reduces ambiguity) within the mind of the juror" (85). As previously discussed, the physical evidence in John's trial became somewhat tyrannical, swaying juries even after it was deemed inadmissible. In a fictionalized version of events, there is plenty of salient physical evidence, leaving no doubt in the mind of the jurors. In a real case, physical evidence may be sparse. Tyler notes that sometimes juries may overestimate the value of certain kinds of physical evidence because they long for closure in the case or feel driven to vindicate a certain kind of crime (e.g., crime that is part of a pattern seen as rampant in the community or a particularly disturbing crime) (1075). Often, when there is physical evidence, it doesn't tell a straight forward story (certainly not on its own). Tyler notes that "the process of inferring guilt most frequently requires judges and juries to make sense of conflicting evidence" (Tyler 1083). This is where the "reality" of the courtroom sets in. In order to make sense of this evidence, particularly when juries may not know what they are seeing or what it means, they need narrative guidance.

Lawyers rely heavily on narrative within the courtroom to make their case. Narratives help juries see the crime as a story where all the pieces fit together and makes sense. Often, whoever can tell the better story (whoever can make the pieces fit the best) will win. Falling in line with what we know about tellability, it's not surprising that juries tend to look for familiar narratives. Platanina and Crawford note that "judgements of the likelihood of a particular event are a function of the ease of recalling similar, past events"

(Platania and Crawford 54). In other words, juries are persuaded by narratives that fit with their past experience. When encountering a familiar narrative that fits with established patterns, a jury is more likely to be able to make sense of the information provided to them. This is tellability at work. Considering Lorena's case, a woman cutting off a man's penis is an extremely rare occurrence, so there wouldn't be any familiar contexts for juries to draw from in order to make sense of this kind of crime. Attempting to discredit Lorena by making her seem like an angry, abusive, and out of control person is to some degree a tellable narrative because a jury may instinctively understand that a person of this temperament is unstable and likely to do something drastic.

What's interesting about this use of narrative in the courtroom is that although it's bound to some degree by the legal system, when advantageous lawyers will draw on social understanding of the issues, not legal understanding. This seems to be a fairly common tactic, and attempts to "curb" irrelevant or inadmissible information may not be effective.

Conclusion: Need for New Frames of Reference

This discussion may seem to present a somewhat pessimistic view of the justice system, but there is hope. Although our legal system is presented as a closed system of power, it's clear that social will exerts itself in many ways. This means that improving our justice system does not necessarily require a systemic dismantling. It does mean improving our social values and the ways in which we represent certain issues, particularly in the entertainment realm. Understanding that our fictions do impact our reality is an important step toward seeing the world as it is (rather than the way we may

want or expect to see it). In other words, coming to see the world as nuanced, ambiguous, and messy is an important step toward more equitable justice. This means learning to be more astute “readers” of various kinds of narratives, not just those that are familiar. Tyler indicates that people generally feel “trust and confidence” in procedure, but we may lose trust based on how authorities exercise their power (1082). Having a better social understanding (and better control) of institutional power versus individual power may help increase trust in our judicial system. We recognize, for example, abuses of power because on some level we understand that the power does not reside with the individual but the institution. This may mean recognizing abuses of power within the courtroom, as can be seen with certain “winning” tactics.

These solutions are perhaps somewhat idealized, but the tolerance of these tactics when they are clearly being used to persuade juries should not stand within our justice system. Further, strategic use of opening and closing statements can help shape juror’s perspectives, and lawyers are already using this opportunity to reframe certain issues. Hildebrand and Najdosky argue that “prosecuting attorneys might be able to counteract the impact of rape culture on juror’s decision making in sexual assault trials” by explicitly addressing rape myths and the reasons why they are pervasive yet harmful (1084). In other words, there’s power in the narratives that we are exposed to, both inside and outside the courtroom. Creating new frames of reference will help make narratives of sexual assault more believable by expanding the realm of tellability and what individuals recognize as legitimate. For cases involving rape and abuse, this expansion needs to include a better understanding of trauma, which is the focus of the next chapter.

CHAPTER 4: TRAUMA AND INTERRUPTED NARRATIVES

Developing better frames of reference for understanding complex human experiences is an essential skill for all citizens who participate in democratic justice. The focus of this project so far has been on the importance of developing a better understanding of the myths and realities of domestic violence and sexual assault, but it's equally important to develop a better understanding of psychological trauma. Trauma is pertinent to this conversation because intimate partner violence often leads to the development of post-traumatic stress disorder (a form of psychological trauma) and because the impact of trauma on the brain interrupts narrativity capacity. In other words, trauma imposes major narratological limitations on women that many people either do not see or do not understand.

Our cultural understanding of psychological trauma remains inadequately developed, yet our knowledge (or lack of knowledge) about the causes and effects of trauma significantly impacts how we interpret and understand the behaviors of traumatized individuals. Psychological trauma is much more common than most realize, and it can be caused by any number of things: an individual can be traumatized from a car accident, a natural disaster, and even severe illness. An individual can be traumatized by a single incident or by an ongoing event, like domestic violence. Psychological trauma can also stem from witnessing violence, as seen with soldiers returning from war. Generally speaking, when an individual senses that their life may be in peril, they are in a position to be traumatized. Individuals who are victims of violence and abuse are therefore very likely to experience some kind of psychological trauma.

The most common psychological disorder associated with trauma is post-traumatic stress disorder (PTSD), a condition where sufferers become psychologically trapped by their trauma. PTSD is characterized by “a pervasive sense of impending danger, fearfulness, and heightened arousal” (Garfinkel et al. 13435). PTSD is also commonly accompanied by “flashbacks” or intrusive mental images or memories from the traumatic event that, for the sufferer, can feel immediate rather than remembered (Ehlers et al.). In other words, PTSD sufferers repeatedly re-experience their trauma and may feel endangered even when they are safe. PTSD is often comorbid with a host of other disorders including depression, insomnia, anxiety disorder, chronic fatigue syndrome, substance abuse, and suicidal ideation (Galatzer-Levy et al., Van Der Kolk, “Preventing Sexual Violence”). Over 90% of PTSD sufferers will develop at least one other mental comorbid disorder (Sareen 462). Like trauma, these disorders remain largely misunderstood and highly stigmatized. While PTSD has become more visible, the mechanisms of the disorder as well as its impacts remain largely unknown to the general population. More significantly, it is still generally understood as a disorder that primarily afflicts military personnel, and is largely associated with men. For women, children, and civilians, PTSD remains largely invisible. Many of the comorbidities, however, are generally associated with women--depression, anxiety, and suicidal ideation in particular. These disorders are often associated with intrinsic short-comings (chemical imbalances in the brain) or they are seen as an extension of women’s emotionally imbalanced state (the vestiges of “hysteria”). Further, these particular disorders are not always taken seriously in vernacular discussion and are often associated with passing states of being (e.g., “I feel depressed today” or “I’m anxious about work tomorrow”) rather than chronic ailments

that are frequently connected to deeper traumas. These social understandings of PTSD and its comorbidities create a barrier for women who have survived sexual violence, particularly when research illustrates that women are disproportionately affected by PTSD.

Contrary to the common understanding of PTSD, women in general develop PTSD at higher rates than men (Hsu et al. 2). This is likely because women experience more sexual assault and domestic violence than men and “interpersonal trauma is associated with higher rates of PTSD” (Hsu et al. 2). In general, being trapped in a traumatic experience or being rendered unable to take action to escape the traumatic situation, as is often the case with sexual assault and domestic violence, are two conditions that exacerbate the traumatic experience and make development of PTSD more likely (Van der Kolk 55). Women are also more likely to be victims of sexual assault and domestic violence, and the instances of rape and interpersonal violence in the United States remains high⁵⁵. According to the National Sexual Violence Resource Center, 1 in 5 American women have reported attempted or completed rape (“Statistics”), and according to the CDC, 1 in 3 American women have “experienced sexual violence involving physical contact in their lifetime” (“Preventing Sexual Violence”). It’s important to note that women of color experience sexual violence at higher rates than white women, and women of color tend to either seek and/or receive justice at lower rates compared to white women. According to End Rape on Campus (EROC), only 1 in 16 black women report their rapes and “approximately 60% of black girls experience sexual abuse by age 18” (“Prevalence Rates”). EROC further reports that about 8% of Latina

⁵⁵ Kaitlin A. Chivers-Wilson reports that “sexual assault is the most frequent cause of PTSD in women” (112).

women will be raped by their intimate partners, and that “married Latinas are less likely than other women to immediately define their experiences of forced sex as rape” (“Prevalence Rates”). Native American women are more likely to experience sexual assault than any other group, but according to EROC United States attorneys “declined to prosecute” almost 70% of cases alleging sexual abuse, homicide, or other violence against Native women (“Prevalence Rates”). Kaitlin Chivers-Wilson notes the alarming frequency of PTSD symptoms following sexual assault, citing one study that found “94% of women experienced PTSD symptoms during the first two weeks after an assault” (112). These symptoms may subside and not result in a PTSD diagnosis,⁵⁶ however, the lifetime prevalence of PTSD among North American women is 50% (Chivers-Wilson 112). By contrast, the prevalence among North Americans generally is 7.8% (Chivers-Wilson 112). Contrary to social assumption, PTSD is a women’s issue and a rhetorical reframing of this disorder is the only way we will be able to adequately respond to women who have experienced sexual violence.

The social barriers that arise from the gendering of various disorders coupled with a general lack of knowledge about the biological mechanics of PTSD can obstruct a survivor’s ability to tell her story or to convey it in a way that inspires belief. These same social barriers may prevent audiences of sexual violence narratives from fully registering what they hear. Individuals suffering from PTSD have a particularly difficult time establishing a cohesive, chronological narrative of the traumatic event, which can cause problems when filing a police report or testifying in court. A person speaking through trauma may display the kinds of characteristics that are associated with lying. Although

⁵⁶ “PTSD is diagnosed when symptoms last longer than one month” (Chivers-Wilson 112).

these characteristics are explained by a scientific understanding of PTSD, they are still culturally misunderstood. A lack of knowledge about trauma and PTSD makes it difficult for the general public to recognize the signs of trauma and, by extension, makes it nearly impossible to fully comprehend a trauma narrative. Our expectations for truthfulness often have little to do with what truth actually looks like and more to do with what we think it looks like. As a result, trauma narratives remain untellable in most contexts.

In this chapter I will discuss the history of PTSD, tracing it from its origins to our contemporary understandings of the disorder. I'll explain the biology of PTSD and the research that has illustrated how the brain and body change in response to trauma. These changes impact memory, speech, and the ability to convey a cohesive narrative, all of which impact a survivor's ability tell their story. Turning to the case study, I will revisit Lorena Bobbitt's case through the lens of trauma. Lorena Bobbitt's case hinged on her psychological state at the time she cut her husband, and she therefore makes a useful case study for understanding how PTSD can be better understood within the courtroom. Interestingly, while Lorena was acquitted by reason of "insanity," many (including at least one juror) still believed that she acted in full awareness of her actions. While her diagnosis of PTSD and the symptoms she displayed on the stand certainly impacted the jury's decision, it's likely that the jury was more persuaded by the clear history of abuse that her lawyers were able to establish. While it's not possible to say what exactly moved the jury to acquit Lorena, given her position as a domestic violence and sexual assault survivor, it's useful to examine the various elements of her trial that seemed to help or hurt her case. This discussion of Lorena's case will open a discussion about the problematic gender divide in our social understanding of PTSD and its comorbidities,

illustrating how general views of certain psychological disorders create barriers for women both in seeking help but also in pursuing justice for crimes committed against them. I will conclude this chapter by exploring the broader significance of a rhetorical reframing of PTSD and trauma narratives.

Origins of Post-Traumatic Stress Disorder

The origins of Post-Traumatic Stress Disorder reach back to the early 1800s when battlefield doctors first observed a pattern of mental shutdown among soldiers. Doctors diagnosed these men with “exhaustion” (Chamberlin 360). The First World War (1914-1918), however, brought a marked increase of this mysterious “exhaustion” and the connection to war could no longer be denied. The condition was newly termed “shell shock” and was believed to be a result of “cerebral concussions and the rupture of small blood vessels resulting from proximity to exploding shells” (Chamberlin 361). Yet this explanation could not account for the soldiers who had not seen combat who none-the-less displayed symptoms of “shell shock.” Doctors then determined that shell shock “could be caused by exposure to the intense and horrific conditions of war” (Chamberlin 361). These soldiers were showing the physical signs of trauma that, at that time, were still poorly understood. Victims of “shell shock” were highly stigmatized for not embodying the traditional masculine ideals of bravery, impenetrability, stoicism, and mental-toughness (Chamberlin 361). It wasn’t until after the Vietnam War (1955-1975) that the term Post-Traumatic Stress Disorder (PTSD) emerged, followed closely by an increased interest in the disorder by researchers and civilians (Chamberlin 362, Van der Kolk 19). In 1980, the third edition of the Diagnostic and Statistical Manual of Mental

Disorder (DSM) adopted PTSD as an officially recognized disorder. Psychiatric specialist Jitender Sareen notes that although the definition of PTSD has evolved between its emergence in the third edition to the edition used today (fifth edition), there are four features of the disease which have remained the same:

- 1) experiencing or witnessing a stressful event;
- 2) re-experiencing symptoms of the event that include nightmares and (or) flashbacks;
- 3) efforts to avoid situations, places, and people that are reminders of the traumatic event; and
- 4) hyperarousal symptoms, such as irritability, concentration problems, and sleep disturbances. (Sareen 460)

Though the DSM's description of PTSD stipulated that a number of traumatic events could cause PTSD-- not just combat--the disorder remained largely associated with combat veterans (Chamberlin 362). However, the increased visibility and validation of PTSD in medial texts paved the way for diagnosis within the civilian population.

In the 1980s, Bessel Van der Kolk noticed patterns among his patients that undoubtedly other psychologists had also begun to note. Having a background working for the VA, Van der Kolk was familiar with PTSD and its comorbidities, and he began to recognize PTSD symptoms among his civilian patients, particularly those who reported a history of sexual abuse and family violence (20). Van der Kolk's work with veterans allowed him to recognize something in these patients that many others had missed--their suffering had a connection to the trauma of abuse. Van der Kolk observed that, "in many ways, these patients were not so different from the veterans [he] had just left behind at

the VA. They also had nightmares and flashbacks. They also alternated between occasional bouts of explosive rage and long periods of being emotionally shut down” (20). Van der Kolk’s work over the next 30 years probed the depths of trauma, its causes, and its impact on the brain and body. While many clinicians were still singularly focused on PTSD as a military-related disorder, Van der Kolk was working to expand that understanding, and to show that trauma is a more wide-spread problem than researchers had realized. Given the statistics on child abuse and neglect, Van Der Kolk estimates that “for every soldier who serves in a war zone abroad, there are ten children who are endangered in their own homes” (20-1). His book *The Body Keeps the Score* (2012), is not the first PTSD/Trauma text written for lay persons, but it is an incredibly popular text that discusses the wide-range of people suffering from PTSD. Its popularity is a testament to the changing cultural climate and understanding surrounding PTSD, providing some hope for contemporary audiences to develop a more nuanced understanding of the disease.

Looking more closely at the history of PTSD in terms of the relationship between the social and medial constructs of the disease, however, illuminates some of the barriers to understanding that contemporary texts (like Van der Kolk’s) are working to counteract. Social conceptions of a disease do not always align with medical knowledge. This divide can lead to dramatic social impairments for those who suffer from stigmatized diseases. The AIDS crisis illustrates this well. In the first five years of the crisis, AIDS deaths roughly doubled every year (“HIV/AIDS: Snapshots of an Epidemic”). AIDS patients were often viewed as “untouchable” because it wasn’t readily understood how the disease spread. The fear engendered by this lack of knowledge contributed to a death rate that

continued to balloon for more than a decade. Some of this can be attributed to the medical community's need to study the new disease, but the high death toll is attributed by many to slow response to the crisis from government leadership coupled with many medical providers' fear of the disease.

The social-medical relationship is not one directional; social beliefs can also shape medical knowledge. Much like the way our social fears and expectations impact the judicial system, so too do social understandings (or misunderstandings) of medical conditions impact the way the medical field studies or responds to certain diseases. PTSD has a history that illustrates how social assumptions impacted how the disease was historically (and is still often contemporarily) received. In her article "Emasculated by Trauma" Sheena M. Egan Chamberlin observes that medical histories are not as divorced from social constructs as we tend to believe. She explains that, "the way a disease is understood, treated and talked about is shaped not only by medical knowledge, but also by broader cultural social and political climates and ideologies" (358). Chamberlin traces the history of the murky relationship between mind/body illnesses, observing the prevailing belief in western medicine was that "physical illness must have a physical cause" (359). This belief slowed the progress of understanding mind/body illnesses such as PTSD, and the latent influence of this belief prevails today where mental disorders are highly stigmatized because they have no "origin" and are therefore assumed to stem from mental weakness.

Gender plays a key role in both the visibility and the stigmatization of disease. Socially, the mind/body split has clear masculine and feminine alignments, and the mental symptoms of PTSD (and all previous understandings of the disease) created a

stigma for men who showed symptoms. When the disease was first emerging during and after the first world war, the disease was feminized and highly stigmatized. Chamberlin observes that “victims were blamed for their unmanly behavior by way of stigmatizing medical diagnoses” (358). Judith Herman notes that soldiers “began to act like hysterical women. They screamed and wept uncontrollably. They froze and could not move” (Herman 20). The comparison to “hysterical women” seems meant to emasculate, as if through shame these men might find themselves again. Herman shares that one doctor in 1918 urged a patient, “remember, you must behave as the hero I expect you to be...a man who has gone through so many battles should have better control of himself” (qtd. in Herman 21). These men were described as “moral invalids” (Herman 21), indicating that a personal failing had reduced them to the status of hysterical woman. They were seen to have an inherent weakness rather than a disorder, and many military personnel argued that “they should be court-martialed or dishonorably discharged rather than given medical treatment” (Herman 21). This framing of the disease views emotional men as losing their “hero” status and even their “male” status. A man displaying these “female” symptoms was not seen as a man afflicted, but a man transformed into a woman. Which bears the question--If a man acts like a woman when he suffers from PTSD, then what would a woman act like? The characterization of this disease not as a female malady but one that transforms men into women obfuscates the ability to see this as a disorder that could afflict women.

From its origins, PTSD was characterized by gendered terminology and shaped by gender norms that framed both medical and social understanding of the disease. Its initial emergence as a disorder associated with military service created a strong bias that not

only reinforced a gendered understanding of the disease, but also a strong bias in terms of who suffers from the disease. PTSD's association with military service remains strong, even though the majority of PTSD sufferers are not military personnel.⁵⁷ Chamberlin's discussion of trauma, for example, which was published in 2012, refers to PTSD as a "war-related traumatic disorder" (358). Though it's clear that this slippage occurred because Chamberlin's focus is on war-related trauma, this characterization of PTSD is misleading. PTSD is not a war-related disorder--it is a trauma-related disorder and war, in the case of her discussion, is the trauma that caused PTSD for the population she's studying. My emphasis on PTSD not being a military or "war-related" disorder is not meant to dismiss any soldier suffering from PTSD; rather, it is meant to emphasize the way the disease has been framed as primarily military-related. This framing, as with any initial framing, created a narrative about the disease that has been difficult to shake, regardless of the enormous amount of data illustrating that people suffering from PTSD in the United States are more likely to be survivors of interpersonal violence than military veterans. This framing, which follows PTSD back to its origin, limits our ability to understand PTSD as a "women's issue," which is an essential conceptually if we are to better understand survivors of sexual assault.

PTSD and The Brain

The schematic separation of the mind and body in medical history has largely erased the physicality of trauma response. Contrary to what many may assume, trauma

⁵⁷ About 8 million Americans suffer from PTSD in a given year; the estimate for PTSD among veterans is about 500,000 over the past 13 years (Reisman 623). Interpersonal violence as a source of trauma has the strongest correlation with PTSD development (Kessler et al. 12).

response is seated in the brain *and* the body. The physicality of trauma response can be seen in two ways: first, in how trauma response is expressed through a complex mind/body feedback loop; and second, in how it can lead to physiological changes to the brain that impact how an individual responds to the world around them. In other words, not only does trauma have a clear impact on how bodies function, it also changes the physical anatomy of the brain. Van der Kolk summarizes what recent research has illustrated about trauma: “trauma produces actual physiological changes, including a recalibration of the brain’s alarm system, an increase in stress hormone activity, and alterations in the system that filters relevant information from irrelevant” (2-3). A person’s brain before and after trauma may be completely different in terms of both anatomical structure and functionality.

In order to understand the drastic shift that trauma can cause, it’s important to remember that one of the brain’s strongest driving impulses is self-preservation. Trauma occurs after an extreme threat to one’s sense of security, whether by direct experience or by witnessing a horrifying event. It’s the extreme nature of this exposure that causes the brain to begin responding differently to stimuli. Survival in extreme situations often depends on one’s ability to respond quickly to danger, so the traumatized brain creates a short cut to circumvent evaluation and cut straight to response. In short, trauma rewires the brain to be more reactive and more vigilant in order to increase chances of survival in the face of dramatic threat. The traumatized brain has an itchy trigger finger, and even the slightest provocation can result in a flood of stress hormones activating a fight-or-flight response. The problem with this is that most people, even those who have survived highly traumatizing situations, do not live in circumstances that require such extreme response

to danger signals. Yet, the traumatized brain becomes over-reactive, constantly flooding the body with stress hormones that cause damage over time. The individual who is responding to the world as if they were constantly in danger, is misunderstood or outcast from those around them who do not understand the trauma response they are witnessing.

To fully understand these changes and the relevance they have on a traumatized person's internal experiences and exterior behaviors, it's useful to establish a basic understanding of the key parts of the brain and their functions. Starting globally, the brain consists of two halves or hemispheres, known as the left and right brain. Colloquially speaking, the left brain is typically understood as responsible for rational thinking while the right brain is responsible for creative thinking. Van der Kolk summarizes that the right brain is "intuitive, emotional, visual, spatial, and tactual and the left is linguistic, sequential, and analytical. While the left half of the brain does all the talking, the right half of the brain carries the music of experience" (44). Though each half has different responsibilities, they work together to carry out human activity and they are both necessary for normal function. Generally speaking, this is the extent of the common knowledge that most people share about how the brain functions--a binary of understanding that divides creative and rational by two brain hemispheres. This is our higher selves at work, conceptualizing the human brain exclusively as complex grey matter unique to a higher order species capable of advanced thought and creation. It isn't that most people don't *know* that the brain is responsible for all bodily functions, but the brain is conceptualized primarily as a thinking tool.

However, our brains must also take care of the mundane processes that sustain bodily functions and ensure survival. In other words, our brains also have the more

primitive functions and instincts that we typically only associate with animal behavior. These functions are carried out by the oldest, most primitive part of our brain, located in the brain stem known as the reptilian brain (Van der Kolk 56). This part of the brain is responsible for many of the autonomic functions of the body--like breathing, heart beats, and digestion--that sustain the human body without active thought or intentional action.

Right above the reptilian brain is the limbic system, which, generally speaking, is responsible for emotional response and danger reception (Van der Kolk 56). The limbic system includes the hippocampus and the amygdala, both of which are involved in “fear-associated learning and contextual processing” (Garfinkle et al. 13435). This means the limbic system regulates fear and danger responses and conditions the brain to recognize certain things as safe and others as a threat to personal safety. The hippocampus is specifically responsible for emotional regulation and long-term memory. The hippocampus relates past experiences to present experience and helps the brain/body decide how to respond. And the amygdala is what Van der Kolk calls the “smoke detector” of the brain--it identifies potential dangers and raises an alarm when something is perceived to be survival threat (60). When a potential danger is detected by the amygdala, it works in conjunction with the hippocampus to determine if action is needed, specifically, if the body needs to release stress hormones that will move it into action (Van der Kolk 60). Due to its responsibility of keeping a person away from danger, the limbic system is also considered a somewhat primal brain system. Another key structure to danger response is the thalamus, which acts as an information regulator in the brain. It keeps track of incoming sensory information and decides what needs attention and what can be dismissed (Van der Kolk 70). When the function of the thalamus is disrupted, as is

the case with trauma, all incoming information may seem equally important. Van der Kolk describes that it's akin to lacking a filter and being overloaded with sensory information (70).

In contrast to the reptilian brain and the limbic system, the rational brain is the youngest part of the brain and it only constitutes about 30% of our brain matter (Van der Kolk 55). This higher-order part of the brain allows us to do the kind of thinking and feeling that separate us from other mammals. Within this rational brain is the medial prefrontal cortex (mPFC), which acts as an evaluation center that decides whether or not the danger signals perceived by the amygdala constitute a legitimate threat (Van der Kolk 62). The mPFC works on a conscious level to evaluate perceived threats and respond with commensurate action. The mPFC is the rational part of the brain that evaluates threat not from an instinctual perspective but from a cognitive perspective (Van der Kolk 62). It's crucial to our ability to react calmly to mild or moderate stressors. When the mPFC is not functioning properly, even a mild danger signal can move a person into a fight-or-flight response as if their life were in danger (Van der Kolk 62). Without the mPFC, existential threat and mild stressor conflate, and the brain and body respond to both with equal force.

When an individual experiences trauma, they must often relay information about that trauma to others, yet Van der Kolk explains that trauma also impacts important speech centers in the brain, making it difficult for traumatized individuals to convey information, especially complex information (43). Broca's area, located in the left frontal lobe of the brain, is a speech center that must be functioning in order for somebody to

speaking in coherent sentences (Van der Kolk 43).⁵⁸ Its precise function, however, has only been revealed in research from the last six years. A Johns Hopkins Study indicates that Broca's area is responsible for translating thoughts and feelings into sentences ("News and Publications"). It works as an intermediary between incoming raw sensory information and the motor cortex, which allows the mouth to move and form words ("News and Publications"). Senior author of the study Nathan Crone explains that "Broca's area is developing a plan for articulation, and then monitoring what is said to correct errors and make adjustments in the flow of speech" (qtd. in "News and Publications"). The area is most active right before a person speaks, illustrating that it's doing the work of organizing coherent sentences. When this area is damaged or not functioning properly (i.e., not "activating") a person will not be able to verbally communicate their thoughts or feelings (Van der Kolk 43).

An untraumatized brain works more slowly, so to speak, allowing more time for a person to evaluate incoming danger signals. When the amygdala senses danger, it checks in with the hippocampus to compare the danger signal against what it knows based on similar signals from past experiences. The amygdala, however, processes information very quickly and will activate the reptilian brain into response before it activates the rational brain. This means that an alarming situation may put a person on the move before they've had time to rationally process what's happening. Meanwhile, the medial prefrontal cortex (mPFC) is also evaluating and rationalizing this signal, and it decides if an emergency response is necessary (e.g., is that smell burnt toast or a house fire?) Once the mPFC realizes the threat is minor or manageable, the brain quickly calms back down.

⁵⁸ Broca's area is an area often impacted by stroke, which is why speech is often effected.

During this time, the right and left hemispheres both stay “online,” as does Broca’s area. There’s an interplay between the old brain and the new brain--the reptilian brain and the rational brain--that keeps humans vigilant but also reasonably reactive. The rational brain has a chance to evaluate the situation and help mediate response; therefore, a stress response started by the amygdala can quickly be stalled once the rational brain kicks in (Van der Kolk 62).

In a traumatized brain, some of these “mediating” functions go offline, allowing for a quick a fear response with little regulation of the actual danger level present. Garfinkle et al. explain that the heightened sense of fear that PTSD sufferers experience is caused, in part, by the brain’s “inability to modulate fear expression using contextual information” (13435). In other words, the information mediators in the brain (the thalamus and the mPFC) don’t have a chance to evaluate if the smell of smoke in the house is burnt toast or a fire because the amygdala shortcuts the body to alarm mode. People with PTSD also tend to have an abnormal hippocampus, in terms of both size and function. Garfinkle et al. report that several studies have indicated that the hippocampi in people with PTSD have reduced volume, reduced integrity, and aberrant activity (13435). The hippocampus is responsible for memory and relating past experiences to present circumstances, so when it’s not functioning properly, it impacts a person’s ability to regulate fear expression. Garfinkle et al. explain that a person with PTSD might be “triggered” into hyperarousal by something that an untraumatized brain would easily dismiss as non-threatening (13443). A person with PTSD may also illustrate avoidant behaviors as they attempt to control exposure to triggers. However, for a person with PTSD, it’s not always possible to avoid triggers because flashbacks and intrusive

memories can also trigger a stress response. Van der Kolk describes that during a flashback, a PTSD patient's brain illuminates as if it were re-experiencing the trauma (42). Somewhat surprisingly, the visual cortex illuminates, indicating that the flashback is flooding the patient with raw images of their trauma (Van der Kolk 44). Van der Kolk notes that other parts of the brain that would normally also illuminate to help interpret these images remains offline in PTSD patients, giving the impression that the trauma is reoccurring (44). This prevents a person from processing their trauma with the benefit of hindsight and reflection, which is an important ability both for communication of the trauma and for healing/recovery.

Van der Kolk further notes that during a PTSD flashback, these images of past trauma activate the right hemisphere which is responsible for emotional, tactual, visual, and spatial reasoning (44). On the other hand, the left brain, which is linguistic, sequential, and analytical goes more or less offline (Van der Kolk 45). As a result, the person experiencing the flashback is flooded with images, emotions, and sensations with little ability to articulate or analyze what they are experiencing (Van der Kolk 45). In other words, they may not realize they are experiencing a flashback. Van der Kolk observes that "having one side or the other shut down, even temporarily...is disabling" (45). However, for people with non-traumatized brains, this chain of events is difficult to understand. From the outside, the traumatized person may seem irrational, moody, shut down, or they may lash out, resulting in further alienation from essential resources and support networks. Poor communication from a traumatized person may similarly be misunderstood as mistruthful or untrustworthy. In short, the mechanisms of trauma

inhibit a teller's ability to share their experiences of trauma and they inhibit a listener's ability to understand what has happened.

Lorena's Trauma

Lorena's defense relied heavily on convincing the jury that she was not of sound mind when she cut her husband. Her defense team used expert testimony to help the jury to understand PTSD and the way it disrupts an individual's mental state. One of her attorneys, Blair Howard, describes that their "defense was anchored on the proposition that she had undergone a great deal of trauma, and that night was the trigger" (*Lorena* Part 2, 13:32). On the stand, Lorena's agitation became apparent whenever she talked about the abuse. At one point, she's questioned on the stand about an incident when John forced her to engage in anal sex. She's asked to describe what happened. As she's speaking, her breathing becomes heavy and she keeps looking toward the judge, as if hoping for a sudden dismissal. Her body is hunched forward and she starts rocking slightly in her chair. It takes her a very long time to answer the questions that require detail about the incident and the way John would threaten her during other sexual encounters. She stops speaking for long periods of time. When she does respond, she gives choppy vignettes of the incident and uses vague phrases like "he did it" (*Lorena* Part 2, 55:45). When she needs to be more specific, for clarity, she takes a long time to respond. Her full response to a question about the incident illustrates the difficulty she has sharing this story:

Um...we went to the bedroom. And, um--he, um--he grabbed me, and he, um--he turned me, and I was--I was with my stomach down, and he, um--he...he did it.

He--he--he--he, He, um...He have, uh, an--anal sex. (*Lorena* Part 2, 55:22)

Given her religious upbringing and general modesty, some of this hesitation is likely tied to embarrassment about the incident, particularly given the taboo nature of anal sex and the fact that she did not want to engage in that kind of sex with her husband. However, her agitation during this testimony is evident, and it's clear that she's having a physiological response to recalling this traumatic event. As previously discussed, trauma victims often have difficulty conveying information about their trauma because Broca's area will go offline or not function properly when a person is experiencing a traumatic memory or a flashback. The trauma she experienced likely contributed to her choppy response.

From a narrative perspective, her account is not as effective as it could be. Her hesitation and use of distancing language ("he did it" and "he have anal sex") rhetorically removes Lorena from this act of violation. Positioning herself more clearly in the narrative might help audiences develop a stronger sense of empathy for her suffering. Similarly, to how audiences feel more connected to characters who are central to a story, Lorena's centrality (or lack of) becomes an important factor in helping an audience of jury members connect with her narrative. However, just as the distancing language may help a survivor like Lorena feel safer when sharing a traumatic memory, it may also make the narrative more difficult to relate to for audiences. In this sense, trauma hinders both the sending and receiving aspects of communication.

The testimony that she gives regarding the night that she cut her husband is similar. When describing how John came home from the bar and raped her, she stops speaking for periods of time, her shoulders move up to her ears, her breathing becomes uneven, and she requires several prompts from the lawyer to keep going. When she has to speak about the pain, she becomes more upset and begins to cry:

I don't want to have sex. And then, he wouldn't listen to me. He wouldn't let me--let me go. He pulled my--my underwears down and he, um--he forced himself into me. Again. I was just crying--trying to cry loud, but I couldn't breathe. I couldn't breathe.

[Lawyer prompts her to continue]

He was hurting me. He hurt me.

[Lawyer: Were you afraid of him then?]

Yeah. [she begins crying] Yeah, I--He was hurting me. I feel like--I don't know, like my vagina was ripping up or something. I couldn't say this. I can't describe--maybe you don't understand because you're a man. But he didn't understand because he's a man, but it hurt me. [sobbing] ...And I told him--why he do this to me again and again and again?

[Lawyer: What did he say to you?]

Nothing. He pushed me away because he doesn't care, he doesn't care about my feelings. That's what he said. (*Lorena* Part 3, 34:42)

Lorena describes this incident with more detail and clarity, but her testimony is still choppy and her physical state becomes more and more agitated as she recalls the event. When she finds that she cannot describe what the incident was like for her, she deflects to

generalizations about men not understanding a woman's pain. This shift seems like a way to momentarily disconnect from the details of the memory while still attempting to convey some understanding of her pain. She may not have been able to fully articulate what that moment was like for her due to the chaos that trauma creates for the brain, but it's evident that she's attempting to communicate something that she's found unspeakable. As she expressed many times over the course of both trials, Lorena did not understand her husband's abuse. Even without trauma hindering her ability to tell a coherent narrative, Lorena may have found her own story untellable because she had no frame of reference for understanding the abuse that she suffered.

Her testimony also illustrates the mental turmoil that a person experiences when they are abused by a loved one. As discussed in Chapter 1, leaving an abusive spouse is more difficult than most imagine because of the cognitive dissonance created by partner abuse. On the one hand, love and care are essential to human survival; yet, physical safety is also essential to survival. When a loved one provides love and care but also violates that sense of physical safety, there's not a clear signal that one must leave. While one need will be met by leaving, another will be neglected.

During her trial, Dr. Susan Feister, M.D, a medical director at the psychiatric institute of D.C. Psychiatrist, made note of this, summarizing that Lorena "continued to state that she loved her husband, she continued to hope that despite the abuse she had endured that the marriage would work out, but this is very common in women who are experiencing this kind of battering violence" (*Lorena* Part 3, 9:58). While it may seem counter-intuitive for a battered woman to remain in an abusive marriage, experts do understand and can testify that this is actually quite common. Juries that have the benefit

of this kind of insight are afforded something not readily available to the general public. Further, the decorum of the courtroom conveys a sense of structure and authority that may facilitate reception of this information. In that way, expert witnesses may complement a testimony of trauma by providing the context necessary to understand it.

However, barriers remain in this regard, as well. In a study on the impact of expert witness testimony on Battered Women's Syndrome, Terrance et al. found that regardless of the content and placement of expert witness testimony within the trial, mock juries were disinclined to render not-guilty verdicts for battered women who had killed their partners (Terrance et al. 10). Battered Women's Syndrome (BWS), which is typically understood as related to PTSD rather than its own medical diagnosis, sought to explain why abused women killed their abusers (Terrance et al. 2). While the legal self-defense plea was framed with male violence in mind (typically a one-time altercation between two people of similar size and strength), it did not account for the psychological trauma of chronic abuse between romantic partners, often of disparate size and strength (Terrance et al. 1-2). BWS, on the other hand, explained that women were typically able to predict when an abuse cycle might begin and were likely to strike out while they still had the upper hand to defend themselves (Terrance et al. 2). In *Lorena*, state forensic psychologist Evan Nelson explains that in the 1990s, many cases attempted to use BWS as a defense. While this explanation may resonate with jury members on a personal level, within the confines of legal discourse, that sense of understanding or empathy may not translate into a not-guilty verdict.

Terrance et al. found that "mock jurors were more likely to endorse the private belief that the defendant was not-guilty by reason of self-defense when exposed to BWS

testimony” (10). Similarly, Schuller and Rzepa found that jury members, when released from the legal code that dictated self-defense, were more likely to acquit battered women who kill their abusers (670). Schuller and Rzepa summarize that, “although the presence of the [expert] testimony did result in greater verdict leniency, this only occurred when the mock jurors had been released from a strict application of the law” (670). They conclude that although BWS is meant to “provide jurors with a framework for interpreting battered women’s actions within the existing laws of self-defense,” expert testimony only has this impact when juries are allowed to circumvent the restrictions of the law (671). As discussed in the last chapter, the courts may impose narratological limitations based on legal definitions, statutes of limitations, or admissibility per the discretion of the judge. While this research illustrates that juries may be able to expand their understanding of a situation based on explanations provided by expert witnesses, legal constraints may prevent this understanding from leading to an acquittal.

There’s a gendered element to these mock jury findings as well. Both Terrance et al. and Schuller and Rzepa found that female jury members were more likely to view the woman’s options as limited. This research illustrates that expert testimony does impact how jurors view battered women, but it may not impact the legal outcome.⁵⁹ In other words, expert testimony does seem to complement testimonies of trauma, providing jurors with a more complete and tellable narrative from which to make their judgement. However, the confines of legal discourse dictate that tellability of a narrative alone is not adequate for passing legal judgement. It is worth highlight that the mock jurors in Shuller

⁵⁹ It’s important to note that some critics of BWS have argued that BWS provides too narrow a view of battered women’s experiences and that women who don’t fit a passive “victim” expectation may be more likely to face conviction (Schuller and Rzepa, Terrance et al., Terrance and Matheson).

and Rzepa's study were given the option to circumvent the law in the name of a more just ruling, which suggest that the law, at least in this regard, doesn't adequately account for the experiences of abused women.

Lorena's case didn't rely on a BWS defense directly, but establishing her as a battered woman was essential to her case. Instead, her defense hinged on an "insanity" plea that could only be established by detailing her abuse and the psychological trauma that that abuse caused. Her testimony from the night of the incident was important in establishing her mental incapacity. Her testimony about what happened between the rape and the cut sounds very much like she was experiencing flashbacks from the abuse she had endured over the course of their marriage:

I just tried to calm myself down. I went to the kitchen for a glass of water. I was drinking the water, trying to calm myself down and the only light that was on was the refrigerator light, and um, I saw the knife. I remember many things and I remember a lot of things. And I remember the first time he raped me. I remember when--when he told me about the syringes that go through my bones and I was gonna die.⁶⁰ And I remember the put-downs he he told me there were just so many pictures in my head. I remember the insults and the bad words that he told me. And I remember every time that he--he had anal sex, anal sex with me--he hurt me. I remember everything. Everything. (*Lorena* Part 3, 37:42)

If Lorena were experiencing a series of flashbacks in the kitchen, these memories would have come as a flood of confusing images and disconnected sensory information. During a flashback, there is no sense of "then" versus "now" as the memories cannot be

⁶⁰ She's referencing things that John said to her prior to the abortion that he forced her to have at one point during their marriage.

rationalized away as mere memories. Instead, “the emotions, sounds, images, thoughts, and physical sensations related to the trauma take on a life of their own. The sensory fragments of memory intrude into the present, where they are literally relived” (Van der Kolk 66). BWS is understood as related to PTSD in that it recognizes that an abused person may strike back at their attacker in a non-life-threatening moment, in part, due to that heightened arousal or fear that accompanies reliving trauma through memory. In *Lorena*, Margaret Nichols describes that women suffering from BWS experience “a heightened sense of fear. A sense of isolation from other people. A feeling of powerlessness and helplessness that her own actions do not have much of an effect” (Part 3, 24:08). At the time of Lorena’s trial, PTSD wasn’t as commonly associated with women as it is now,⁶¹ but BWS had emerged as a way to illustrate how the trauma of spousal abuse can impact a person’s ability to make functional, rational decisions regarding their own safety. The expert testimony on Lorena’s mental capacity focused on PTSD and its comorbidities, but her status as a battered woman remained central to that focus.

On the stand, Dr. Feister⁶² testified that Lorena suffered from “post-traumatic stress disorder, from major depressive disorder, and anxiety disorder that is panic disorder” (*Lorena* Part 3, 43:29). She further testified that she did not believe that Lorena had “control over her actions” at the time as she was “experiencing severe distress” (*Lorena* Part 3, 43:46). Dr. Feister testified that Lorena’s husband, through his threats to

⁶¹ Breslau et al. conducted a study in 1997 to determine “Sex Differences in Posttraumatic Stress Disorder.” Their study was motivated, in part, by “recent epidemiological surveys of the general population” that documented higher instances of PTSD in women than in men (1044). This research indicates that interest in woman as the primary sufferers of PTSD was still emerging in the time just after Lorena’s trial.

⁶² When referring to the psychiatrists who served as expert witnesses in Lorena’s trial, I will keep their “Dr” title to help differentiate them from other sources.

always find her and do whatever he wanted with her made Lorena feel trapped and helpless. The situation, as Dr. Feister describes of Lorena, “created, for her, an impasse. Uh, a situation that made her crazy. She became psychotic. And at that point in time, she attacked the instrument of her torture--that is her husband’s penis” (*Lorena* Part 3, 43:46). In research conducted in 2018, Hsu et al. found that women with PTSD experience “greater negative intrusive memories” and that they “reported significantly more intrusive memories of negative images than men” (8). Unfortunately, this research wasn’t available at the time of Lorena’s trial. However, her testimony seems in line with PTSD research. During questioning about the incident, her lawyer asked, “What were you thinking when you picked up the knife? Did you think about cutting John?” and she responded, “No, no I didn’t. I just think of the pictures” (*Lorena* Part 3, 41:20).

Lorena’s testimony that she didn’t act intentionally and that she did not remember cutting John or some of the events that happened immediately after were seen by many, inside and outside the courtroom, as a poor attempt by Lorena to cover up her crime. Commenting retrospectively on the case Clay Cocalis, jury foreperson, explains that he doubted this account:

I remember very vividly she said, I went to the kitchen, I opened the refrigerator the refrigerator light illuminated a knife. So that’s pretty good recall, and then to say you have no memory of it, that didn’t seem very credible that she would not remember that. (*Lorena* Part 3 41:51)

Cocalis has an expectation of memory here that isn’t consistent with research on traumatic memories or memories in general. What some see as “convenient remembering” or even a “changing story” when litigation is involved, others see as a

normal trauma response or even a normal expression of memory which is, generally speaking, fairly unreliable. In terms of how trauma impacts memory, Van der Kolk argues that the research overwhelmingly supports the hypothesis that trauma can lead to memory loss or suppression/repression and memory loss has been reported among people who have experienced a wide range of trauma (Van der Kolk 1992). In a study published in 2002, Ehlers et al. found that intrusive memories of trauma tend to be sharpest right *before* the most traumatic parts of an event (1997). They attribute this phenomenon to the brain's alarm system which would be most concerned with remembering the "warning signals" that came before the trauma so that those same or similar signals could be reacted to more quickly in the future (1999). In other words, although common sense might dictate that the trauma itself would be remembered with the most clarity, this research suggests otherwise.

Other research reiterates that traumatic memories are remembered differently and may not live up to the expectation that we have of "normal" memories. Segovia et al. note that "victims of trauma often describe their trauma memories as fragmented, disorganized, or missing details, and they claim difficult recalling the temporal order of events" (95). More importantly, trauma memories, like regular memories, are subject to distortion and misremembering, particularly when other information is introduced (95). Morgan et al. found that even highly trained military personnel--who might be expected to be more resistant to memory distortion--are subject to distorted memory when recalling highly stressful events (11). This research illustrates a gap between what may be expected of memory recall and what may be the reality, particularly when trauma is involved.

Research on public opinion on memory illustrates this as well. Simons and Chabris illustrate that incorrect belief about memory acquisition, storage, and recall differs greatly from what experts in the field know through study and research. For example, their survey showed that while almost 25% of the public strongly agree that memory works like a video recording, zero experts agreed in the “strongly” or “mostly” category (3). They also found that while almost half of respondents believed that memory, once stored, does not change, almost 94% of experts strongly disagreed (3). All of this research occurred long after the Lorena trial, suggesting a gap between what was known then and what is just beginning to enter the expert field now.

As perhaps expected, much debate around Lorena’s memory occurred during and after the trial. During the trial, the defense called expert witnesses to testify to Lorena’s mental state, but none to testify about the instability of traumatic memory. Instead, the facts of her abuse along with the fact that she was clearly unwell were pushed as the primary pillars of her defense. However, it’s important to consider that Lorena may have been experiencing a flashback when she cut John and that the cut itself may have been traumatic and therefore stored as a traumatic memory. The particular events experienced on the night of incident alone were traumatic enough to potentially impact her memory, and those events were compounded by a long history of abuse. However, typical understanding of how memory works makes Lorena’s account seem untrustworthy, even though that typical understanding is incorrect.

Forensic psychologist Evan Nelson also illustrated disbelief in Lorena’s claim of “insanity,” though he believed that she was abused. He observed:

From what I saw, it was clear to me that Lorena Bobbitt had been abused by her husband. But from a legal and mental health perspective, it doesn't really matter how abused they'd been. What matters is whether she was so mentally ill that she knew what she was doing but she was incapable of stopping that impulse. (*Lorena* Part 2, 63:39)

On the stand, Nelson testified that Lorena was capable of stopping the impulse and that he believed that she struck out at John in anger (*Lorena* Part 3, 45:00). Other commentators agreed, many illustrating frustration at what they perceived to be Lorena's faulty memory or a story that seemed to change. Dave Margolick from the *New York Times*, commented "I think I basically feel that she was lying. I'm disconcerted by the idea that she so palpably changed her story and she changed it to meet the requirements of the law" (*Lorena* Part 3, 46:00). When asked, *when did she lie?* Margolick responded, "She lied when she testified that she forgot about everything that had happened that night" (*Lorena* Part 3, 46:00). Margolick does not explain how she changed her story to meet the requirements of the law; instead, he makes a generalized claim that she forgot "everything that happened" which is not true.

However, this public commentary paints a picture of the case that reinforces what general public already "knows" about how memory works. As discussed in the last chapter, this creates a tension between social and judicial discourses that can lead to misunderstanding in the courtroom. The commentary from jury foreperson Jay Cocalis, discussed above, illustrates this. Although Lorena did have gaps in her memory, and her testimony changed somewhat over the course of both trials, these gaps and shifts are consistent with the experiences of individuals suffering from PTSD. They are,

unfortunately, inconsistent with what most people believe they know about how memory works.

The expert witness testimony in Lorena's trial likely had a strong impact on the final verdict of not guilty, in large part because one expert witness changed testimony mid-trial. Over the course of the trial, four psychiatrists testified. Initially, three of the four agreed that Lorena was of sound mind when she cut her husband: Dr. Miller Ryans and two other state psychiatrists, Dr. Henry Gwaltney and Dr. Evan Nelson. Dr. Gwaltney testified that Lorena had been "emotionally aroused" at the time of the incident, but he saw "no evidence of a psychotic episode" (*Lorena* Part 3, 45:45). Dr. Nelson testified that "When Mr. Bobbitt did what [Lorena] perceived as a rape, that was a challenge to her sense of control and I believe that she got intensely angry" (*Lorena* Part 3, 45:16). Unlike the other doctors, Dr. Nelson's evaluation in particular appears deeply biased by rape myths and a misunderstanding of domestic abuse. He casts doubt on her rape claim by implying that it was only Lorena's *perception* of unwanted sex, not actual unwanted sex.⁶³ Nelson uses his position of authority as an expert witness to push beliefs about what counts as rape and what a person should or should not do when they are in a domestic abuse situation. For the *Lorena* docuseries, Dr. Nelson reiterates this belief after more than 25 years. He maintains that, "Lorena Bobbitt could have walked away. She could have walked right out of that apartment and straight down to the police department. She could have called 911. But she didn't" (*Lorena* Part 3, 45:27). Like

⁶³ If a person *perceives* that they do not want sex, but sex is forced on them, isn't that rape? It's clear that Nelson is using a rhetorical framework of doubt to invalidate Lorena's claim by implying that women don't understand what is and what isn't unwanted sex, i.e., rape. This framework puts the judgement of what "counts" as rape on the perpetrator and outside parties (e.g., "experts" like Nelson). The claimant is not allowed to judge what is and is not rape and is therefore silenced.

others who illustrated a lack of understanding about domestic violence, Dr. Nelson holds the belief that there's a simple solution to a complex, psychological situation.

These beliefs about rape and domestic violence are particularly damaging when supported by authority figures such as expert witnesses. During Lorena's trial, this put the word of three male psychiatrists against the word of Dr. Susan Feister, who emphatically testified that Lorena's PTSD did in fact impair her judgement and her ability to act rationally in the time following the rape. Then, one of the psychiatrists, Dr. Ryans, changed his testimony after a new witness emerged. The witness, Regina Keegan, was a client of Lorena's who had received a manicure from her shortly before the incident. Keegan testified that she had seen bruises on Lorena's arms and had asked her if she was safe. Keegan described Lorena's emotional state, reporting that as they spoke, "[Lorena's] breathing changed. Like she was short of breath. And her hands were trembling, and she had tears in her eyes" (*Lorena* Part 3, 49:41). Though Keegan is not a PTSD expert and likely didn't consider the depth of Lorena's emotional state in that moment, she recognized that something was not right. After she spoke with Dr. Ryans and provided testimony in court, he took the stand again and changed his testimony. On the stand, Dr. Ryans said that Keegan, "gave symptoms which were compatible with the diagnosis of post-traumatic stress disorder" (*Lorena* Part 3, 56:23). Until Dr. Ryans switched his testimony, the prosecution had built a strong case. With three psychiatrists in agreement, they had successfully supported the narrative that Lorena was an angry woman who attacked her husband out of spite. However, when Dr. Ryans' reevaluated his opinion based on the information provided by Keegan, the weight of the case shifted in favor of seeing Lorena as a woman suffering from mental illness. Curt Gergley, a juror

in Lorena's trial, said that for him, Dr. Ryans' change of opinion was a turning point, illustrating that Lorena was "not in control of her faculties" which painted a very different picture from her acting out of "spite" and "anger" (*Lorena* Part 3, 56:44).

Although there is some concern that people may abuse a PTSD diagnosis in order to get away with crimes that they knowingly committed, the research suggests that this doesn't seem to be the case. Appelbaum et al. concluded that "PTSD was infrequently associated with an insanity defense in the cases in this study. In the cases in which pleas based on PTSD were used, they were no more likely to succeed than pleas based on any other diagnosis" (229). They also found little difference between PTSD-linked insanity defenses and other insanity defenses, which they hoped would allay fears that individuals with PTSD are more driven to commit crimes (Appelbaum et al. 229). Sparr's findings concur: the data indicates that PTSD is not often used in insanity defenses and when it is, it's not particularly successful (407). In spite of this, one reason why PTSD may still be presented as an insanity defense is that it's one of a few disorders that "could result in either a dissociative state (unconsciousness), automatisms, or temporary insanity" (Sparr 410). However, some courts may find certain evidence related to PTSD to be inadmissible which can impact its effectiveness as a defense (Sparr 408). Further, expert witness testimony is directed by expert witness rules set by the court, not the (often higher) standards of scientific evidence and proof. For this reason, experts may be asked to "exceed their knowledge base" on the stand (Sparr 416). In sum, insanity pleas are often fraught with problems and are not as successful as people may imagine.

As discussed in the last chapter, a trial is not an unbiased space of higher-order justice; it's subject to prejudices and lawyers working those prejudices in order to win

their cases. In Lorena's trial, the prosecution had to use Lorena's anger as motive because acknowledgement of her deteriorated mental state could support a verdict of insanity. In his closing argument, John's lawyer Paul Ebert summarized that, "This is a case about anger. It's a case about revenge. And it's a case about retribution" (*Lorena* Part 3, 58:34). To support his version of the narrative, Ebert attempted to downplay expert testimony from the psychiatrists, shrugging off the "psychological jargon" used by the defense (*Lorena* Part 3, 59:47). Playing on a general mistrust of technical language and hoping to show that inaccessible equals unreliable, Ebert's closing argument was a final effort to get the jury to ignore what the psychiatrists had found about Lorena's mental state and to instead see her as an angry woman seeking revenge.

When considering PTSD, the issue of anger becomes a complex problem because people suffering from PTSD do often experience irrational anger. Van der Kolk notes that once a person goes into a fight or flight response, that system takes over and suddenly, "other people, and we ourselves, cease to matter. Awareness is shut down, and we may no longer even register physical pain" (85). In this heightened state of arousal, a person's primary motivation is survival against a threat that may or may not be immediate. When Drs. Feister and Ryans testified that Lorena suffered from PTSD and was not within full control of her faculties, they were likely taking these symptoms into consideration. While the flight response can cause a person to shut down, the fight response can result in an angry or violent response. Van der Kolk summarizes that "To people who are reliving a trauma, nothing makes sense; they are trapped in a life-or-death situation, a state of paralyzing fear or blind rage" (97). He further explains that people with PTSD are often

disconnected from their bodies and they “They either react to stress by becoming ‘spaced out’ or with excessive anger” (Van der Kolk 101).

Anger is an alienating emotion because it impairs connection between people. As a result, “angry people” tend to suffer from social stigma or become pariahs. Remembering that the brain’s primary function is survival, the impulse to distance oneself from an angry person makes sense because anger is a danger signal. However, people who have been traumatized may exhibit anger even though what they need most is connection and support. As discussed in the Chapter 2, anger without a clear cause is often assumed to be intrinsic (i.e., anger as personality trait). This means that there will be less sympathy or understanding for the anger, particularly when displayed by a woman. When it comes to anger that is connected to PTSD, the extrinsic reasons for anger are often hidden due to shame or stigma associated with various types of trauma (like incest, sexual abuse, rape, domestic violence). The confusing and disassociating nature of PTSD can also make it difficult for a sufferer to communicate what they are experiencing or to explain their emotional state.

In Lorena’s case, she admitted that she felt angry when she cut John (*Lorena* Part 3, 42:50). Rather than seeing this as a trauma response or related to PTSD, the prosecution pushed this as a sort of “smoking gun” that proved Lorena was *motivated* by anger. The complexity of the situation easily gets lost, especially if there’s no clear path through those complications. In terms of believability, typically the simplest explanation has the best chance of winning. This narrative provided by the prosecution convinced many people that Lorena was just angry, including at least one person on the jury who still holds that Lorena was of sound mind. Though there’s no saying for sure what exactly

led the jury to acquit, it seems that change in expert testimony was enough to push against this “angry” narrative and establish that Lorena was suffering from her trauma. The jury ultimately found in Lorena’s favor and she was acquitted by reason of insanity.

Telling Trauma—Interrupted Narratives

As the excerpts from Lorena’s testimony illustrate, individuals suffering from PTSD struggle to create cohesive narratives about their trauma. This goes back to the way trauma alters normal brain function. In normal brain function, left and right brain work together to create a narrative, with the left brain responsible for essential tasks such as giving meaning to experiences and putting experiences in temporal order--both elements that are essential to narrative, as discussed in Chapter 1. Van der Kolk notes that “deactivation of the left hemisphere has a direct impact on the capacity to organize experience into logical sequence and to translate our shifting feelings and perceptions into words” (45). Recall also that Broca’s area, located on the left side of the brain, also goes offline during a traumatic memory or flashback, which inhibits a person’s ability to communicate what they have experienced. Unlike normal memory recall, the recollection of a traumatic memory can unexpectedly thrust a PTSD sufferer back into their trauma. The alarm system in their brain activates as if they are experiencing the trauma again, and the left hemisphere of their brain stops functioning properly.

While it may seem unreasonable that an event from 10 or even 20 years ago could impact a person’s ability to communicate about that event, Van der Kolk explains that “Even years later, traumatized people often have enormous difficulty telling other people what has happened to them” (43). There’s a tendency to believe that “time heals all

wounds” but this is not typically the case with trauma. Time, especially time without treatment or intervention, can compound the symptoms, as these activated pathways in the brain fire so often that they become efficient shortcuts (Van der Kolk 67). In the case of a person suffering from years of abuse, the continued abuse reinforces these alarm shortcuts.

This systematic reaction to trauma alters how traumatic experiences are stored in the brain, making it very difficult for traumatized individuals to share their experiences in a narrative form. Recall that trauma interrupts the proper functioning of the thalamus, which is responsible for processing sensory input. When this happens, memories of the event become fractured and nonlinear. They are remembered primarily as sensations or flashes. Trauma survivors commonly express having problems remembering the traumatic event, often describing that they only remember pieces or feelings. Van der Kolk explains that the “breakdown of the thalamus explains why trauma is primarily remembered not as a story, a narrative with a beginning, middle, and end, but as isolated sensory imprints: images, sounds, and physical sensations that are accompanied by intense emotions, usually terror and helplessness” (70). A person who has experienced a traumatic situation therefore has two major barriers between them and their own story: first, when they access these memories, they are overwhelmed by emotion and terror, sometimes in the form of a flashback; and second, they do not have the benefit of a complete story or narrative structure to help them convey to another person the horror of what happened to them. They are unable to process the event with the benefit of hindsight, which is how we come to make sense of the events of our lives and weave them into meaningful narratives.

Without a sense of temporal order, a clear sense of the actual events that caused the trauma, or the ability to engage in meaningful reflection, a traumatized person will not be able to share a clear narrative about what happened to them. Without these essential pieces helping to structure a narrative, a listener will struggle to make sense of what the traumatized person is attempting to communicate. If a listener doesn't understand that the traumatized person is trapped in their memories or that essential areas for communication have gone offline, they will be ill-equipped to interpret the information that they receive. Van der Kolk offers examples from his own case studies. One woman, he describes, "reenacted the trauma in her life, but she had no narrative to refer to" (Van der Kolk 132). Another patient, when the memory of his traumatic event began to resurface, felt sensations and saw images, "But there was little or no story" (Van der Kolk 178). Van der Kolk tends to use narrative and story interchangeably. In these cases, he emphasizes that his patients experienced the emotions and some disconnected images or associations of their trauma, but they were still unable to articulate what exactly had happened to them.

Recalling the discussion of narrative in Chapter 1, a *story* is typically seen as the core event(s) whereas a *narrative* is a certain version (or representation) of that story. When a person experiences trauma, they may not have a good sense of the story nor may they be able to construct a narrative based on their perception or experience of that story. The idea of constructing a narrative may sound dishonest, but we all do it all the time. Giving order and meaning to the events of our lives is one way that we make sense of the world and it's how we relate to one another. Further, telling a narrative from our own

perspective provides a sense of agency and control that can be comforting, particularly when a story includes elements beyond our control.

However, a traumatized person may not have the luxury of telling their own narratives (or as we might say in conversationally--telling their own stories). A complete narrative typically features a series of connected events that form a beginning, middle, and end. It's situated in time and follows a logical order. Further, it typically conveys something to the reader beyond just the events--it provides a moral or at the very least something a listener can "take away." However, although constructing a narrative is a normal (and often unconscious) activity, the revelation of that process can arouse suspicion. The idea of "getting a story together" is a trope of dishonesty. If somebody is caught not have their story straight, they will likely be branded a liar. There's an intuitive logic to this assumption: if you know what happened, and why, then there's nothing to "get together." Yet, this assumption diminishes the fact that we do, in fact, "get our stories together" as a matter of course. The key difference is that when a person is lying, they are giving order to a fabricated narrative rather than a narrative that they actually experienced. It's a frequent trope in movies and novels to create dramatic irony--the audience sees the liar put a story together and then sees it easily believed by others. This trope may further arouse suspicion in people who are wary of being duped by an inconsistent story (as discussed in Chapter 3). The presentation of a cogent narrative is not typically assumed to be dishonest or a story that the teller spent some time getting together. It's typically received with trust.

When applying this logic to a trauma victim, problems arise. The impact of trauma on the brain can prevent a person from being able to get their story straight, and it

has nothing to do with the veracity of what they have to say. Lorena, like many people suffering from the weight of traumatic experience, had difficulty telling her story. Instead of providing a straight-forward narrative that would help the public and the legal system understand her situation, she offered a confusing jumble of information that made people feel suspicious of her and her motives. When Lorena began talking to police, she clearly had no plan for what she was going to say or how she would explain herself. What came out of her mouth didn't make sense--she was upset that John was a selfish lover who never let her have an orgasm and she was upset that he raped her. She said that she was angry, not frightened. These claims illustrate the kind of cognitive dissonance that domestic abuse victims often experience, but they also seem like damning evidence that she cut her husband for inconsequential reasons.

Looking back on the night of the incident, Lorena laments that she didn't get representation right away. She spoke to police without representation because, looking back, she says "I didn't know any better" (*Lorena* Part, 1 32:05). With the benefit of hindsight, she recognizes that, "I was in shock still. I didn't comprehend what was going on" (*Lorena* Part, 1 33:03). There is no indication that Lorena had taken any time to get her story straight. She clearly did not consider withholding certain thoughts or feelings that would hurt her "victim" status or hinder her appeal for sympathy. She seemed to reveal whatever thought came to her mind in that moment without a sense of how those pieces might fit into a larger narrative. At the surface for her was not a narrative, but a jumble of sensations and emotions, and that is what she gave to the police the morning she cut John.

This *lack* of narrative planning allowed others to appropriate her narrative and distort it from the beginning. She was held accountable for the information that she provided while in that vulnerable state. More importantly, she was held accountable for the narrative that others created from the information that she provided. Given that many people choose to speak with police when they are in similarly vulnerable states, this narrative problem can have far-reaching consequences for people seeking help from the justice system.

When Lorena tried to share her story with the media, it was again evident that she wasn't fully prepared. Similar to the patients described by Van der Kolk, Lorena still didn't have a full grasp on some events from that evening and her trauma prevented her from constructing a narrative that adequately conveyed her position as a victim of tremendous violence. Kim Masters of *Vanity Fair* talks about meeting Lorena for an interview, noting, "The thing about that interview I have to say, she didn't come across as articulate. You know, you could tell that she wasn't really in a place to present her case to the world" (*Lorena* Part 1, 31:16). While Lorena's contributions to the *Vanity Fair* piece don't provide a lot of detail about the abuse that she endured, Lorena does share that John raped her and physically abused her over the course of their marriage. She also describes the impact that the abuse had on her. Regarding her mental state leading up to the incident, Lorena reports, "I couldn't sleep. I couldn't eat. People were complaining about my work. ... On many occasions, I would just leave my work and go to the bathroom and start to cry. My body start to speaking. I'm a good nail technician and I never have problems, but this started affecting me" (Masters n.p.). However, neither Lorena nor Masters connect these symptoms to PTSD or trauma response, even though this is the

same information that ultimately changes Dr. Ryans' testimony during her trial. The *Vanity Fair* piece is sympathetic to Lorena, but that's due to Master's crafting of the narrative, not Lorena's.

Lorena is most articulate when describing non-traumatic memories, like when she first came to America and fell in love with the idea of living here. But, as Master's notes, when Lorena recounts the events leading up to the cut, "she struggles to explain her thoughts" (Masters n.p.). Lorena's narrative becomes even more confused as she tells Masters about being in the car, with John's penis in one hand the knife in the other. Lorena says that she didn't understand why she couldn't operate the car well, having the strange realization, "my hands were busy" (qtd in Masters n.p.). Similar to the testimony that she gave in court, Lorena's story is choppy and doesn't include any context or commentary that might help a listener understand what's happening. She reported that she was "just freaking out" at the time, but it's clear from the description of events that she was in shock. However, without the narrative insight about what it means to be in shock (a recognized medical condition), the situation is left up to interpretation. That narrative interpretation could be sympathetic, as Masters' was; or that narrative could be used against her as seen by the narratives picked up by most media outlets and used against her in court by the prosecution. As a victim of violence or trauma, not having narrative agency is a second violation that may go entirely unnoticed because most people don't stop to consider who has ownership of a narrative. They just hear a narrative.

Female-Coded Understanding of Various Ailments

As discussed in the background on PTSD, wide-spread legitimization of the disease was hard-fought, and it was the organization efforts of Vietnam combat veterans that made space for medical and social recognition of the disease. However, combat veterans are just one group of people suffering from PTSD, and for women and children suffering from traumas that were not yet socially acknowledged, it was even more difficult to gain recognition. In her telling of PTSD's history, Judith Herman observes that, "When the victim is already devalued (a woman, a child), she may find that the most traumatic events of her life take place outside the realm of socially validated reality. Her experiences becomes unspeakable" (8). In other words, society had no place for these stories of trauma, and the most vulnerable victims were the ones with the least agency to gain recognition.

PTSD was not yet well understood medically or socially, and the understanding that did exist was framed almost entirely by the experiences of combat veterans. Further, domestic abuse and sexual violence were not yet widely recognized as an endemic problem. The matrix of social understanding surrounding trauma coupled with society's unwillingness to recognize atrocities suffered by the most vulnerable in society rendered these experiences unspeakable. Even after PTSD officially entered the DSM manual, the concept of psychological trauma remained suspect. Writing in the early 1990s, more than a decade after the DSM adopted PTSD, Herman observes that "in spite of the vast literature documenting the phenomenon of psychological trauma, debate still centers on the basic question of whether these phenomena are credible and real" (8). This doubt applies doubly to the socially devalued.

The rise and fall of hysteria as a serious area for research illustrates this as well. Herman describes that in the last twenty years of the nineteenth century, a group of scholars were making inroads in describing and understanding the host of symptoms that we now recognize as PTSD (11). Through his work with hysterical women, Sigmund Freud identified childhood sexual abuse and sexual assault as at the core of many of his female patients' experiences (Herman 13). Rather than describing hysteria as a female malady, Freud and his colleagues understood it to be connected to psychological trauma, which could afflict anybody. Contrary to contemporary understanding of hysteria,⁶⁴ Freud argued that anybody could fall victim to hysteria, even those of "the clearest intellect, strongest will, greatest character, and highest critical power" (qtd. in Herman 12). However, this bold revelation was met with harsh criticism about the "radical social implications of his hypothesis" (Herman 14). If all the sexual abuse reported by Freud's patients were believed, what did this suggest about the state of society, particularly good bourgeois families who had a female family member suffering from hysteria?

Rather than push against this criticism, Freud pulled back his hypothesis and stopped listening to his female patients, insisting instead that they were engaging in sexual fantasies due to their hysterical state (Herman 14).⁶⁵ Due to society's disbelief about its own problems with sexual violence (or its unwillingness to own such problems), these woman's stories fell into the realm of untellability. When they tried to speak their

⁶⁴ Elaine Showalter describes that Darwinism inspired a view of insanity that blamed personal weakness for mental breakdown. Showalter describes that Darwinian therapists saw "the lunatic as a degenerate person of feeble will and morbid predisposition" (18). However, the emergence of "shell shock" during and following the First World War illustrated the limitations of the Darwinian approach, leaving room for Freud and others to explore the complex nature of hysteria and its impact on men and women, regardless of moral constitution.

⁶⁵ "I was at last obliged to recognize that these scenes of seduction had never taken place, and that they were only fantasies which my patients had made up" (Freud, qtd. in Herman 14).

truths, their stories were taken from them by male psychological professionals like Freud who reshaped their stories into something more tellable--tales of personal perversion and illness. These women were seen as sick, but the nature of their illness was retold to them in a way that fit better with social expectations of the time. With little agency over their own narratives, these women could either stop sharing their stories or they could accept the tellable version that was fed back to them during “talk therapy.”

The silencing of women’s voices was not unusual for women during the nineteenth century, particularly women branded hysterical. Elaine Showalter describes the way insanity became coded as a female malady in English culture in the mid-nineteenth century. She describes that most Victorian psychiatrists believed that women were “more vulnerable to insanity than men because the instability of their reproductive systems interfered with their sexual, emotional, and rational control” (55). The onset of menstruation was a fraught time for Victorian girls, due to social norms and mores that made female maturation both frightening and oppressive; yet the overwhelming consensus was that women’s “instability” was rooted not in social norms but in women’s “nature” (Showalter 59).⁶⁶

During the nineteenth century, the paradigm of insanity began to shift from being male-centered to female-centered. By 1845, women outnumbered men in insane asylums, and women’s inferior constitutions were typically blamed for this trend (52). In art and literature, women replaced men as the picture of a madness, with women’s sexuality foregrounded. Showalter describes that “These disturbing images of wild, dark, naked

⁶⁶ “While doctors blamed menstrual problems or sexual abnormality, women writers suggested that it was the lack of meaningful work, hope, or companionship that led to depression or breakdown” (Showalter 61).

men had been replaced by poetic artistic, and theatrical images of a youthful, beautiful, female insanity” (10). This shift, Showalter argues, illustrates the ways in which the image female insanity became imbedded in English culture. These depictions in various forms of fiction and nonfiction would impact social perception of insanity, coding it specifically as female. Indeed, there are many prevailing images of madwomen who, through their prevalence in popular literature, became paradigmatic in American culture as well: “the suicidal Ophelia, the sentimental Crazy Jane, and the violent Lucia. All three established female sexuality and feminine nature as the source of the female malady, but each also stood for a different interpretation of woman’s madness and man’s relation to it” (Showalter 10). Showalter also includes Bertha, the madwoman from *Jane Eyre*, among these familiar images of madness. She argues that “these images of female insanity came from a cultural context that cannot be tabulated or translated into the statistics of mental health” (17). What these images illustrate is the prevailing association of women and insanity, often told by men or through the lens of their understanding. They also create frames of reference for the “tellability” of insanity.

Female psychiatric patients were denied the chance to share their experiences, and the hierarchal structure of the asylum began to shift as well so that women were less and less responsible for the care-taking as well. As a result, many asylums were populated by a majority of women, but the care and oversight were assumed by men (54). Showalter summarizes this dynamic, “the standard sources for psychiatric history, such as medical journals, psychiatric textbooks, asylum records, parliamentary minutes, court cases, and journalistic accounts, leave out, indeed silence, women’s voices” (5-6). Perhaps then, not surprisingly, women’s insanity was characterized differently from men’s. Showalter

reports that even if men and women had similar symptoms, “psychiatry differentiated between an English malady, associated with the intellectual and economic pressures on highly civilized men, and a female malady, associated with the sexuality and essential nature of women” (7). In other words, men suffered from mental breakdown due to external social pressures, but for women the cause was a weak intrinsic nature. These representations are the ones that became popularly depicted in various forms of media and entertainment, shaping public perceptions of various mental maladies. As discussed in Chapter 2, men are still often afforded leniency for emotions like anger because the emotion is often automatically attributed to outside sources whereas for women, it’s assumed that these emotions are triggered by intrinsic weakness (e.g., lack of rationale, lack of self-control, too emotional etc.). This may be because these are the tropes made familiar through popular representations of mental illness.

Contemporary narratives of mental illness are still largely gender-influenced, as are the stigmas attached to certain illnesses. When mental health is viewed as connected to weakness of character, it tends to lead to more stigmatizing views of mental health (Wang et. al. 96). Feldman and Crandall’s research had similar findings. They note that, “Whether or not people’s perceptions of specific mental illnesses are accurate, people are more willing to socially reject individuals with disorders that they perceive to be high on personal responsibility” (Feldman and Crandall 151).⁶⁷ This is significant particularly when viewing mental health in tandem with traumas that are highly associated with victim-blaming, such as domestic violence and sexual assault. A person suffering from a

⁶⁷ They also cite “dangerousness” and “rarity” of the disease as factors that increase stigma. These three together are identified as the “big three dimensions of mental health stigma” (Feldman and Crandall 148).

mental health comorbidity connected to the trauma of this kind may find their story less likely to receive empathy because the social discourses dictate that better personal choices could have been made. Lorena's position as an abused spouse was highly stigmatized by commentators who expressed that Lorena remained in an abusive situation when she had better options, like leaving or going to the police. Her report of the rape was also questioned because she was still sleeping in the same bed as her husband and occasionally engaging in consensual sex with him. Both activities seemed to position her as tacitly consenting to the "sex" that occurred between them.

Research has also illustrated that there's a gender divide both in terms of self-stigma and in stigmatizing others. Batterham et al. also found that men held "more stigmatizing views" than women when assessing people with anxiety disorder (285), and Anderson et al. cite research that has illustrated that being male predicted more stigmatizing views toward depression and anxiety disorders (132). Their own study on mental illness stigma found that when individuals viewed anxiety as more common among women, they reported wanting greater social distance from the sufferer (135), and overall individuals reported wanting greater social distance from those suffering from major depression than from social anxiety (135). This is significant because, in the general population, women suffer from higher rates of depression than men (Wang et al. 96) and being female is an identified risk factor for depression (Oakley et al. 513).

Over the course of two trials, Lorena was characterized by the media, by lawyers involved in the case, by commentators, and even by doctors testifying on her behalf as "crazy" and "hysterical." One of the attorneys on her defense team, James Lowe, positioned her "hysterical" state as an excuse, summarizing, "You have the problem of

the second language. You have the problem of a woman who was hysterical at the time that the comments were made” (*Lorena* Part, 1 32:51). Though he is attempting to draw on a medical state to illustrate that Lorena may have been in a compromised state when she gave her statement to police, he’s drawing on a pejorative term that has been used for decades to discredit the testimonies of women. In other words, even as he is trying to paint Lorena in a sympathetic light, he still draws on gendered terms that position Lorena as untrustworthy due to intrinsic flaws. Other commentators used similar language to describe Lorena, though with less kind intentionality. One “street opinion” featured on the Jenny Jones show said, “I think she’s crazy for cutting it off.” And a radio host comments to John during an interview, “Am I wrong here or was your wife a crazy bitch?” (*Lorena* Part 2, 11:56). Like the term hysterical, “crazy” carries with it the same weight of insanity, framed by an understanding of it as a distinctly female malady caused by natural character weakness.

As Showalter argues, belief in the medical instability of women and their “natural” vulnerability to derangement and insanity “was used as a reason to keep women out of the professions, to deny them political rights, and to keep them under male control in the family and the state” (73). Rather than being a term meant to enhance empathy for a disturbed mental state (that was likely caused by some kind of trauma), it’s used as a tool for control. Calling a woman “crazy” is a way to get her to behave in a way that aligns with the speaker’s norms and values. It’s a regulatory word that women earn when they act in a way that displeases those in power within society. The cause of “craziness” is rarely examined nor is it seen as a legitimate (or concerning) state of being, requiring assistance and understanding. Melissa Jeltsen from the *Huffington Post* comments that

Lorena's "crazy" label was used to obscure the parts of her story that people didn't want to acknowledge. In other words, the parts that were deemed untellable. Jeltsen summarizes, "What I noticed is this portrayal of Lorena Bobbitt as a vengeful, crazy woman who just snapped for no reason" (*Lorena* Part 3, 13:00).

Lorena's mental state as medically "hysterical" was denied by the state forensic doctors who testified that she was of sound mind when she committed the act. It was also denied by juror Cocalis, the one who remains unconvinced that she was mentally incapacitated at the time of the incident, in spite of his vote for her acquittal. Of his beliefs about Lorena's mental state, Cocalis notes, "was she, by the definition of the Commonwealth of Virginia, was she criminally insane at the moment? I think--I think she unequivocally knew exactly what she was doing" (*Lorena* Part 3, 57:08). Labeling Lorena as crazy and hysterical in vernacular descriptions of her, but not legal terms, indicates a desire to regulate Lorena's character and/or narrative descriptions of her. When it comes to diagnostic language and developing an understanding of PTSD, the interest wanes, particularly in the social sphere.

The implications of these social discourses reach beyond the Bobbitt case. When a traumatized woman must tell her story in an official context, be it a police report or a courtroom, she will face many barriers to believability. Given the social discourses surrounding mental illness, her trauma may be used to hurt her credibility rather than aid her case. In other words, her narrative may be misunderstood because of the assumptions made about her trauma. Her narrative can also be taken from her and shaped in a way that's damaging rather than illuminating. For example, rather than discussing the limitations imposed by trauma and discussing the impact that PTSD has on memory and

the ability to describe events in clear, narrative form, a lawyer can point to “holes” in a testimony as evidence of dishonesty. They can further construct a competing narrative that invokes mistrust due to a victim’s “hysterical” state. A victim can also be blamed for the persistence of her symptoms if she has not sought immediate treatment or help. As explored in the last chapter, some legal textbooks describe exploitative tactics used during cross examination that are known to be particularly challenging for individuals with PTSD.

Conclusion: New Frameworks for PTSD

Brains that have been rewired from trauma do not operate in the way we expect. Van der Kolk observes “traumatized individuals become hypervigilant to threat at the expense of spontaneously engaging in their day-to-day lives” (3). Remember that one of the primary functions of the brain, particularly the reptilian brain, is to sustain life. This means taking extreme action when necessary, for survival. When survival is on the line, people do things they could not have imagined doing: cannibalism, cutting through their own limbs without anesthesia, exhibiting physical strength beyond their normal capacity. Even the most unlikely people have been driven to mortally wound or murder others out of self-defense. These actions are understood and excused because there is an understanding that the survival instinct is an unstoppable force. Yet, it is not commonly understood that trauma rewires the brain so that it constantly operates in survival mode. This hypervigilance is not well understood though it can lead to the same kind of extreme actions that we accept from external survival scenarios. However, because this survival scenario is internal, and therefore invisible, it often goes unacknowledged. While an untraumatized person can quickly come down after a perceived threat, a person with

PTSD cannot do this. They are often stuck in an alarm cycle, receiving a steady flow of signals telling them that their life is in danger. This is not expected behavior.

It may be difficult for a person with a non-traumatized brain to understand the narratives of a traumatized person. Without appropriate guidance to help them figure out how to “read” these situations with more accuracy, it’s likely that most people will instead rely on their personal experiences, on what they believe they know about the situation, or on “common sense” in order to make sense of these narratives. As this chapter has illustrated, those assumptions are often incorrect and the person positioned to suffer most from these inaccurate assumptions is the person who is already vulnerable. These are particularly important considerations when dealing with cases of domestic abuse and sexual violence as both are still wide-spread problems in our society. In the next chapter, I’ll bring these issues forward to the contemporary moment, looking closely at how narratives are constructed and used in the Post-Truth Era. I will conclude with some pedagogical considerations, providing a framework for what can be done to mitigate the issues raised in this project.

CONCLUSION: NARRATIVES OF SEXUAL ASSAULT IN A POST-TRUTH WORLD

The key difference between fiction and nonfiction is the kernel of truth that's promised by nonfiction narratives. However, what happens when that kernel of truth becomes less and less important or when it disappears entirely? What remains is simply *narrative*, divorced from its fiction or nonfiction constraints, the persuasiveness of which may suffice to instill a sense of trust regardless of credible or dubious story origins. Truth becomes relative to belief, and whichever version of the story reinforces one's world view is the one most likely to stick. In other words, trust overshadows truth.

Increasingly, this describes the world we live in today. For many, facts and empirical evidence matter less than persuasive narrative and good storytelling. The rise of "truthiness," "alternative facts," "fake news," and straight up bullshit has exasperated many who continue to bolster themselves with facts and statistics only to find that credible information doesn't hold water like it used to. This phenomenon has ushered in what scholars have identified as the Post-Truth Era--an era in which opinions and personal beliefs are apt to out-weigh objective fact. In 2016, the Oxford English Dictionary made post-truth their word of the year, defined as "circumstances in which objective facts are less influential in shaping public opinion than appeals to emotion and personal belief" (Foroughi et al. 136). The term has as continued to increase in popularity since then. Lewandowsky et al. note that while "virtually unknown" five years ago, post-truth has skyrocketed in usage and in online mentions going from 40 mentions in global media in 2015 to 2400 in just the first three months of 2017 (354).

The changing media landscape, namely the introduction of social media platforms which have allowed users to cultivate a narrow echo chamber of like-minded followers,

has cut many people off from meaningful--dissenting--dialogue that relies on facts and reason to facilitate shared understanding. Instead, many feel that they are yelling into the void--heard clearly by people who already agree with them but unable to permeate the high wall of personal opinion and relative truth that separates them from those with dissenting views.

This has created a nearly unbearable political climate that has fostered extremism and supported the rise of demagoguery. Research illustrates that this political entrenchment and unwillingness to consider new information (or information that challenges world views) is found primarily on the political right. A data analysis by Hare and Poole found that “Congress is now more polarized than at any time since the end of the Civil War” (415). This polarization is largely due to shifts in the Republican party. Hare and Poole note that while Republicans in Congress have been migrating further right over the last 40 years, Democrats are not any further left than they were in the 1960s (Hare and Poole 417). The electorate reflects this political entrenchment as well. Lewandowsky et al. review several studies related to the rise of misinformation and the post truth phenomenon, finding that people will continue to rely on false information even after they have received correct information (known as the continued-influence effect) (355), that a person may become even more entrenched in false beliefs when the correct information challenges their world views (355), and that voters on the right are unlikely to shift their beliefs even after a statement has been shown to be false (354). The intense polarization of the two main political parties in the U.S. coupled with the increase in extremist views that cannot be challenged with facts or reason leaves many states (and the U.S. as a whole) vulnerable to legislation that either rolls back protections of

vulnerable groups or that blatantly discriminates against them. This is pertinent for any marginalized group in the United States, but per the focus of this project, it has obvious implications for the safety of women and victims of sexual violence. Beyond the political implications, post-truth narratives create a barrier for understanding complex narratives as individuals seem to be less willing to see the world from another's point of view and more willing to rely on their own "common sense" understanding of the world.

Lorena Bobbitt's case has helped illustrate how the flexible nature of narrative can turn a single story into polar opposite retellings; how interested parties may seize on a narrative, using it to reinforce the status quo; how a narrative can be revisited and/or reframed in order to challenge dominant narratives and the status quo; and how trauma disrupts the ability of both teller and listener to communicate and understand narratives of abuse. Lorena's story reveals a complex set of circumstances that all contributed to the narratives that surround her case: pervasive rape culture that illegitimizes certain kinds of rape; the rise of entertainment news that problematically conflates information and entertainment; the biases and expectations that citizens bring into the courtroom as well as the legal discourses that limit the potential of some narratives; and the often incorrect social assumptions about mental health that hinder complex understanding of trauma-related disorders. These issues are still pertinent to women today. The docuseries *Lorena*, along with other revisitations have reframed her narrative with a complexity that more accurately illustrates important aspects of the case that were initially neglected. The revisitation of the Bobbitt case shows how reframing can illuminate counter-narratives that push against hegemonic thinking. It gives hope to untellable narratives by showing that, though difficult, there may be a way to tell these stories too. However, women today

who come forward with accounts of sexual violence have yet another barrier to believability: the relativity of truth (and of *fact*) that has become prevalent in the Post-Truth Era.

In this conclusion I will detail the post-truth problem, with consideration of what has contributed to it and what scholars find most concerning about this new trend. I will briefly examine the evidence and implications of the Post-Truth Era that we currently occupy, including an examination of recent sexual assault cases and the post-truth framing of these cases. All of this leads to the obvious question--what do we do about it? While many of the problems presented in this dissertation fall outside the purview of rhetoric studies--namely they are perhaps better addressed by experts in the legal, sociological, and psychological fields--a clear line can be traced from all of these problems back to the issue of foundational education which can be addressed by the rhetoric/composition field. To close the chapter, I will discuss the pedagogical implications of the problems presented by this project and provide some discussion of ways to address them in the classroom.

Social Media and the Rise of “Alternative Facts”

Postmodern suspicion of monolithic institutions (and their “facts”) finds a welcome home in the Academy where exploration of counter-narratives, debate, and pushing beyond black and white thinking (the lovely “grey areas”) lies at the heart of critical thinking. No epistemology is beyond critical postmodern examination. Even hard sciences which are generally thought to produce stable evidence about how the world works are rooted in human observation and interpretation, both of which come with

human bias. This understanding is meant to inspire curiosity over blind faith in information, and post-modern thinking has improved scientific methodologies. Revisitation of scientific “fact” has led to the debunking of poor science⁶⁸ and to a more complex understanding of issues that were once thought to be one-dimensional.⁶⁹

However, it’s largely well-educated people who feel most baffled by the growing popularity of “alternative” facts. This may be because it’s an unanticipated usage of postmodernism that shuts down critical thinking and inspires blind belief in certain “truth” narratives that may have completely false origins. Foroughi et al. explain that many factors have likely contributed to the rise of the Post-Truth Era, including the instability created by postmodernist thinking. They note that some scholars have argued that “the spread of postmodernist ideas in the general public has shaken people’s faith in objective facts and created a setting in which terms such as ‘alternative facts’ are legitimated” (Foroughi et al. 137). In other words, the destabilization of hard facts put many people afloat. Without guidance of how to navigate what can be a very scary state of feeling unmoored, many started coming to their own conclusions. Some of these conclusions include “it’s all relative” and “everyone has their own truth” (qtd. in Foroughi et al. 137). Instead of helping people embrace the grey area of complex issues, postmodernism has opened the door to allow people to create their own reality. Once a person puts their foot in the door of absolute relativism, it can be hard to step back out. Lewandowsky et al. observe that post-truth discourse is “self-perpetuating” in that “if it becomes permissible to believe whatever one wants, beliefs become harder to challenge

⁶⁸ The now debunked study on the connection between vaccinations and autism comes to mind here, and is particularly pertinent to our contemporary moment.

⁶⁹ The emergence of more nuanced understanding of sex and gender, for example.

because contrary evidence fails to find traction (or may ironically strengthen previously-held beliefs” (361). As previously mentioned, research has observed that people often double down on false information when their world views are challenged (Lewandowsky et al. 355). In other words, people use absolute relativism to create a worldview that makes them feel comfortable, and any information that challenges that worldview may actually reinforce that position. While this entrenchment happens all along the political spectrum, Lewandowsky et al. note that research has confirmed that this “backfire effect” is more common among those with right-leaning world views (355). This indicates that the issue is, for now, somewhat “contained” and therefore easier to address; however, given that it’s mostly contained to one political leaning, it’s more likely to inspire an “us” versus “them” approach that will only lead to more suspicion and further entrenchment.

The sheer volume of information now available to the average person has contributed to this problem as well. On social media and increasingly in the news, fact and fiction are presented side-by-side, each sometimes masquerading as the other, and it has become more and more difficult to parse out what is credible or even truthful and what is not. Foroughi et al. note that “the boundaries between truth and lies, honesty and dishonesty, fiction and nonfiction have become blurred” (Foroughi et al. 136). As discussed in previous chapters, the line between fiction and nonfiction is already a slippery one, and various forms of media and entertainment have made it even more difficult for people to recognize what they are consuming. With many “based on a true story” or “true crime” forms of entertainment, it may be difficult (even with careful scrutiny) to determine which genre a piece of media falls under. Exacerbating this blurriness is the fact that people have difficulty determining what exactly they are

watching. Research has illustrated that people generally struggle to differentiate between different types of mass media, confusing entertainment, news, and commercials (Tyler 1062). Other research has illustrated that people struggle with information source-monitoring, meaning that even though people may be able to recall information that they encountered, they may struggle to recall the context or even if that information was presented as true or false (Tyler 1063). The overlaps of fiction and nonfiction have created a grey area that, for some, becomes a swallowing pit rather than a place of thoughtful exploration.

There are many aspects of social media that contribute to these negative outcomes. The immense volume of information, for one, easily overwhelms users, especially when, as journalist Michael Hobbes notes, most of the information is formatted to look the same. Hobbes observes that, “Every story on Facebook looks the same, whether it’s from *The New York Times*, InfoWars or your racist neighbor” (n.p.). Hobbes further notes that this uniformity may exacerbate source-monitoring issues, particularly in older adults. Without clear visual cues indicating where the information has originated or even what kind of information it is, credible news reports, satire, advertisements, fake news reports, and personal opinions (maybe even a “hot take” or two) are strung in a line of near-identically formatted posts along an endless news feed. Foroughi et al. observe that, “the sheer amount of information means that many people do not have the time or interest to check their accuracy or provenance” (139).

The default for interacting on most social media platforms is “quick and dirty.” It’s a mindless activity that does something like entertain and something like inform, but doesn’t fully commit to either. Rarely do individuals engage with a post for very long--

the typical interaction with social media is to “scroll” for headlines and interesting snippets that might capture a “like” or perhaps a comment. This kind of interaction has led to the rise of headlines that are meant to hook interest quickly, even if the headline is misleading or wrong. These easy headlines, if they are to accomplish their goal, cannot fully portray the complexity of a story or social problem. Complexity is not easily consumable. As a result, social media has become a platform for “tellable” narratives that have been reduced to their most easily consumable bits. Foroughi et al. summarize that, “The abundance of information has also led to the creation of a culture around the web which intensifies the popularity of brief, vivid and memorable messages, as opposed to more complex and nuanced arguments” (Foroughi et al. 139). Some social media platforms have attempted to curb the tendency to “share” information based on headlines alone. Twitter, for example, will prompt users with a message asking if they want to read an article before sharing it. This message only prompts if the link has not been previously activated by the user. However, this is a relatively new feature and it’s not clear yet what impact it will have on how users interact with the platform.

Some of the blurring between fact and fiction is unintentional, but some of it is strategic. Several scholars have identified the rise of bullshit⁷⁰ in online spaces and so-called bullshit artists who, rather than being innocuous loud-mouths, are actually individuals skilled in weaving narratives that motivate people to various political ends. Foroughi et al. caution that “Such bullshitting can be calculated and carefully crafted--at times aided by advanced and demanding techniques of market research, public opinion

⁷⁰ Lewandowsky et al. define bullshit as: “utterances designed to impress but generated without any concern for the truth” (358-9).

See also Ball, Davis, Faroughi et al, and Hopkin and Rosamond.

polling or psychological testing--but it is delivered in a way that gives the opposite impression” (Foroughi et al. 138). In other words, bullshit artists may present themselves as speaking “honestly” or candidly about a topic when they are actually working from a strategic (sometimes data-driven) platform. They take advantage of circumstances that have left people vulnerable to suggestion and manipulation. The rise of the bullshit artist has aided in the radicalization of thought, particularly political thought on the right. Lewandowsky et al. argue that spreading known misinformation is a strategic political move. They observe that in a post-truth world, “lying is not only accepted, it is rewarded. Falsifying reality is no longer about changing people’s beliefs, it is about asserting power” (361). In 2013, the World Economic Forum identified the spread of misinformation online as a top-ten social problem (Lewandowsky et al. 354), and the state of misinformation has, in the shadow of Trump’s presidency, arguably gotten worse. This growing trend indicates that communication through narratives that appeal to the wishes and desires of the masses, regardless of the veracity of the narrative, is becoming the norm. Like two lawyers pitting their narratives against one another in the courtroom, political opponents are now doing the same. The efficacy of persuasion through narrative manipulation perpetuates this trend because ultimately what matters is not what’s true, but who wins.

The rise of conspiracy theories is one way to illustrate this trend. The popular Pizzagate conspiracy claimed that a group of democrats had been running a child sex trafficking ring out of a pizza parlor in Washington D.C.. Conspiracy theories, at their core, are narratives that often provide a counter-explanation for an event; like other types of sensationalist media, they are often lurid, exciting, and meant to arouse the attention of

the reader. Unlike other kinds of “news,” conspiracy theories provide a sense of having “insider” knowledge. In their narrative form, with the allure of exciting details and in-group participation, they are positioned to be highly persuasive and motivating.

Pizzagate, for example, motivated one man to enter a pizza parlor in D.C. and fire an AR-15 rifle (Kennedy n.p.). Lewandowsky et al. argue that the perpetuation of false information, coupled with the information delivery methods popular on most social platforms, as lead to the “creation of alternative epistemic realities” (359). These alternative realities are taken literally, as seen by the Pizzagate gunman who truly believed he was going to discover enslaved children and become a hero by freeing them. Pizzagate is one example, but there are many that also materially impact the daily lives of American citizens. The rise in hate crimes against Asian Americans in the U.S. due to false information about the origins of Covid-19 (fueled by former president Trump repeatedly calling it the “China Virus”) illustrates the way false information can endanger regular citizens (Lang n.p.)⁷¹. Misconceptions about transgender people and the legislation surrounding bathroom usage has put both transgender and cis women in harm’s way due to over-zealous civil “enforcers” who feel that it is their job to police

⁷¹ According to the *Time Magazine* report, “Since the start of the pandemic last spring, Asian Americans have faced racist violence at a much higher rate than previous years. The NYPD reported that hate crimes motivated by anti-Asian sentiment jumped 1900% in New York City in 2020” (Lang n.p.).

In reference to what may be motivating these crimes, Lang reports that, “Many attribute the 2020 uptick to the xenophobic rhetoric of Biden’s predecessor; former President Trump repeatedly referred to COVID-19 as ‘the China virus’ blaming the country for the pandemic. In doing so, Trump followed in a long American history of using diseases to justify anti-Asian xenophobia, one that dates back to the 19th and 20th centuries and has helped to shape perception of Asian Americans as ‘perpetual foreigners’” (Lang n.p.).

public restrooms.⁷² The “alternate” reality created by these misinformation narratives has far-reaching impacts beyond social media likes, shares, or squabbles.

Conspiracy theories and stories that rouse similar emotional responses are used strategically to create political divide and enforce an “us” versus “them” mentality that’s extremely useful for populist candidates. Rousing these emotions also works to more effectively disseminate false information. Hobbes cites a 2015 peer-reviewed study (see Weeks) that found that:

anger made participants more likely to believe misinformation that reinforced their political views. Anxiety, on the other hand, made them more open to misinformation that went against their existing beliefs. Living through times of societal upheaval — like, say, a pandemic — could be making Americans more vulnerable to false beliefs and making our political system more fragile. (Hobbes n.p.)

The information from these studies indicates the vulnerability that bullshit artists prey on when they strategize their narratives. It also illustrates how emotional turmoil and vulnerability to false information can trap people in a doom spiral that leads to further entrenchment in false belief. Anxiety triggered by economic downturn, political unrest, a pandemic, or even personal circumstances, opens a person to believing information they may have otherwise questioned. Then, because this information is often emotionally charged and meant to arouse anger, excitement, or despair, they get pulled deeper into the

⁷² A 2015 study found that “Almost 60 percent of transgender Americans have avoided using public restrooms for fear of confrontation” (Trotta n.p.).

A 2016 Vox article details several instances of harassment faced by cis-women in women’s bathrooms due to transphobia (see Lopez, 19 May 2016). North Carolina passed House Bill 2 (the “bathroom bill”) in 2015.

rabbit hole and become less likely to emerge. Lewandoswsky et al. note that political discourse increasingly seeks to “provoke visceral responses” including “anger, righteousness, fear, moral indignation” and they do so not only through misinformation, but “overgeneralization,” “sensationalism,” and “ad hominem attacks” (360). Similarly to the way news media moved toward sensationalism and what I call “easily digestible” headlines in order to garner more viewership, political pundits are making similar moves in order to gain political support. Except now it’s not just bias or slant that’s leading to more appealing headlines, it’s also blatant lies.

Truth, Power, and Narrative

Contrary to what’s implied by the now popular term “alternative facts,” some scholars argue that these “facts” are deployed by bullshit artists and political strategists as known falsehoods. They are, in other words, perhaps better described as “alternative narratives.” Just as a fictional narrative may contain no “facts” yet it can still activate a sense of deeper truth, so too can these alternative narratives resonate with truth even if they contain no “true” information. As illustrated by the conspiracy theory discussion, these narratives may inspire actual belief, but I would argue that it’s not this actual belief that carries the most weight. It’s the deeper resonating truth behind these narratives that moves people. It’s the truth that undergirds personal perspective or belief, which is what makes these narratives (and their driving “truth”) so unassailable. For example, child sex trafficking may be a veneer covering real anxieties about what’s seen as the erosion of the nuclear family (and stable “family values” along with it) due to high divorce rates and the emergence of people who are misunderstood as sexually perverse (namely anybody

who identifies as LGBTQ+). Anxieties about the loose sexual morals of divorcées and the “perversions” of the queer community glom onto parents’ most sensationalized fears: child kidnapping and sexual abuse. Some false or exaggerated claims merely serve to protect the falsehood itself from exposure; for example, the conspiracy to “silence” or to “cancel” those who speak “unpopular truths” is flagged as a First Amendment violation, but the concern about being silenced is more about keeping the false information in circulation. Foroughi et al. note that bullshit artists “establish their legitimacy by presenting themselves as ‘strongmen’ who have the courage to speak their mind against invisible forces of censorship and suppression” (138). Any attempt to curb the flow of false information (or even to correct it) is easily labeled as a conspiracy to silence, fueled by American anxiety about First Amendment rights and protections.

There’s immense power that comes from the agency one feels when they create their own reality. Lewandowsky et al. observe that “an obvious hallmark of a post-truth world is that it empowers people to choose their own reality, where facts and objective evidence are trumped by existing beliefs and prejudices” (361). In the midst of so many uncertainties and anxieties, it can feel incredibly meaningful to say, “I believe” and to see/feel that belief willed into existence (as an “alternative reality,” as Lewandowsky argues). However, although these targeted groups may feel like they have agency in controlling the narratives around them, they are, more often than not, merely being pulled by larger (often unseen) political forces. Their indignation and entrenched believe serves somebody else’s agenda, which is perhaps why some scratch their heads at people who vote against their own best interests. It’s because even the truth of their own material reality doesn’t have more pull than truth that grounds the appealing narratives working to

sway their votes. In short, audiences of false information may view the “alternative facts” as merely a different perspective (or even a perspective that reveals a hidden truth), but in reality, they are “a political operation aimed at generating uncertainty in the public’s mind in order to preserve the status quo” (Lewandowsky et al. 360). The “status quo” may or may not be good for these audiences, but it’s not the status quo that’s foregrounded--it’s an alluring narrative that sensationalizes an issue and inspires people to vote (take power) against a tide of rising evil. Dana Cloud observes that, especially in these “post truth” times, “the truth does not necessarily set us free” because “the powerful often control the circulation and authority of what counts as truth” (Cloud 1). Cloud argues that the left’s tendency to hole up in an ivory tower of “truth” righteously supported by facts and data is a useless defense against these compelling narratives. She observes that truth may not stand up like some of us expect it to, especially when truth is de-centered in favor of persuasive narrative:

The Left, armed with science, history, and buckets full of facts, attempts to ‘speak truth to power.’ In other words, we assume that in any controversy, the person who has the truth on their side will eventually win the day. Here’s the uncomfortable part: This assumption is just not true. (Cloud 1)

The research summarized above supports Cloud’s observation and indicates that spouting off facts may only make the problem worse. It may also, unfortunately, increase the divide as many on the left are portrayed by right-wing narratives as snobby “elitists” who think they know everything and who look down on others. The problem, unfortunately, is that in online spaces where people can maintain some level of anonymity, incivility frequently rears its head and people who feel that they are on the correct side of things do

sometimes act like elitists looking down on others for their ignorance. Regardless of which side is more likely to believe in “fake news” or more likely to share incorrect information, the fact is that both sides feel their values threatened by the highly polarized political climate, and both sides are apt to engage in heated exchanges that may devolve in antagonism or even name-calling. In short, online spaces currently bring out some of the worst human qualities, yet these spaces are contributing to larger political narratives about the collective identity and values of whole groups of people.

In response to this growing problem, Cloud offers that “we need to put some power behind our truths” (Cloud 35). For her, that means (in part) embracing the power of narrative. Narrative is form of mediation and, Cloud argues, a way for presenting facts in a way that will resonate with people. She explains that “the necessity of mediation means that we cannot simply put ‘facts’ in front of an audience and expect them to respond in a meaningful political way” (Cloud 2). The implication of this claim, and the post-truth problem more broadly, is that people are unwilling (or unable) to think for themselves and instead generally prefer to have information packaged in a narrative that not only presents information in an interesting and relatable way, but that comes with context and meaning already built in. Though this does bring up the issue of critical thinking (which I will address along with other pedagogical implications in a later section of this chapter), I would argue that the problem is more complex than an unwillingness to process facts.

As discussed in Chapter 2, narratives are highly persuasive forms of communication, and there’s really no way to separate human understanding and experience from the creation and usage of narrative. Foroughi et al. make a similar

observation that “people have always invented myths and stories to bring meaning into their lives and so too have leaders who use narratives and rhetoric to stir the emotions of their audiences” (136). What’s more at stake here is the issue of various leaders (political and otherwise) exploiting the narrative form to gain power in society. Of course, one could argue that leaders have always done this to some degree, but our access to information and the speed at which we can share that information is unprecedented. This means that the problem in its current form is unprecedented. Returning to Cloud’s argument, what’s important for now is her assertion that the power of narrative cannot be underestimated, and people on the left need to start utilizing this tool. While Lewandowsky et al. do not make quite the same argument as Cloud, they do provide an illustrative example that fits with her argument: In discussing research on how juries deliberate they explain that:

even though mock jurors demonstrably rely on tainted evidence that they are admonished to disregard when determining a verdict, this reliance on tainted evidence disappears when jurors are made suspicious of the motives underlying the dissemination of that tainted evidence. (355)

Recall from Chapter 3 the research illustrating juries’ complicated relationship to evidence. Sometimes, paradoxically, juries will actually pay *more* attention to evidence that they have been instructed to ignore. In other words, merely being told that evidence is “bad” (false, irrelevant, outside the scope of the trial etc.) is not necessarily enough to deter their focus on what they’ve already seen. However, what Lewandowsky’s example indicates is that when the tainted evidence is put in the context of a narrative, here in particular one that shows an ulterior motive for pushing tainted evidence, then juries

respond with less trust of the evidence. In other words, juries may continue to mentally reference tainted evidence unless a compelling reason--often presented in narrative form--convinces them otherwise. Anybody still scratching their head over the O.J. Simpson verdict should consider that his defense team posited that evidence was mismanaged by LAPD officers who had shown strong racial bias. This defense was bolstered by lingering racial tension in L.A. following the Rodney King riots that had occurred a few years prior (Pak n.p.).

As illustrated by the discussion in Chapter 1, humans are extremely narrative-centered. We rely on narratives to better understand our own experiences and the experiences of others, and we desire to consume information in narrative form, relying on it to guide, explain, and entertain. Cloud summarizes that, "Narratives are compelling because of their capacity to invite others to identify with characters in the story, despise villains, get caught up in the drama, and end up sharing the narrative's conclusions about shared values and knowledge" (Cloud 43). In other words, narratives make us feel connected. As Shuman discusses, tellability largely boils down to recognizable patterns and themes. Although the constraints of tellability can leave people feeling alienated or misunderstood, tellability ultimately illustrates human desire to establish common ground. Narratives facilitate this connection, which is what make them so powerful. That means, of course, that the power of narrative stems from the connection it forges, not the "facts" that it conveys.

Narrative effectiveness can be seen clearly in post-truth trends. Foroughi et al. observe that, "the blatant transgressions of bullshit artists from factual truth do not seem to harm their popularity which rests on the effectiveness of their storytelling" (138). A

story does not need to be true to be affecting. While we've readily accepted this truth about the fictional stories that move us, we are (in an unprecedented way) coming to realize that this may also be true of the stories that we tell about ourselves. Foroughi et al. note that "bullshit artists" have no problem taking "poetic license" when telling their stories because effectiveness, not truth, is the priority (138). In line with what the research has suggested, Cloud observes that the effectiveness of these stories largely depends on the vulnerability of those consuming the narratives. In times of uncertainty and heightened anxiety, people are more willing to latch on to narratives that acknowledge their suffering and make them feel less alone. A laundry list of statistics will not do that for them. Cloud cautions that "obsession with facts ignores how economic hardship and anxiety generate popular desire for narratives explaining social crisis at the levels of values and action, refusing to generate compelling narratives in response" (Cloud 53). These kinds of narratives often rely on the trope of good versus evil (often narrated as "us" versus "them"). The good versus evil trope makes the narrative simplistic--there's no shared responsibility for social problems, only a single scapegoat. Further, the audiences addressed are typically cast as "good guys" fighting for freedom or for the safety of their families. This is a role that most readers are more than happy to assume.

At the helm of these narratives is often a fearless political leader who's willing to speak the "truth," which always happens to be straight-forward and easy to understand. Foroughi et al. describe a leader who "can be relied upon to defeat foes and cut through complexities of social and political life with the aplomb of Alexander the Great cutting the Gordian knot" (146). As discussed in previous chapters, the simplicity of a narrative

can make it more believable because audiences don't need to do a lot of their own critical thinking in order to understand it. On its face, it makes sense and often times that's enough. Of course, no social problems are this simple, but that's what makes this use of narrative so effective and so nefarious. It promises that life is much simpler than it is, and that promise of simplicity is highly appealing regardless of how true it is.

To combat these kinds of narratives, Cloud suggests that we stop "fact checking" and start "frame checking" (9). Cloud uses Jim Kuypers to define how "frames" function in the context of her argument. Kuypers explains that frames "induce us to filter our perceptions of the world in particular ways, essentially making some aspects of our multi-dimensional reality more noticeable than other aspects. They operate by making some information more salient than other information" (qtd. in Cloud 61). For Cloud, frames are all about mediation of information. How a frame shifts around a narrative changes how the audience is invited to understand the information contained within the narrative. Cloud argues that "Frames mediate our perception and evaluation of reality" (61). As discussed in Chapter 1, the framing of a narrative is incredibly important in terms of how it's received and how readers ultimately make sense of it. As discussed in Chapter 2, it can be difficult to shake the original frame of a story, as we tend to use framing as a reference point by which we locate meaning in the narrative. Cloud notes that "When there are competing frames, there is a struggle for control over the shaping of experience" (62). This of course has been illustrated well by Lorena Bobbitt's story, and it took many revisitations and more than two decades of social change to retell her story within a frame that encompassed her full experience, not just John's. Lewandowsky et al. also acknowledge the power of frames, observing that, "There is much research that suggests

that the framing of information is crucial to the way in which it is disseminated or discussed” (356). Cloud argues that post-truth narratives can be effectively countered with truth-based narratives that shift the frame of reference for audiences and illustrate a bigger picture. As she puts it, “It’s not about what’s in the box, but who gets to decide its boundaries and shape” (Cloud 9).

Sexual Assault Allegations in a Post-Truth World

Much of the post-truth discussion focuses on political power, but as previously discussed, post-truth narratives are also about individuals creating their own realities. Given the civic-duty based structure of the American political and judicial system, these individual realities have political implications, even if they are not directly political. Further, many issues that seem personal are in fact very political (as the feminists have been saying for decades). Sexual assault is one such issue. Legal definitions of consent and rape not only influences social understanding of rape, but they demarcate what counts as “legitimate” rape.

As discussed in Chapter 1, by 1993 every state had a marital rape law in place, but many of these laws have been ineffective at protecting women because they contained many exceptions and limiting conditions. A recent case in Minnesota lead lawmakers to discover a martial rape exception that made it legal for a husband to rape his wife as long as they were still legally married and not separated. The exception was challenged by a woman named Jenny Teeson who had discovered videos of her husband sexually assaulting her while she was unconscious (Biersbach n.p.). Teeson later discovered that he had secretly drugged her in order to take the videos. Yet, according Minnesota law at

the time, he had not committed a crime. Teeson challenged the law, and in 2018 Governor Waltz signed a new law into place (Biersbach n.p.). Minnesota is not the only state that has recently grappled with its marital rape exceptions. In 2015, lawmakers in Utah debated if being unconscious counted as “non-consent” particularly in the case of marital rape. Because the law states that victims may file rape charges when “the victim has not consented” some believe that a firm “no” is required to indicate lack of consent, even if the victim is unconscious (Knox and Walsh n.p.). During debates about the law, legislators asked if marriage could count as a mitigating circumstance, if “all instances” of intercourse where one partner is unconscious counts as rape, and if there’s “implied consent” due to a couple being married (Knox and Walsh n.p.). It’s difficult to imagine a serious debate about whether or not an unconscious person can consent to sex, let alone a debate from only 6 years ago, and yet this is contemporary American law. Some states still have loopholes. In spite of a push from state democrats, Ohio and Maryland failed to close their loopholes in 2019 (Smyth) and South Carolina still has some of the strictest marital rape exceptions, requiring use of a deadly weapon and imposing a tight 30-day statute of limitations (Stanley n.p.). If convicted of marital rape in South Carolina, the maximum sentence is 10 years, compared to 30 years for non-marital rape convictions (Stanley n.p.). In a similar vein, Alabama didn’t revoke rapists’ custody rights until 2019, even in cases of proven incest (Wax-Thibodeaux n.p.).

Certain prevailing cultural narratives support this antiquated legislation. In spite of the many gains women have made in terms of social equality, it’s still assumed that some of all of their autonomy is given away when they marry. Prevailing social narratives regarding the sanctity of parental rights had forced women to co-parent with

their rapists. Looking at it another way, a man's right to his children was seen as more important than a woman's right to protection and safety. Society's tendency to value men's needs over women's contributes to this social narrative, but so too does the invisibility of rape as a crime, particularly when it happens in the context of marriage. What this current legislation illustrates is that social narratives about rape, fueled by rape myths, are alive and well today. When codified in legislation, these myths reinforce social narratives about what "counts" as rape, what consent means, and what kinds of actions are socially acceptable or not acceptable. For example, the laws in South Carolina make it clear that a husband raping his wife is not as bad (punishable) as a man raping a non-spouse. This legal arrangement conveys that women lose some of their rights when they get married, which also reinforces the narrative that women enter a marriage as an extension of their husbands, as a portion of his estate rather than as autonomous subjects.

Even men from younger generations perpetuate antiquated beliefs about women's "place" in society, expectations of women, and the view that women should primarily concern themselves with serving and pleasing their husbands⁷³. The Harvey Weinstein case brought many of these prevailing myths and narratives into plain view as well. During his trial, Weinstein's defense lawyer Donna Rotunno commented that "If you don't want to be a victim, don't go to the hotel room" (qtd. in Hagerty n.p.). What's striking about Rotunno's comment is that she acknowledges that what happened in the hotel room was not consensual because it turned a woman into a "victim." It's blatant

⁷³ For example: the male "activist" group called "No Hymen, No Diamond" promotes virginity for women; the recent viral video of a pastor in Missouri who, while pointing to an open bible as if reading from scripture, instructed female congregation members to stay thin and attractive for their husbands so husbands won't stray; recent comments from Proud Boys members telling women to stop "riding their coat tails" and that if women want to support the movement: "Get married, have babies, and take care of your family."

victim-blaming, and in this case, without even attempting to obscure that a woman was victimized. Like the Lorena Bobbitt case, the Weinstein trial presented juries with the familiar complication of women remaining in contact or even attempting to maintain a positive relationship with their attackers. Many still view a continued relationship as an indication that the alleged assault wasn't as severe as the women claim (i.e., it was perhaps exaggerated due to women's natural state of being overly-emotional and reactionary). Yet, it's a pattern that emerges over and over again, indicating that there are other, more complicated, reasons why women maintain relationships with their assailants. In Lorena's case, her continued contact stemmed from a desire to make her marriage work. A desire for love and emotional security keeps many domestic violence survivors like Lorena in abusive relationships. For women in situations where they are harassed or attacked at work, especially when the violation is perpetrated by a superior, the reasons for maintaining an ostensibly positive relationship tend to have less to do with love and attachment and more to do with fear of retaliation. In other words, women remain silence in order to protect their careers or to maintain job security.

As Anita Hill made very clear in her testimony about her relationship with Clarence Thomas in 1991--he was her superior and in a position to make or break her career. Similarly, in 2020 Weinstein's accusers pointed out that he had the power to bury them if they didn't play nice, and as his case has now illustrated, he did tank or attempt to tank the careers of several women who didn't play nice. Commenting on the case, Jane Manning a former sex-crimes prosecutor observes that "It is still surprising to many jurors that a woman could continue in a personal or professional relationship after a rape. And the victim is sort of trapped" (qtd. in Hagerty n.p.). She adds that to those familiar

with the patterns of domestic abuse and sexual assault, “it’s a familiar story” (qtd. in Hagerty n.p.). However, those patterns are not familiar to most people, and commentary supporting these public figures have the power to shape public opinion about sexual violence.

Perhaps more so than any other individual case in the last several years, the sexual assault allegations against former president Donald Trump shaped narratives of sexual assault denial on a grand scale. When Trump was running for president, Michael Cohen addressed the allegations of spousal rape, commenting, “You're talking about Donald Trump, you're talking about the front-runner for the GOP, presidential candidate, as well as private individual, who never raped anybody and of course understand that by the very definition you can't rape your spouse,” (qtd. in Mak n.p.). Cohen relies on the authority fallacy, which in this case relies on the assumption that well-known is synonymous with “upstanding” and that a person who would run for public office would never taint their reputation by committing a crime. This is an assumption that the facts illustrate to be untrue time and again, but the appeal to authority is often an effective tactic. Cohen also falsely claims that a person can’t rape their spouse, which, although untrue, is a statement effectively supported by the law in many states. Out-dated or false beliefs about sexual assault continue to circulate in social discourse, public commentary, and courtrooms. These beliefs prevail because they are tied to world views that maintain the status quo (i.e., the powerful in society who benefit from these myths have good reason to keep them circulating). They are also embraced by many women because victim-blaming gives the illusion of control. If the victim did something to invite harm, then a more prudent person can evade harm by making better choices. In that sense, these myths provide a

false sense of safety, and individuals, regardless of whether or not they directly benefit from these myths, perpetuate them out of a sense of self-preservation.

The push in many states to close marital rape loop holes stemmed from the #MeToo movement which gained public attention in 2017. The term was coined more than a decade before by Tarana Burke as a way for sexual assault survivors to establish solidarity with one another. After several women came forward to accuse Harvey Weinstein of sexual misconduct and assault, the hashtag #MeToo went viral online as survivors shared their own stories of assault and survival. The #MeToo movement resulted in a wave of narratives about rape and sexual assault that pushed against prevailing rape myths and incorrect social assumptions. In an attempt to dispel the myth that women “invite” sexual assault by wearing provocative clothing, women shared what they were wearing at the time of their assault. To illustrate that most women are not victims of “stranger rape,” many women shared the relationship that they had to their attackers. To show the magnitude of the problem, women shared that they had survived repeated or continued attacks or that they had many friends and family members who were also survivors. These counter-narratives accomplished what Burke had hoped they would--they created a sense of solidarity among survivors and helped them find both comfort and power in their numbers. The hashtag has been used millions of times and has become a cultural phenomenon that has empowered women to out powerful men who abused them. For many women, the volume of this response helped them feel less alone in their experiences. For (some) men, this response illustrated the magnitude of a problem that they may have assumed to be antiquated.

However, the hashtag and the ensuing social fallout has inspired new social narratives accusing #MeToo of being reactionary “cancel culture” that has unfairly taken down beloved cultural icons like actor Kevin Spacey, Senator Al Franken, and comedian Louis C.K. Commentators use the hashtag to lament the arrival of a new era in which men can’t even flirt with a woman without being “#MeToo’d” which is to say “canceled” from cultural relevance. In 2018 Matt Walsh of *The Daily Wire* (a conservative “news” outlet) wrote an opinion piece calling for the end of #MeToo. He argues that #MeToo obscures that fact that women lie and that these stories prevent sexual assault cases from being viewed objectively. As the previous chapters have illustrated, none of the research supports this argument; in fact, the opposite is true--women typically under-report sexual assault and less than 1% of rapes lead to felony convictions (Van Dam n.p.). Even so, Walsh further asserts that #MeToo constitutes “mass hysteria” which, as discussed in the Chapter 4, is a common allegation used against women in order to silence them or to get them to change their behavior. He argues that “the hysterical mob demands your unthinking participation...You must jump on the Bandwagon of Outrage or be trampled underneath it” (Walsh n.p.). He argues that #MeToo is about “vengeance” which plays on the fear that women use sexual assault allegations vindictively against partners when they feel scorned (as discussed in Chapter 1). This narrative about women’s motivations relies on the assumption that women are emotionally unstable and likely to overreact when upset. Opinion pieces and other slanted media framed as “news” published by organizations like *The Daily Wire* contribute to the misinformation slurry, and like other post truth pieces, they rely on narrative over facts. It does not matter that Walsh doesn’t provide data to support any of his main points--his argument is supported by larger

cultural narratives that will resonate with uncritical or sympathetic readers. Further, he relies on ad hominem attacks, the slippery slope, and appeals to tradition to make his points seem supported.

A call back to the “good old days” and/or appeal to the importance of tradition is a common narrative track for post-truth narratives (Faroughi et al. 145). When it comes to discourses about rape (which now often invoke the #MeToo movement), it’s frequently lamented that nobody can take a joke anymore and that everything has to be serious all the time. People used to be able to have fun together, engaging in harmless flirting or laughing together over slightly off-color jokes, but the feminists have sucked all the joy out of the room. Now, everything constitutes some form of sexual assault. Yet, as many survivors of sexual assault and harassment can attest, the accusation that they “can’t take a joke” is a form of gas lighting meant to make the victim question the validity of their experiences. One #MeToo participant shared that she was “socially ostracized because [she] ‘couldn’t take a joke’” (qtd. in Schmidt n.p.). Faroughi et al. note that along with conspiracy theorist narratives, nostalgic narratives “thrive in times of rapid change, uncertainty, and confusion” (144-5). Rather than grapple with the messy complications of modern social problems, it’s easier to harken back to a “‘golden age’ of stability, order and comfortable prosperity” (145). Of course, this looking back is always with rose-colored glasses, as many attempted to point out when Donald Trump began his presidential campaign with the slogan “Make America Great Again.” Though it’s unclear when exactly this “Golden Age” of greatness existed, that exactness is irrelevant in the face of the potential this narrative carries for its audiences. There’s comfort in clinging to tradition in the face of uncertainty. As Faroughi et al. note, “when faith in a better future

wanes people are liable to experience nostalgia” (145). This type of narrative tends to gloss over the realities of the past in favor of the imagined perfections. These post-truth tendencies, along with the others discussed in this section, influence the way narratives of sexual violence are framed and understood by a divided public.

Contemporary Case Studies

As discussed in Chapter 2, the media took hold of the Bobbitt narrative and wove stories that would garner the most viewership. Neither Lorena nor John was positioned to tell their own stories in a way that cast them in a sympathetic light, and John had even less advantage because, based on the patterns of abuse that continued in his relationships after Lorena, he was very likely lying. In short, while Lorena was at a narrative disadvantage, John had neither truth nor narrative to support his claims. However, John’s “side” of the story was bolstered almost entirely by social discourses about abuse, media spin, and a general desire to consume and be entertained by his unique plight. Today, it seems that the general population has embraced the power of narrative and have learned how to use it to their advantage. The rise of social media may explain this shift. Social media demands a curated presentation of self, which includes photographs, shared items, and the stories that we tell about our lives. Through social media, people are able to share more about themselves than ever before and to a much larger audience. When meeting up with an old friend, active social media users may not need to do as much “catching up” because it’s likely that the important life news has already been shared online. However, trusted friends may see different versions of the narratives that appear online. These “offline” narratives often include more nuance and personal detail, indicating that many

people do have a sense of how to shape narratives for online sharing versus narratives they may tell in the confidence of a close friend. This also indicates that narrative frames shift to serve various functions, and in many ways our online personas teach us how to do this. For public figures, PR has gotten more complicated because it now includes these various forms of online self-representation as well as attempts to manage outside representation from media outlets. Social media becomes a soapbox from which an individual can dictate an ongoing autobiography for the public, and these self-representations are often seen as “unmediated” because they stem from the individual themselves and not a “biased” media source.

However, narrative is a form of mediation but, as discussed in Chapter 1, that mediation is often rendered as invisible. Dominant narratives that play on prevalent social narratives and “common sense” are better positioned to be seen as the sole version of the story. This has important implications for narratives of sexual assault in the Post-Truth Era. A conscious divorce from facts means that defensive narratives, like those that emerge in response to an accusation, have all the unmoored freedom of fiction with none of the responsibilities of nonfiction. The concern becomes: who can tell the better story, or, the more tellable story. When rape culture, rape myths, and a general hesitancy to empathize with victims pervades social discourse, the deck becomes stacked in favor of the defensive narrative. Narrative becomes a weapon that can be used against accusers.

Dan Crenshaw

The recent VA scandal involving Republican representative Dan Crenshaw and former Secretary of Veteran Affairs Robert Wilkie illustrates such weaponization. After a

female veteran named Andrea Goldstein made a complaint to the VA that she was sexually assaulted while waiting to be seen at the Washington DC VA Medical center, then-Secretary of the VA Robert Wilkie allegedly collaborated with Rep. Dan Crenshaw to collect and disseminate information about Goldstein which would damage her credibility. An investigation that lasted for more than a year, followed by a 68-page special report revealed evidence that Wilkie had garnered information from Crenshaw who had served in the same command as Goldstein while in the Navy (United States, Department of Veteran Affairs 10). Shortly after speaking with Crenshaw at a fundraiser, Wilkie sent a colleague an email that stated, “Ask me in the morning what Congressman Crenshaw said about the Takano staffer whose glamor shot was in the New York Times” (ibid. 24). The “staffer” referenced is Goldstein who had recently gone public with her allegations (see Steinhauer 2019). Senior advisors within the VA corroborated that Wilkie had gotten information about Goldstein from somebody at a fundraiser, and others reported that VA officials referred to Goldstein as a “serial complainer” in meetings (United States, Department of Veteran Affairs 21). Other officials also corroborated that Wilkie had received information from Crenshaw that Goldstein had “previously filed frivolous complaints while the two were on active duty together” (ibid. 10). Further, VA officials reported that Wilkie had, on at least three occasions, attempted to distribute information about Goldstein to the media that, he believed, would tarnish her allegations (ibid. 28).

In spite of these findings, Wilkie denied that he had conspired to slander Goldstein’s character and Crenshaw denied any involvement whatsoever. Rather than address the facts presented by the VA investigation, both Wilkie and Crenshaw stood

behind narratives that exonerated them from blame and/or positioned them as the supposed victims. Crenshaw's communication director stated that, "This is a completely fabricated narrative that has no truth to it. Rep. Crenshaw never participated in a 'smear campaign,' as he has said repeatedly. ...Any claim to the contrary is a slanderous political attack and nothing more" (Jamali and Touchberry, Dec. 16, 2020). Although there's no mention of why the VA would be motivated to attack Crenshaw's character, this narrative unironically positions Crenshaw (rather than Goldstein) as the victim of a smear campaign. It's a rhetorically fascinating move to create a narrative that is not grounded by facts in order to presume that the narrative's subject is being attacked by a narrative not grounded by facts. I can't help but picture the popular meme of two identical Spider Men pointing at one another--which one is the real Spider Man and which is the imposter? This is the kind of confusion that post-truth narratives seek to create. Crenshaw doesn't have to engage with the facts of the case in order to create a narrative that frames him as the victim and removes him from responsibility.

On Dec 16, 2020, Crenshaw took to Twitter himself to share his "side" of the narrative. In a string of tweets, he expressed having the utmost respect for fellow veterans, especially female veterans (*ibid.*). He further claimed that he would never assume that a female veteran's complaints were unfounded, especially without evidence (*ibid.*). In an attempt to redirect the focus, he then claimed that the report was the part of partisan effort to tarnish his reputation. He wrote, "I will not stand by and have my good name and reputation tarnished by this partisan hack job" (*ibid.*). Like his communication director, Crenshaw invokes the use of "narratives" to slander his name. He tweeted, "This is partisan garbage, and typical of the left's reliance on narrative-building over facts"

(ibid.). Crenshaw's response to the publicity about his involvement with the Goldstein case adhere well to the patterns of post-truth narratives that scholars have identified. First, there's no evidence that Crenshaw is the victim of a smear campaign in this scenario, yet he frames himself as the subject of an attack. This framing shifts the focus away from Goldstein's victimization and onto Crenshaw. By flipping the script, Crenshaw positions himself to be a sympathetic character who has been unfairly wronged. Second, Crenshaw turns it into a partisan issue, which reinforces the "us" versus "them" mentality. In an already polarized political climate, this is an effective strategy because sympathetic audiences are already primed to believe that the "left" is out to get them. Crenshaw's invocation of his "good name" is likely a reference both to his position as a state representative and as a veteran. Like other bullshit artists and demagogues, he relies on the same fallacy of authority invoked by Cohen when he denied Donald Trump's sexual assault allegations. Lastly, and most importantly, he turns the table on the use of "narrative" implying that it's been weaponized by the "left" in order to skirt the facts in favor of smear campaigns like the one allegedly launched against him. However, as previously covered, the research supports the opposite conclusion: it's the right that has increasingly rejected facts, becoming more entrenched in incorrect world views and grown increasingly suspicious of science (Lewandowsky et al. 358). While there is no "smoking gun" in this case, and Crenshaw's refusal to cooperate with the VA investigation has hindered their ability to draw final conclusions regarding Goldstein's case, Crenshaw's response is none-the-less deeply problematic in its use of reframing, fallacies, and partial truths to create a narrative that diverts attention from Goldstein's accusation and subtly discredits her experiences of being undermined by the VA.

This is not just another example of a woman's complaints not being taken seriously, but a problematic wielding of narrative in order to protect powerful men from facing the consequences of their actions. This example illustrates how the Post-Truth Era has made space for narratives that disregard any responsibility to facts and rely solely on the protective potential that a narrative may provide. Unfortunately, when it comes to sexual misconduct, most of the concern about "false" narratives still focuses on women making false accusations of sexual assault. The fact that very few women make false reports of sexual assault doesn't seem to redirect concerns about the circulation of false narratives. Instead, women's false accusations remain a dominant concern while narratives that clearly have no factual groundwork, like those presented by Crenshaw and his social media team, circulate relatively unchallenged.⁷⁴

Sympathetic Narratives for Rapists

Narratives that spring up in opposition to an accusation, when framed well, can garner sympathy for perpetrators of sexual violence as if they too have been victimized somehow. While violence certainly does negatively impact perpetrators as well as victims, these narratives are often used with the intention of evading negative publicity and/or to receive leniency in their sentencing. These narratives have been common in courtrooms, as seen in the Bobbitt trials where John was portrayed as an all-American Marine veteran who was actually the victim of his wife's violent outbursts. However, again, with the rise of self-representation online and the speed at which information can now spread, many have used these new channels of communication to weave sympathetic

⁷⁴ On a positive note, several veteran's groups called for Wilkie to be fired in light of the VA's findings. Biden replaced Wilkie with Denis McDonough in February 2021.

narratives that move quickly through social media channels. Although these narratives are not universally accepted and often receive blow-back from public commentators, they exist as a form of “fair representation” that convinces people of the importance of considering “both sides” of an issue. This appeal to fairness is a trick of narrative framing that, rather than seeking fairness, seeks to shift the focus from the victim to the perpetrator. Cloud reminds that narrative frames shape our perception of reality. In that sense, narratives that focus on perpetrators instead of victims give the impression that perpetrators are special and deserving of extensive media coverage. In some ways, this focus glorifies criminal acts while pushing victims completely out of the frame.

These sympathetic narrative frames can also stem from real affection for the perpetrator, especially when they are a beloved public figure. Or a powerful one. Philosopher Kate Manne describes these narratives as a form of “himpathy” which she defines as, “the inappropriate and disproportionate sympathy powerful men often enjoy in cases of sexual assault, intimate partner violence, homicide and other misogynistic behavior” (n.p.). Manne addressed the problem of “himpathy” in light of Brett Kavanaugh’s appointment hearings, arguing that the hearings put “society’s tendency to sympathize with powerful men” on full display (n.p.). Manne argues that the more powerful the man, the more likely he is to garner himpathy. As seen with Trump and Crenshaw who both drew on their own positions of authority to garner sympathy, Manne points out that others are also likely to support powerful men and frame them in a sympathetic light, even in the face of serious allegations. This reframing shifts the focus “excessively on the perpetrator’s perspective, on the potential pain driving him or on the loss of his bright future” (Manne n.p.). Instead of focusing on what these perpetrators

have taken away from their victims, the frame shifts to instead consider the how the consequences of the perpetrator's actions will impact their own lives. In the case of sexual assault on college campuses, it's common for commentators to blame alcohol as the primary culprit that has ruined "two lives."

Rapist Brock Turner, also known as the Stanford Swimmer, received this kind of himpathy due to his position as a star athlete at an elite college. His conviction "cost" him his bright future. Turner was caught in the act of raping an unconscious woman outside a frat party. The two witnesses who happened upon the scene quickly realized that the woman was unconscious and that her genitals were completely exposed (Miller Mar. 31, 2016). When the witnesses called out to ask what was going on, Turner attempted to flee the scene (ibid.). The two witnesses restrained him until police arrived (ibid.). Given the abundance of physical evidence and the fact that Turner was caught in the act by two witnesses, Turner was convicted on three felony counts (ibid.). However, many mainstream media outlets focused on Turner's accomplishments alongside coverage of his crime, and others continued to refer to him as the Stanford Swimmer rather than as a convicted rapist.⁷⁵

One Washington Post article written by Michael Miller in particular makes several rhetorically questionable choices in its coverage the Turner case, in spite of the fact that the article came out after his conviction. The article circles back several times to Turner's swimming career and his outstanding talent, noting that "He was an All-American swimmer in high school in Ohio, so good that he tried out for the U.S. Olympic

⁷⁵ See LaChance for examples from various news outlets including *Time*, *USA Today*, MSNBC, and CNN that eschewed the "rapist" label in favor of some version of "Stanford Swimmer" or "former Stanford Swimmer."

team before he could vote” (Miller Mar. 31, 2016). But then, “Suddenly he was accused of rape” (ibid.). Miller’s abrupt transition from Turner’s accomplishments to a passive “suddenly” highlights Turner’s potential while removing his involvement from the crime he committed. Given the article’s timing, it’s surprising that Miller chooses “accused of rape” rather than “convicted of rape,” but it’s a move that casts doubt on the rape claim even after it has been officially validated. Miller also includes comments and opinions from others who “argued that the jury was harsh on Turner and treated an ambiguous and alcohol-fueled moment with black-and-white certainty” (ibid.). It’s somewhat surprising to see commentary questioning the “black-and-white” nature of the crime when Turner was caught in the act. The typically private nature of sexual assault is what makes those cases seem to lack certainty, but that is not the case here. This fact, however, disappears behind the more dominant frame of young people making mistakes due to poor choices with alcohol and the tragedy of those mistakes truncating a promising future. The future in question here, of course, is Turner’s and not his victim’s. Miller quotes one commentator who laments, “This was not a clear-cut case, and I hope the jury got it right. ...Of course Turner made some terrible mistakes, but I will always wonder if consent happened or not” (qtd. in Miller Mar. 31, 2016).

Like the conversations about marital rape that supposed consent could happen even if a person were unconscious, these comments are similarly baffling. However, if they were presented within a framework that focused on the victim’s life and experiences rather than Turner’s, they would be more easily viewed as such. Since they are presented in a story that focuses on Turner’s experiences and the way the case has damaged his life

and his future, they don't stand out as problematic or out of place. They fit the narrative frame very well, and they support a perception of sympathy for Turner.

Another issue with the "both sides" representation is how it shapes perceptions of public opinion. By including this kind of sympathetic commentary, Miller gives readers the impression that these views have equal weight to other views on the case.

Lewandowsky et al. observe that one issue with post-truth narratives is the inaccurate perception of agreement. They note that one study found that the percentage of climate change deniers is about 5-7%, yet those individuals believe that their opinion is shared by as much as 50% of the general population (361). The "both sides" reporting that presents minority opinion as though it has "equal weight" contributes to this belief and fuels an incorrect sense of scale in terms of public opinion. In 1999 Gerald Hauser expressed concern about the slant created by public opinion polls and media representation of that data. In *Vernacular Voices*, Hauser argues that "The public portrayed by the media...is an abstract representation whose needs, thoughts, and responses are extrapolated from survey data" (5). He further worries that special interest groups which represent a very small portion of the population can suddenly seem to speak for a much larger group (3). Of these skewed representations, he worries that, "Taken at face value they can be deceiving; weighed alone they offer a limited and sometimes superficial understanding of publics and what they believe" (4). The inclusion of a minority opinion in a major (and mostly trusted) news outlet like *The Washington Post* can have this effect on audiences.

Turner's position as a star athlete at an Ivy League school, coupled with his blond hair and blue eyes, invited waves of "himpathy." His youth provided the perfect excuse for his mistake because everybody does stupid things when they are young and it's not

fair that a youthful mistake should ruin all prospects for the future. Those who made excuses for Kavanaugh's "boyhood" behavior made similar arguments that excused his behavior, even though Christine Blasey Ford's testimony made clear that she still suffered emotional and psychological consequences from his assault which had occurred more than 35 years earlier. As discussed in Chapter 3, neither the social nor legal systems in the United States evenly apply this kind of logic. While some young people are given excuses for their boyhood behavior, others are put in jail for years without any consideration for how that might foreclose on their future.⁷⁶

The trials of Bill Cosby and Harvey Weinstein, both convicted on sexual assault charges, also invited "himpathy" not only because many struggled to see the downfall of these once powerful men, but because their age and aging bodies inspired sympathy. As with the coverage of Brock Turner's case, much of Bill Cosby's coverage included a recap of his many accomplishments. A 2018 *LA Times* article wove both his accusations and accomplishments into one 50-year timeline ("Timeline"). This story was posted shortly after Cosby was convicted and sentenced to 10 years in prison for repeated offenses of sexual assault. A nostalgic recap of Cosby's accomplishments isn't an appropriate response, even for the Arts & Entertainment section of a paper because the entertainment factor should not overshadow the damage that his crimes did to his many victims. Yet, because he's a beloved figure and a powerful man, there's a desire to at least acknowledge his accomplishments even in the face of a disgraceful conviction. For some, the fact that he looked old and haggard in his mug shots made people feel that he

⁷⁶ For example, Kalief Browder was imprisoned at Rikers Island for 3 years while awaiting trial for allegedly stealing a backpack; he was held in solitary confinement for 2 of those 3 years. He ultimately committed suicide (Schwartz and Winerip n.p.).

deserved additional sympathy. In her tongue-in-cheek coverage of Twitter's viral response to Cosby's mug shots, Catherine Armetin writes "'Bill Cosby Trending After New Mugshot Made Twitter Feel Sad'" (n.p.). Similarly, some media coverage focused on Harvey Weinstein's physical appearance in their coverage of his trial. Barbara Hagerty, reporting for *The Atlantic*, writes that Weinstein looks "frail, aged" and "sometimes hobbling on a walker" (n.p.). Though Hagerty's coverage is mostly sympathetic to his victims and not Weinstein, the inclusion of these details tug at audience sympathy. Indeed, it's difficult to picture these frail older men limping off to prison. When that image is foregrounded, while the details of the pain and suffering that they caused are barely covered, it's easy to see how slanted our views on perpetrators and victims are.

These examples illustrate how sympathetic framing of perpetrators diminishes and sometimes even erases victim's voices and accounts. It also skews audience perceptions of what's important in these cases by glorifying the crime rather than supporting the victims of that crime. Though these examples discuss powerful men, it's important to note that men still have more power and more clout in society and are much more likely to be excused for their actions against women. The Bobbitt case showcased this well. Although John wasn't a particularly powerful man, he was seen (and described in media coverage) as "All-American" with his good looks, tight physique, and Marine background. In general, women's voices are still largely discredited, discounted, or ignored. These narratives of "himpathy" further isolate and alienate women's accounts of sexual violence.

Christine Blasey Ford

The case of Christine Blasey Ford provides an interesting complication to the discussion of post-truth narratives because in spite of the fact that she was widely believed, that belief did not result in any material change. In light of Brett Kavanaugh's nomination to the Supreme Court, Ford submitted a letter detailing an assault that Kavanaugh perpetrated against her when they were teenagers. Similarly to Anita Hill more than 25 years prior, Ford was disturbed by the notion that a person who had committed sexual assault might preside on the highest court in the land. Like Hill, Ford asked to remain anonymous, but that request was denied and, like Hill, she was pulled into a highly publicized hearing to testify on the incident. The Senate Judiciary Committee treated Ford with more respect than they treated Hill,⁷⁷ which could be attributed to different prevailing social attitudes in 1991, but as I've discussed at length--many of the assumptions surrounding sexual violence have remained static over this period of time. It's very likely that Hill's position as a black woman played a role in the way the committee treated her. Ford, on the other hand, garnered respect due to her elite upbringing, her position as a research psychologist and doctor in her field, and her white skin. And unlike Hill, Ford was widely believed. Yet, her testimony, like Hill's, ultimately didn't make any difference as a confirmation followed shortly after.

NPR's coverage of the testimony shared polling data indicating that more people believed Ford than Kavanaugh, a shift from the Hill hearings where only 24 percent of people surveyed said they believed Hill (Montanaro n.p.). Even then-president Trump called Ford "credible," though he later changed his tune likely to appease his party

⁷⁷ C-Span's 4 and 1/2-hour coverage from the first day of testimony in Clarence Thomas' confirmation hearings is publicly available on YouTube.

(Montanaro n.p.). Not surprisingly, NPR's coverage illustrates a highly partisan divide with 74-80% of Democrats (depending on gender) believing Ford and the inverse 73-77% of Republicans believing Kavanaugh. The lack of belief from Republicans stemmed from the gaps in Ford's memory and the belief that her account was therefore made up. At a rally in Mississippi, Trump mocked Ford's testimony in an attempt to discredit her:

Thirty-six years ago, this happened. ...'I had one beer.' Right? 'I had one beer.'
How did you get home? 'I don't remember.' How'd you get there? 'I don't
remember.' Where is the place? 'I don't remember.' How many years ago was it?
'I don't know. I don't know. I don't know. I don't know.' What neighborhood was it
in? 'I don't know.' Where's the house? 'I don't know.' Upstairs, downstairs, where
was it? 'I don't know. But I had one beer. That's the only thing I remember.'

(Montanaro n.p.).

NPR notes that this is a skewed representation of Ford's testimony which included much more detail than indicated here, but the narrative he's drawing from has power. It draws on the belief that important memories like this one are "burned" into memory. It also draws on the belief that completeness is a sign of believability. As discussed in Chapter 4, traumatic memories are not often complete nor can they easily be ordered into narrative form. As the research suggests, most people have a skewed sense of how even normal memory works, typically believing that it's similar to a video recording.

Myths surrounding sexual assault, memory, and trauma drive narratives that aim to discredit victims like Ford. For example, an opinion piece published by *USA Today* says outright that inconsistencies and omissions in her narrative indicate that Ford is lying. The author of the piece is a female attorney named Catherine Cherkasky--her

gender and occupation are both mentioned in the title of the opinion piece, likely to lend credibility to her position. As a woman and a lawyer, she speaks from experience (that is, *expertise*). Cherkasky writes that, “In the rush to judgment, activists ignore inconsistencies and omissions in the tale told by Brett Kavanaugh's accuser. Do they care about the truth?” (n.p.). The implication is clear: “true” stories do not contain inconsistencies or omissions. It does not matter that the research on trauma and traumatic memory supports the opposite conclusion, common sense and logic dictate that a person who “has their story together” is telling the truth. Strategically, Cherkasky invokes “common sense” and “logic” over and over again in her argument, in a sense, urging readers to trust their guts. However, as discussed at length in Chapter 3, the common sense that many people develop is not always accurate or supported by research. She also uses the common post-truth tactic of accusing people of just “going along” with the group, an accusation that’s often accompanied by the term “sheeple.” Here, Cherkasky says that she hopes “that people are not as simple-minded and generalizing as the news media have portrayed. That logic and reason still matter” (2018).

A rhetorical move like this may lead readers to wonder if they have jumped on a bandwagon, or it may put them on the defensive, eager to prove that *they* aren’t “simple minded” like those *other* people. Cherkasky speaks with the authority of an attorney when she says that “In the world of sexual assault claims, Ford’s is pretty flimsy” (n.p.). However, she then illustrates her lack of credibility by attempting to discredit Ford by questioning her mental health and sexual history, a common tactic used by defense lawyers to discredit accusers. Cherkasky asks, “Do any of us know the first thing about Ford’s mental health or sexual history? Of course not, but it doesn't seem to matter for

those forging ahead with her as their champion” (n.p.). Yet for readers who believe that a woman’s mental health or sexual history are relevant to her claims of sexual assault, this tactic is likely to be just as persuasive in an opinion piece as it is a courtroom. Lastly, like others before her who have worked to discredit victims, Cherkasky calls the rally to support Ford “hysteria” (n.p.). It’s a predictable set of moves, yet for audiences who are not primed to question these myths, mischaracterizations, and logical fallacies, they are often effective.

What’s perhaps most surprising about the Ford case is the fact that, in spite of these narratives of disbelief, she was largely believed by the general public. Yet, her testimony ultimately didn’t make a difference. *The New York Times* found that although many people did believe her, some questioned her motives (Zernike n.p.). Perhaps not surprisingly, however, those questioning her motives tended to be right-leaning and some were relying on false information. For example, a Trump voter named Ms. Foster, asked, “What took so long? ...It just seems so political to me. It’s not that I think she’s lying, but people do stupid things in high school. He pinned her down, he put his hand over her mouth. He did not rape her” (qtd. in Zernike n.p.). Though, like many, she hesitates to say that she does not believe Ford, she’s also quick to discredit her accusation as politically-motivated and to down-play the significance of an attack just because it “wasn’t rape.” She doesn’t question the truth of Ford’s story--and even recounts what’s clearly an inappropriate and potentially terrifying experience--but she still finds a way to discredit it because *it could have been worse*. Fallacious argument again trumps a truthful narrative. Another woman acknowledged the #MeToo movement and expressed hesitation to not believe a woman’s claims of sexual assault, yet she observes, “It is hard

to sort out the facts in such tumultuous and polarized times. ...What's the political motivation? ...Ever since Trump is in office that's what we have to worry about" (qtd. in Zernike n.p.). There's something akin to conspiracy theory coming out in this comment. Although this woman believes Ford, she further believes that the "left" will do anything to tarnish Trump's reputation. It all boils down to extreme partisan paranoia. Another woman said that she was suspicious of Ford due to a false news report, and as Zernike notes, this suspicion "shows the ability of disinformation to inflame the debate" (n.p.). In other words, the narrative mistruths that align with one's political agenda may have more clout than the truths that don't.

Given that the title of the article implies that many people question Ford's motives, the majority of sources interviewed do not actually question her motives, and nobody who identified as a Democrat shared this suspicion. As one woman said, "It costs more to come forward than it does to stay silent. ...Anybody who believes there is something to be gained coming forward has no idea what it's like to be a woman in this country right now" (qtd. in Zernike n.p.). Support for Ford and belief in her story didn't change the outcome because political motives overshadowed any sense of ethics in this case. The intense political polarization of the post-truth era is partially to blame, but so too are the narratives of "himpathy" that bolstered Kavanaugh through the hearings and the narratives that downplayed the severity of Kavanaugh's actions. In short, when there's a strong enough desire to accomplish something (like a Supreme Court confirmation), one can rely on strategic narrative framing to get the job done. A victim like Ford does not have to be completely discredited--a perpetrator like Kavanaugh just needs to be bolstered by the right narrative frame.

Pedagogical Implications

Most of the time, when reading an article about a problem within a certain field, I expect any proposed solutions to be rooted in changing how the system tied to that field functions. However, I was surprised by Zydervelt et al. and Hildebrand and Najdowski whose articles describe barriers that sexual assault cases face in the justice system because ultimately they characterized the problem as one rooted in social attitudes, not necessarily the justice system itself. There are certainly problems with the structure of our justice system, but their conclusions resonated with my own about the interplay between social and judicial discourses particularly in the United States justice system where citizens' participation is foundational. To reiterate these points, Zydervelt et al. conclude that "criminal justice system reforms will have little impact on courtroom practices until there are changes in societal attitudes towards rape" (566). The research has indicated that courtroom instruction can only do so much to wrangle jurors' pre-conceived notions and expectations. For real change to occur within our system, the participants within the courtroom--jury members certainly but any steward of the legal system--need to come better equipped with a nuanced understanding of sexual assault, trauma, and incomplete narratives or narratives that break expectation. Hildebrand and Najdowski draw similar conclusions, observing that advocacy groups are already taking these steps. They report that, "In response to its proliferation in our society, victim advocates have begun to focus their efforts on educating the public about rape culture and why it is problematic" (1085). While these articles specifically address the problems that rape culture impose on court proceedings, other difficult or untellable narratives are at stake here too, including trauma narratives. Without a strong frame of reference for understanding complex narratives,

jurors will continue to (perhaps unwittingly) disadvantage those who have experienced trauma or other untellable life circumstances.

While public education efforts have had success in the past, I would argue that the sooner these ideas are introduced, the more likely they are to be integrated into schemas and world views. In other words, we need to address these problems in the classroom. This is especially true in the face of extreme partisanship because even if a somebody was raised in a home with strong partisan values, they are still in a position to discover what those values mean for themselves. Although instruction that addresses these unique social problems can (and should) come at every stage of public education, K-12 teachers have less flexibility with their curriculum than educators at the University level. Foundational education (general education/core-curriculum) courses at the University should take on the responsibility of considering what lessons support a student's ability to be an engaged citizen in the world *today*, which means addressing the unique social concerns of the present moment. The driving argument for general education is that it supports a strong democracy. Informed citizens will feel more empowered to engage in their communities and will be able to make democratic decisions--like voting or delivering a jury verdict--based on a solid educational foundation. Lewandowsky et al. observe that "It is a truism that a functioning democracy relies on a well-informed public" and that a "pervasively misinformed" public will likely result in "suboptimal" societal decision making" (354).⁷⁸

⁷⁸ They cite, for example, the rising anti-vaccination movement which has resulted in unnecessary infection and death, typically in vulnerable populations (355). In the face of the Covid-19 pandemic, public vaccination is perhaps more relevant now than ever, yet there's a growing movement that casts doubt over the safety and efficacy of vaccines, including the new Covid-19 vaccines. This has led many to eschew vaccination generally, but in particular the new vaccine which, at the moment, is the only hope of a return to normalcy after a year of social distancing, working and learning from home, and millions of deaths world-wide.

While higher education is not certain for every person who may serve on a jury, it's hopeful to see that the United States population is generally becoming more educated. The percentage of people who have completed four or more years of college education has been linearly increasing since 1940, and today that percentage has reached 35% of women and 33% of men (Duffin n.p.). The 2019 Census reports that the percentage of people 25 years and older who have completed a bachelor's degree jumped from about 30% in 2010 to 36% in 2019 ("U.S. Census"). However, these statistics don't count people who have some college education (less than 4 year's worth). A 2019 report from Inside Higher Ed reports that 36 million Americans have attained "some college" without completing a degree (Fain n.p.). That's 10% of the total population. The report further found that the majority of these individuals were middle aged, with a median age of 39 and an average age of 42 (Fain n.p.). This indicates that attaining higher education is becoming more normative for older generations, not just high school graduates. Although the post-truth trends can hinder positive communication among family members, it's also possible that college-educated individuals within a household will share some of their educational insights with noncollege-educated family members. The general trend toward attaining some college education indicates that instruction within foundational (gen-ed) courses can still reach a large percentage of the population. Even if an individual does not finish their degree, it's likely that they will complete many of their general courses, including those in the humanities. Introduction to writing courses, for example, are seen as service courses to the University and often encouraged early in a college career, usually in the first or second semester.

As educators within the humanities, we are well-positioned to incorporate lessons into our classes that address these social problems. The English classroom, in particular, is uniquely positioned to address specific issues of narrative expectation and the blurriness of fiction and nonfiction boundaries. Further, the English classroom is where we have the opportunity to curate a reading list that incorporates a variety of voices and perspectives, including nonlinear narratives that attempt to illustrate the effects of trauma. Given the current social and political climate and the slippery slope of post-truth discourses, the English classroom is also well-positioned to address issues of Truth/truth, fact, argument, framing, and to provide a balanced introduction to postmodernist thinking that encourages complexity of thought rather than creation of private reality. In this last section, I will offer some insights into these various approaches and discuss pedagogical considerations that should be made in our various English classrooms.

Approaches to Teaching Argument

Ideally, our near unlimited access to information and our increased access to a broader platform of people would facilitate more thoughtful engagement with others. Perhaps, even, a broadening of world views. Unfortunately, this has not been the case. One explanation for the narrowing of world views, may be the tendency of online discourse to rely on poor argument and logical fallacies to make what seem like well-reasoned arguments in order to support flawed or problematic premises. In other words, fallacious arguments prop up narratives that are not grounded in fact or even in strong logic and this allows individuals to feel that their opinions (or biases) are supported when they are not.

While I have no doubt that many foundational English courses still teach explicit argument, I have noticed that the majority of students coming into my 200 level Women and Gender Studies (WGS) course, regardless of their status as Freshmen or Seniors, come equipped with very little skill in argument. One of the assignments in my WGS course is to engage in a debate about a feminist issue. A motion is proposed and students must establish a position for or against the motion then compose a position statement making an argument in support of that position. I tell students from the outset that both sides are supported by feminist thought and that either side can be argued well. I also tell them that their personal feelings on the motion should not necessarily dictate which side they argue for--the exercise aims to elicit strong arguments. I am very clear in my instruction that the debate is an exercise in sharing opinions. Yet, out of 22-25 students, I will typically only receive 1-2 strong arguments. To my surprise, students have complained in course evaluations that I grade the debates based on my personal opinions or that I unfairly assess their personal opinions in the debates. Recently, a student from my WGS class posted a comment to Rate My Professor complaining that, "I was told my opinions don't matter and never are going to matter regarding MY MOTION on a debate that was assigned."

My students are clearly struggling to understand the difference between an opinion and an argument, and I'd venture to guess that this is not a problem isolated to my university. What's more is that students feel entitled to their opinions, regardless of whether or not they can support those opinions. Wendy Lee Grosskopf argues that the typical approaches to teaching argument may be encouraging the construction of these poor arguments. She observes that the most common type of argument pedagogy is

rooted in eristic argument where “the goal of a dispute is not to reach a truth, but to successfully dispute another’s argument” (245). Under this model, there are typically two sides to a debate and one must pick which side they wish to defend. It doesn’t encourage complex critical thinking because the primary goal is proving one’s side. Wayne Booth refers to this approach as “Win Rhetoric,” which ultimately encourages black and white thinking and a combative communication style that does not foster connection or understanding (Grosskopf 246). Worse, Win Rhetoric encourages poor argument tactics and deceptions because it prioritizes defeating an opponent above all else (Grosskopf 246). As a result, students are not encouraged to explore an issue and establish a nuanced position; they are attempting to perform for the teacher and may believe that getting a good grade is based on winning their side. Grosskopf observes that students will typically decide which “side” to argue “solely based on emotional response, or perception of which side will be easier to defend, or a sense of where the teacher stands” (245). These are the problems that I have seen with my students, and my attempts to mitigate these problems by framing the debates as conversations and by telling students that both sides are strongly supported has not seemed to help.

Grosskopf proposes using Rogerian arguments, where the goal is to achieve social cooperation (260). She ran a pilot course, but found that students were still deeply entrenched in the tenets of Win Rhetoric and were often confused by Rogerian arguments which, to them, seemed wishy-washy or without direction (257). However, she recognizes that the failure of this pilot course does not necessarily mean that the approach is wrong. If students are constantly sent the message that argument means winners and losers, then a single course that attempts to push against this way of thinking is likely to

cause confusion. Lakoff and Johnson note that a common metaphor used for understanding argument is “argument is war” (4). With this metaphorical sense of argument ingrained in our thinking, “Many of the things we *do* in arguing are partially structured by the concept of war. Though there is no physical battle, there is a verbal battle, and the structure of an argument--attack, defense, counter attack, etc.--reflects this” (4). Moreover, this way of thinking has become normalized, which means that it may difficult to reconceptualize the idea of argument (Lakoff and Johnson 5). Considering this metaphorical foundation, it makes sense that arguments so often devolve into person attacks and dirty tactics--winning the war at any cost has been modeled by our culture again and again.

In addition to this problematic framework, Grosskopf observes that there’s often something deeper at work when we argue, particularly when an argument stems from emotional attachments or personal belief. She writes, “We argue to win not just to persuade others, but ourselves as well, that our perceptions are not mere desired truths, but instead are concrete realities...It is this natural instinct to make sense out of life that urges us to reduce its grey areas into either/or choices” (251). It is not just the argument, but the stability that black and white thinking provides. Which means that students need to feel secure in exploring ideas that challenge their sense of how the world works. This can be challenging in humanities classrooms we often teach lessons and perspectives that launch students into the grey area of uncertainty. I don’t think there’s one best way to address this particular problem, but it’s important for instructors to be aware of the discomfort that students may experience in our classrooms. Not necessarily from the

content, which is often the first concern, but from the philosophical unmooring that we may take for granted.

Even with these challenges, I agree with Grosskopf that we need to approach argument differently, particularly because Win Rhetoric is often the foundation for post-truth narratives and the arguments that support them. Grosskopf argues that Win Rhetoric, with its singular focus on defeat, can often lead to arguments “disguised as facts and deceptively used in the place of a capital-T Truth, or the search for truths” (247). In other words, this argument style encourages the use of argument in place of facts, which is part of what we need to teach our students to push against. In addition to Grosskopf’s approach with Rogerian arguments (which she has continued to adjust and teach), invitational rhetoric provides another approach that moves away from the Win Rhetoric model. Proposed by Foss and Griffin, invitational rhetoric grew out of feminist theory as a response to overly aggressive persuasion models which, they argue, are “rooted in the patriarchy” (4). Their discomfort with classic persuasion style stems from a perception that “embedded in efforts to change others is a desire for control and domination, for the act of changing another establishes the power of the change agent over that other” (2). Invitational rhetoric, on the other hand, is built on the principles of “equality, immanent value, and self-determination” (4). Like the Rogerian approach, invitational rhetorical seeks to discover meaning and to establish “mutual understanding of perspectives” (10). This approach will no doubt be viewed with suspicion, particularly if it’s framed as rooted in feminist theory. However, with explicit instruction about the various aims of argument and the value of social collaboration, this approach could be applied well in a composition classroom. Looking at online debates (and the lack of understanding they

gain/their tendency to devolve into name-calling) could help illustrate the benefits of a different communication style the aims to foster connection rather than further polarization.

As I've established in this chapter, the quality of discussion that people engage in online is abysmal. Thoughtful debate on social media is mostly non-existent, and most of what debate takes place typically relies on logical fallacies, misinformation, and personal attacks. The plethora of poor arguments online serve as a kind of tacit instruction for those who read them, and inevitably students will pick up on these tactics and may begin using them in their own arguments. The best way to combat this passive instruction is to address these specific arguments, and their short comings, in the classroom. Richard Fulkerson makes an argument for teaching argument in the writing classroom, and although his approach overall is more in-line with traditional argument form, he offers insights that help address some of these problems. He describes four approaches to argument, one of which is pragma-dialectical, which is an approach that "presumes that all argument goes on between two (or more) discussants who are engaged in mutual, synchronous interactions aimed at resolving an issue" (15). Though Fulkerson does not endorse this approach in particular (he finds it "cumbersome"), it seems like fruitful ground for addressing entrenched political arguments which are of particular concern at the moment. Rather than doubling-down based on allegiance to one "side," this approach supposes that solving the problem that lies at the root of the debate is more important than winning.

Fulkerson also names fallacy theory as another approach, although he does not think this approach is best if used on its own (15). However, if coupled with one of the

other approaches discussed here, fallacy theory can be particularly useful in pushing back against online discourses. Fulkerson's approach to the fallacies is particularly useful in this regard. He notes that most instruction on fallacies refers to them as "errors in argument" but Fulkerson argues that they are often not errors at all. He explains that "To use the term 'error' is to imply that the arguer made a mistake, a move that he or she would not have made consciously" (96). However, the lack of "error" is often revealed when the fallacy is pointed out. Fulkerson continues, "When someone claims to see a fallacy in an argument, usually the arguer may agree that the argument shows weak reasoning but still decline to alter it. In this case, the 'error' is intentional" (96). In this sense, there's a willful denial of error, likely because it's the "error" that has allowed the arguer to make their points and/or win their argument. Fulkerson instead defines fallacy as: "a serious and identifiable defect in an argument" and proposes to instruct from that foundation (96). Acknowledgement of this lack of "error" can be very useful, particularly when coupled with a move away from "Win Rhetoric" argument style and toward a style of mutual understanding and/or problem-solving. Given the prevalence of logical fallacy used in online argument, we need this instruction in our writing classrooms, if only to help students recognize what they are reading in these online arguments.

One reason that some instructors eschew teaching fallacies is because there are so many of them that it can begin to feel like an arduous task of memorization. Fulkerson addresses this by suggesting to break the fallacies down into three primary questions and begin building familiarity from there:

1. Are the premises--both explicit and implicit--acceptable?
2. Is all the relevant and important information taken into account?

3. Does the form of the argument satisfy the relevant rules of logic? (97)

Rather than presenting students with a long list of fallacies to memorize, this may be a more productive place to start because it allows them to think critically about argument by providing them with a solid foundation for understanding the basic premises of an argument. This can (and should) be built upon later with a presentation of the most common fallacies. Fulkerson focuses on eleven fallacies, which is manageable particularly if we ground them in examples from the types of arguments that our students are likely to encounter----those that circulate on social media, in the news, and in other news-presenting outlets. A course does not need more than a unit on this aspect of argument to have a strong impact on students' abilities to identify faulty logic and respond with appropriate suspicion and critical thinking.

The *How Writing Works* composition text breaks down the most common argument fallacies and provides accessible examples for each. I have found that students respond well to this instruction, particularly when I turn the conversation to online examples. I ask students to find an example of an argument online that draws on a logical fallacy. They must explain the fallacy, identify it within the argument, discuss why the fallacy is problematic, and then offer a suggestion of how the author could make a better argument without relying on the fallacy. It's a simple homework assignment that asks students to engage critically with pieces of writing they may ordinarily take for granted and it engenders good classroom discussion. When I first gave explicit instruction on argument to my English 130 class (using the *How Writing Works* text), I was surprised to see how interested and engaged my students became. Several of them physically sat up straighter and leaned in. Even if students can't fully articulate what they see happening in

online spaces, I think they are curious to better understand it. In my lessons, I contextualize the importance of argument in terms of the importance of civil discourse and social collaboration. As educators, we need to recognize that our student's online identities and engagement have real-world implications, and we need to meet them on that level with our instruction.

Critical Thinking

The Covid-19 pandemic has put many of the problems of post-truth discourse on full display, namely, the need for a public that's well-versed in critical thinking. In his contribution to *Forbes* in 2020, Colin Seale argues that we need to "close the gap in critical thinking in education" (n.p.) He argues that the rapid pace at which technology evolves means that we cannot necessarily give students explicit instruction about various technologies and various fields because that instruction may already be outdated by the time our students enter the job market. Seale argues, "If we are sincere in our goal to prepare young people to solve problems the likes of which we have never seen, using technologies that have not been created, in career fields that do not exist, education systems should obsess over critical thinking" (n.p.). He is not the first to make such an observation and he's certainly correct in his assessment; however, critical thinking skills are important not just for technology-driven fields but for any vocation. Perhaps more importantly, it's essential for civic engagement particularly when the hallmark of democracy in the United States is active participation from its citizens.

Seale cites that only 1 in 10 educators teaches critical thinking; however, this is based on a study that's more than 20 years old. Though Seale's sentiment is good, his

argument is misguided. He seems unaware that critical thinking instruction remains a cornerstone of humanities education. His argument highlights that problem is likely not one of instruction, but of resources and visibility. In a humorous response to a tweet that called for a “serious conversation about how we equip people with the critical analytical skills they need in an increasingly online world” Dr. Sarah Parcak, a professor of anthropology replied, “Congratulations, you’ve just discovered “The Humanities.” Parcak’s response encapsulates the frustration that many scholars in the humanities feel as Universities do not typically provide appropriate institutional support for non-STEM departments. As more and more universities migrate to the business model, it follows that less “lucrative” fields of study find themselves scrambling to justify their relevance. In a recent lecture, Dr. Tressie McMillan Cottom addressed the use of “austerity” by universities to cut certain budgets while leaving others intact. She said, “Austerity is about what we value” and we have allowed universities to devalue the education provided in humanities classrooms (Cottom, “An Evening With”). As a result, Cottom concludes, “Austerity has narrowed the quality of education for all” (Cottom, “An Evening With”). In sum, what’s often missing from this conversation about “critical thinking” is which departments are teaching it and how the university treats those departments.

As educators in the humanities, keeping critical thinking instruction in the classroom is essential, but growing class sizes and decreasing institutional support can make the kind of personalized attention and instruction necessary for teaching critical thinking difficult, if not impossible. The university’s increasing reliance on adjunct and TA labor means that there are fewer people in the university system who have the

security to push for recognition and funding, but this reliance on non-tenure faculty will only continue to increase. Whenever possible, educators in the humanities need to continue to argue for the necessity of our programs and to advocate for the things we need to make those programs successful. As Cottom said in her lecture, universities have gotten very good at recruiting and enrolling, but they are not showing as much skill enrollment, re-enrollment, and graduation (“An Evening With”). As a result, universities are selling high-cost, low quality educations that are not serving our student populations, particularly students of color, women, and those of lower socio-economic status (“An Evening With”). Whenever and however we can, we must continue to push against this trend and demand more for ourselves and our students, not just for the good of higher education but society more broadly.

Active Reading

As indicated in Chapter 3, our students have a problem with reading. While it is often assumed that students are altogether not reading for class (which is certainly the case as well), it seems that the more nefarious problem may be reading habits that do not lead to comprehension or understanding of a text (Corrigan 147). Paul Corrigan argues that students need to “learn to read *more deeply* or on a *higher level*, they need to *read actively*” (146). However, I argue that students who “read” a text but come away with little to no comprehension have not actually read the text. Rather than teaching students a “new” kind of reading called “Active” or “Critical” reading, we need to impress upon them that active engagement with the text (which results in better comprehension) is just *reading*. This is an issue of framing, but I think it’s an important one. If students feel that

their reading strategies constitute a legitimate form of reading, rather than an act that is something other than reading, then they will be in a position to weigh one *strategy* over the other. In other words, they will weigh a legitimate reading practice against an illegitimate one as if they are the same, albeit different in approach. Instead, reading should always be framed as active, and we should provide explicit instruction to students on how to actively engage with texts that they may not automatically “get into” such as complicated theory, journal article, and research studies.

Corrigan’s approach is useful in providing a framework for this kind of instruction. He argues that educators need to make time in their courses to ensure that students are reading appropriately because “Whether teachers take reading for granted or not, students tend to follow suit” (148). He explains that active reading is the foundation for both critical and contemplative reading, but that these approaches may accomplish different things for readers. With critical reading, the reader establishes a critical distance from the text in order to look for complexity and engage in a questioning dialogue with the text (Corrigan 150-1). Contemplative reading, on the other hand, is an approach that asks students to “listen” to the text, which is a useful approach for more lyrical types of writing or poetry (Corrigan 153). Helping students consider which practices to employ when reading different kinds of texts will not only help them engage more meaningfully (actively) with the text, but it will provide them with metacognitive awareness about the text itself.

I typically begin each course with instruction on annotating texts as a way into active reading discussion. I have also experimented with doing “annotation checks” in books to make sure that students are marking their texts. This strategy does encourage

students to use pens and highlighters when reading, but I'm not certain how much it helps them engage with their texts. Plus, it often feels like policing which I dislike. Corrigan proposes reading logs which ask students to evaluate and adjust their reading practices, and he reports success with this strategy. The *Ways of Reading*, which used to be the foundational text for the first composition course in UND's sequence, provides some useful instruction on various approaches to reading. I've modified these lessons and applied them to my second-semester composition course, focuses particularly on the difference between reading for information versus reading rhetorically (reading like a writer). I come back to these two approaches in this course because students switch between doing research (reading for information) and reading sample essays in order to get a sense for the genre conventions (reading as writers). I also address the value of skimming in certain contexts, namely when looking for key words, when doing initial research into a topic, and when re-reading an already annotated text.

In short, acknowledgement of student reading practices and explicit reading instruction is, unfortunately, necessary in the college classroom. College level curriculum will present students with more difficult texts than they are used to, and students will inevitably find that their "strategies" for reading them are inadequate. We need to help them bridge the gap. In doing so, we can teach them not only how to come away with better general comprehension, but we can give them tools for following complex narratives that might otherwise frustrate them. This reading instruction can transfer to the "reading" that they will do outside the classroom.

Embracing Difference

As previously discussed, postmodern thinking may be partially to blame for the post-truth discourses that have taken over our online spaces. However, postmodern thinking is foundational to critical thinking and cannot be completely vilified in this analysis. In order to teach students to work through complex social problems, they need to be able to embrace different perspectives. This isn't possible without the postmodernism push to question hegemonic thinking. Gerald Hauser argues that "Associative networks of civil society prepare us for this task, involving us with strangers and teaching us to communicate with difference" (274). He argues that there is not ideal democracy and no ideal communication where all meaning is perfectly conveyed, but there is a kind of instruction that teaches students how to let go of a need for absolutes and instead linger in the grey space of uncertainty and difference. While social media has narrowed our world views into tiny echo chambers, the classroom needs to be a space of expansion where students engaged with ideas that challenge their comfortable world views. This includes engaging with the experiences of others, including traumatic experiences (I talk specifically about reading trauma in the next section).

Dominant narratives easily take on the cloak of "normalcy," rendering diverse voices as non-normative, "special interest," or unimportant. Because our human nature drives us to establish a stasis of "normalcy," we need to push the idea that disagreement and diversity of perspective *is* normal. In discussing the way society builds itself with its own narratives, myths, and histories, Hauser argues:

To be of the culture is to resonate to the call of its normative universe, to participate in its imaginative projection of an orderly world, to accede to its mythos as paradigmatic for behavior. The cultural bedrock, its sedimentary forms,

are contained in its narratives. These bring to language the cultural consciousness that is essential to historicity and its creative possibilities for framing an alternative reality, a world that is other than given. (160)

Being part of a culture means being inculcated to its norms. It also means to participate in a kind of cultural imagination that paints an “orderly world,” which is one that makes us feel secure not necessarily due of the content that comprises that “orderly world” but because we know how to make sense of it and how to navigate it. In other words, we desire a world that makes sense, and that sense-making largely depends on the ideas we are exposed to and how we are taught to make sense of them. Awareness of this “cultural consciousness” is the only way we might be able to frame new realities rather than the given--that is, the only way that we will be able to reshape society. We must be able to see that the shape of our reality is part of a mythos about our culture than can be rhetorically reshaped or reimaged for the better.

Hauser further argues that, “This does not mean that anything goes or that rhetoric untethered from actual events is as persuasive as one firmly tethered to them. Rather, it means that our understanding of reality is a function of how we talk and write about it” (273). This undergirds the task that we face as educators--help our students learn how to talk and write through the cacophony of diverse voices and opinions that exist in the world. It also means illustrating the difference between dominant narratives and counter-narratives and providing explicit guidance on what it means for the powerful to have a voice versus the disempowered. Hauser continues this line of thought with a set of ideas that seem very timely given that they were written more than twenty years ago, “In the hands of the powerful this insight has led to a degenerate rhetoric more concerned with

manipulation of emotion than with decisions based on reasoned appeals” (Hauser 273). Teaching a diverse syllabus that encourages students to push against hegemonic thinking alongside explicit instruction on argument can provide students with the tools they need to push against the “degenerate rhetoric” pervasive in the world today.

In a place like North Dakota where diversity in the classroom is often limited, it becomes even more important to diversify the range of voices and perspectives represented on our syllabi. Audre Lorde has a useful essay on embracing difference entitled “Age, Race, Class, and Sex: Women Redefining Difference.” This essay can be found in *Sister Outsider*, a collection of essays that also includes her essay “The Master’s Tools Will Never Dismantle the Master’s House” which has been foundational in the English discipline and is also a useful text in facilitating subversive dialogue in the classroom. Vivek Shraya’s book *I’m Afraid of Men* looks at the crisis of misogyny in the United States from the perspective of a trans woman. Shraya’s account is particularly compelling because she speaks about her experiences with misogyny from the perspective of a male-presenting homosexual and as a woman. Tressie McMillan Cottom’s essay collection *Thick* focuses on the experiences of black women in the university, in society, and in popular culture. Her focus on black women’s bodies in particular provides a perspective on intersectional racism that’s unique and not part of the dominant dialogue about misogyny. Gloria Anzaldúa’s essay “How to Tame a Wild Tongue” from her book *Borderlands/La Frontera*, examines the interconnectedness of language and culture, particularly in frontier spaces where two languages meet and compete for legitimacy. These are a few texts that I have taught with success, but more important than the individual texts themselves is the care that goes into curating a diverse

set of readings for a syllabus. There are many texts that illustrate the range of experience that exists in the world and they are not taught often enough. In my experiences as a graduate student, I have been both pleasantly surprised and disappointed by the reading selections made by various professors. As an undergraduate student, I didn't know enough to question the variety of voices (or lack of) represented on a given syllabus. It's my hope as an educator to make my students aware of the importance of reading a diverse set of perspectives and thereby provide them a better education in that regard.

Being a "Good" Audience to Narratives that Break Expectation

One difficulty that stems from empathizing and understanding trauma narratives, including those involving sexual violence, stems from the way that these narratives break our expectations. Our expectations for these narratives are often based on other kinds of narratives because we are not frequently exposed to accurate accounts of trauma. As children, many of our parents worked hard to shield us from these kinds of stories, and as adults we don't often seek out narratives that may disturb our senses the way traumatic narratives might. Doing so may feel voyeuristic or perverse. What remains are media representations of trauma which are often written with entertainment, rather than accuracy, in mind. However, one does not need to focus solely on trauma narratives or narratives of sexual violence in order to provide students with the necessary skills for approaching these texts. By teaching these narratives alongside other non-linear narratives, we can help students understand that personal narratives can come in a variety of packages.

Sexual violence remains a pervasive problem in our society, but most of our students are uncertain how to read, talk, or think about this problem. When teaching narratives of sexual violence, it's important to give students other supporting essays to help them make sense of the experiences recounted. Roxane Gay's collection of essays *Bad Feminist* is a useful text for this approach. In addition to essays on rape culture and an intersectional look at the precariousness of women's position in society, Gay also shares her own experience of rape and the ways it has continued to impact her life decades later. Katie Rose Guest Pryal's collection of essays *Even If You're Broken: Essays on Sexual Assault and #MeToo* is similarly useful. In addition to including her own experiences with rape and sexual violence, many of Pryal's other essays focus specifically on the issue of rape on college campuses. As the title indicates, Pryal brings in the #MeToo movement which makes her essays feel particularly relevant to the current moment.

Another approach is to teach students how to make sense of non-linear narratives and then connect non-linear narratives to narratives of trauma. This may give students the foundational skills that they need to become better audiences of non-linear narratives or narratives that break their expectation for cohesion and completeness. Normalizing chaotic and incomplete narratives can broaden student's world views and help them understand that not all stories have a beginning, middle, and an end. Useful novels, for example, might be *The Sound & The Fury*, *The Things They Carried*, and *Slaughter House Five*. The latter two of these texts, of course, deal with trauma and PTSD directly which can provide useful scaffolding for talking about how trauma disrupts the ability to construct a cohesive narrative. These stories, however, present trauma as related to war,

so some additional scaffolding is necessary to break away from the assumption that most trauma and PTSD stem from war-related experiences. Joyce Carol Oates' short story "Black Box" is useful text to bridge this gap as the trauma in this story stems from sexual assault. The text adeptly illustrates the incompleteness of traumatic memory by placing black boxes over portions of the narrative. By reading these perspectives side-by-side, an instructor can set up a nuanced conversation about the impact of trauma and how trauma hinders a teller's ability to impart a linear narrative.

Non-linear films such as *Memento* or *Run Lola Run* may also provide a useful starting point for making sense of narratives that resist sense-making. Generally speaking, poetry is a useful genre for helping students work on deep reading and critical analysis. Many poems resist narrative altogether, but even those that contain some thread of "story" do not do so with the clarity one expects from prose. Poetry is more often driven by moments of experience and emotion, which is also what drives trauma narratives. Though some students feel resistant to poetry, I've had success teaching contemporary poetry that's more relatable and accessible to students. Many of these genres can also open up a discussion of the blurriness between fiction and nonfiction, the explicit instruction of which is increasingly necessary for students.

When teaching these texts, it's important to help students move beyond the "reader response" impulse and to instead sit with the discomfort of ambiguity long enough to develop some complex ideas about the text. This might be a place where contemplative reading comes in handy. In my own teaching, I've noticed that most students have a strong impulse to "respond" to a text, even when expressly told that their personal feelings about the text don't have a place in a particular writing task. For

example, when teaching research writing I will ask students to write summaries of the research they plan to use for an upcoming project. Inevitably, many of them will include what they liked or disliked about the text as part of their summary. Similarly, students want to evaluate a text, declaring if it was good or bad or if they liked or disliked it. These evaluations are irrelevant to most of the writing tasks that I assign, but they appear non-the-less. This tells me that the desire to evaluate comes quickly and easily for our students, and this impulse needs to be addressed and redirected. This is particularly important with complicated texts that they may dislike upon first read. However, teaching them to just experience, contemplate, and then perhaps understand may give them an important set of interpretation tools that will serve them in other contexts when they are tasked with understanding difficult narratives.

Trauma and sexual violence are difficult topics to read about let alone teach and discuss in a classroom. However, we cover many difficult topics in our classrooms, and difficulty does not mean less important. More importantly, we need to stop thinking about issues of sexual violence as a “women’s issue” or a “special interest” issue, the instruction of which belongs almost exclusively in the Women’s Studies Department. We similarly need to stop conceptualizing trauma and PTSD as war-related and/or a men’s issue. Sexual violence is an ensuing public health crisis and it impacts everybody, not just women and girls. Therefore, rape culture, rape myths, and sexual violence need to be taught in all humanities classrooms. One barrier to embracing this education may be an educator’s personal discomfort with the topic, but it’s important to recognize that this discomfort and the silence that it inspires allows for the perpetuation of rape myths and rape culture. While it’s true that higher education is a good place to address sexual

violence because our students are adults and come to college with a sense that they are going to learn about difficult topics, it's also true that statically many of our students will have already been the victims of sexual assault by the time they get to our classrooms. What should be of greater concern than our own comfort with the topic is how to best present it to our students. This means having a solid understanding of trigger warnings, how to use them, and why they are important.

Contemporary dialogue and debate surrounding trigger warnings illustrates that trauma is still largely misunderstood by the general public. Trigger warnings have taken on a pejorative meaning. They are often seen as an unnecessary warning against things that people should be able handle, and they are seen as an indication that people have become too sensitive and need to be coddled. In a special issue of *First Amendment Studies* (2016), six scholars debate trigger warnings. Richard Vatz argues against the use of trigger warnings in the classroom, saying that they prohibit the “productive discomfort” that’s necessary for learning (52). He does not believe that there is any scientific validity for trigger warnings, writing that “it seems to me that appeals to predicted mental health outcomes by advocates on both sides of the trigger warning debate have no more scientific validity than do appeals to religion” (54). The science behind PTSD and the effects of being “triggered” into a flashback is quite sound, yet there are many who refuse to accept that some people’s brains function differently as a result of the traumas they have suffered. Vatz’s apparent misunderstanding of what a trigger warning is and why it’s necessary is not an isolated opinion. While most of the scholars in the special issue defend trigger warnings, they do so likely because they are relying on knowledge and research that the average person has probably not read.

Vat's opinion, though a minority among scholars, reflects commonly held beliefs. This misconception about trigger warnings, however, illustrates precisely why we need to use them in our classrooms. When assigning a reading that references or explicitly describes sexual violence in any detail, educators should give their students a head's up and give them space to meet privately to discuss any issues that they may have with the assigned readings. I also advocate for selecting readings that deal with sexual violence with care and to not overwhelm students with these narratives. Sexual assault is a reality for many of our students, and as college students they are particularly vulnerable. While these lessons need to be taught, we need to approach them with care and empathy.

Parting Thoughts

In what may be read as a warning or a sign of hope, Gerald Hauser observes that “a society has the capacity to posit the order of its own representations, to create its own historical environment” (157). In a post-truth moment in which individuals are creating their own realities, even if that reality is ultimately detrimental, it may seem that this capacity is a dangerous one. On the other hand, it's inspiring to see people empowered to control their own narrative realities. Instead of attempting to hinder this impulse, it's perhaps better to celebrate the personal authority that it gives people. Instead of attempting to take that power out of an individual's hands, perhaps we should teach them about the power they wield and help them do something constructive with it.

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