Going Viral: Exploring the Social Construction of Rape in Steubenville, Ohio

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This thesis titled

Going Viral: Exploring the Social Construction of Rape in Steubenville, Ohio

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ABSTRACT

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Going Viral: Exploring the Social Construction of Rape in Steubenville, Ohio

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Rape is a pervasive problem in the United States today. The current study seeks to investigate the social construction of the rape of 16-year-old Jane Doe in Steubenville, Ohio. Doe’s case was unique in the fact that bystanders recorded the assault through photos and posts to social media accounts. These records allowed news of the rape to spread rapidly, reaching news outlets nationwide. Through both a case study analysis of Doe’s rape and a survey of undergraduate students from a midsized Midwestern university (N=381), it was found that there has emerged a new jury in the online world, an informal body of individuals who try and convict alleged victims and perpetrators of sexual assault completely separate of due process. Users online condemn or support victims and perpetrators alike based on evidence that is informally collected and published online, and their opinions have the potential to affect formal legal cases.
DEDICATION

For Mom, with lots and lots of love.
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Years from now, I'm not going to remember the questions I should have asked in my survey, the chart I should have included in my analysis, or a point that I forgot to make in the discussion section. What I will remember are the moments you all allowed me to share with you, the real stuff of life. I love you all.
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INTRODUCTION

Crimes of sexual victimization are a pervasive problem in the United States today. It is a unique time for such cases, as online media platforms are allowing for news of the crimes to spread faster and to a broader scope than ever before. What emerges is a new venue of justice, specifically a new jury, which evaluates evidence from claims made online and determines guilt or innocence. These decisions do not always align with what is legal or illegal. This informal process has the potential to place pressure on, and thus sway, real-life cases of crime which enter the criminal justice process. This project centers around a case study analysis of the rape of 16-year-old Jane Doe in Steubenville, Ohio in order to show: the existence of the new jury and their influence on the case, the complexities of defining and recognizing consent when alcohol is present in a given scenario, and how this case, which varies from traditional notions of what a rape is, can prove to be a lasting example of challenges to rape narratives that impede victims of sexual violence from achieving justice.
THEORETICAL FRAMEWORK

Social problems theory as discussed by Spector and Kitsuse (1977) begins with the assumption that social problems emerge when people (1) recognize the conditions of the problem and (2) acknowledge that these conditions create a public issue, rather than a private one. The first people to define a social problem are known as claims-makers, and their subsequent activities regarding the problem (including the claims themselves, movements which emerge around the idea, attention and focus given by media sources, etc.) are regarded as claims-making activity. Spector and Kitsuse argue that it is important to view social problems as social constructions which are products of claims and claims-making activities, critical given that the way a social problem is framed can have a significant impact on how society reacts to such problems. Thus, this classic model of social problems theory provides the framework for the current study's approach to rape.

The classic model of social problems theory, which provides the framework for the current study’s approach to rape, has since been expanded upon by numerous social problems scholars. Joel Best (2007) outlined the social problems process, which explains that a given phenomenon becomes a social problem in six stages: (1) Claimsmaking, (2) Media coverage, (3) Public relation, (4) Policymaking, (5) Social problems work, and (6) Policy outcomes (Best 2007:18-23). As noted by Spector and Kitsuse (1977), constructing something as a social problem always begins with claimsmakers (who come in all variations of activists and experts, from doctors and scientists to lawyers and government officials) defining a particular phenomenon as a social problem. It is not
enough for the claimsmaker to simply state that a problem exists, however; they must take to the media to project their message. The public learns of the alleged problem from media and begins to form opinions, which lead to a call to action in the policymaking realm. These policies must then be implemented, carried out by various social actors like police officers and teachers in a process that Best calls “social problems work” (Best 2007:22). Following the enactment and implementation of policy, there are outcomes, or reactions to the policies. These reactions can be related both directly and indirectly to the problem; those which are related directly include comments on the effectiveness of specific policies, while broader outcomes can span over long stretches of space and time (Best 2007).

The current study holds that in cases of rape and sexual assault, claimsmakers have created rape narratives in order to project the claim that rape is a social problem. These narratives include simplified versions of rape cases, distinct scenarios in which there is one clear victim, and one clear perpetrator. Cut and dry stories allow for claimsmakers to pass the narratives easily through the social problems process and to bring them to the forefront of public attention. They also include clear archetypes of both victims and perpetrators which help direct policy by defining who is deserving of punishment in such crimes. However, rape narratives often play up the extreme cases of sexual victimization. They have thus created a standard by which all reported cases of rape and sexual assault are evaluated in the public eye that neglects the social reality of rape and sexual assault.
The fact that traditional rape narratives do not properly represent the majority of crimes of sexual violence can lead to problems for victims of sexual victimization, who may face shame or ridicule for reporting their crimes, and even neglect by law enforcement. Furthermore, their impact has led some to raise concerns over the effectiveness of current sexual assault prevention programs (Rozee and Koss 2001). The current study thus seeks to investigate the effects traditional rape narratives may have on respondent perceptions of sexual victimization. In order to do so, the reality of rape and sexual assault crimes will first be established, followed by a brief history of the traditional rape narrative and its function in the process of constructing rape as a social problem. A discussion on the distinction between victims and perpetrators follows, and potential problems which may arise from polarizing the two. Focus will then turn to an application of this process in the case of the rape of 16-year-old Jane Doe in Steubenville, Ohio, with subsequent analysis of survey responses regarding Steubenville and rape in general.
THE SOCIAL REALITY OF RAPE AND SEXUAL ASSAULT

Crimes of sexual violence are pervasive all across the United States. Their numbers are a driving force behind claimsmakers who actively pursue defining rape as a social problem. The U.S. Department of Justice's National Crime Victimization Survey estimates there to be an average of 237,868 victims of sexual assault and rape over the age of 12 annually. While both genders share experience with such crimes, trends in victimization are largely skewed towards women: in 2003, 90% of those who reported being raped or sexually assaulted were female. In line with current patterns, 1 in 6 American women will fall victim to attempted or completed rape in her lifetime, most often committed by someone familiar to the victim. Approximately 67% of rapes and 73% of sexual assaults nationally are committed by someone the victim knew. Of the rapists, 38% are reported to be friends or acquaintances, 28% are engaged in an intimate relationship with their victim, and 7% are relatives (RAINN 2013).

Such trends are an especially troubling reality on college campuses, where one in five American women have experienced either rape or attempted rape during their experience at university (Fisher et al. 2000). In 2008, the National Crime Victimization Survey reported that more than 75% of allegations of rape came from women under the age of 25, with more than 25% of those reports arising from women between the ages of 18 and 24 (RAINN 2013). What's more, the National Institute of Justice reports that among victims of sexual violence in college, the percentage of victims and perpetrators who know each other jumps to approximately 80-90% of cases. Past research has shown
that as a relationship increases in intimacy, so does the likelihood of a completed rape (RAINN 2013).

Additionally, cases of sexual victimization on college campuses are likely to involve the use of alcohol. In approximately 50-75% of sexual assaults the offender, victim, or both have reported using alcohol (Abbey 2002; Wechsler, Kuo, Seibring, Nelson, and Lee 2002). Similarly, drug-related assaults were found to be 5 times more prevalent than that of forcible sexual assaults involving neither alcohol nor drugs (Lawyer, Resnick, Bakanic, Burkett, and Kilpatrick 2010). A claim made in 2000 by the National Institute of Justice, asserted that over the course of a college career (estimated to be 5 years), a woman's chance of falling victim to attempted or completed rape increases to between 20-25% (RAINN 2013). These trends make sense in conjunction with one another; as a student spends more time at college, they may gain new social connections which help them in entering the drinking scene. These can include older friends who are able to legally purchase alcohol, as well as tips regarding which bars are looser than others with ID checks. College is also situated at a time when students reach the milestone of turning 21, the legal drinking age, thereby opening all avenues for alcohol consumption. If alcohol use increases the chances of sexual assault, then an increased exposure to the drinking scene in college as students age could lead to increased risk of victimization. This places college populations being especially at risk for instances of sexual victimization.

It is important to note that drug-related sexual assaults primarily involve voluntary consumption of drugs and alcohol. Karen G. Weiss and Corey J. Colyer (2010) described
the lack of empirical support for the common claim that purposeful drugging of drinks is a frequent practice in the drinking scene. Instead, their research explains that while unfortunate, such cases are more likely to be isolated incidences. In one study conducted by the National Forensic Services in the United Kingdom, less than 2% of the sampled population of alleged incidences of drug facilitated sexual assault involved surreptitious drugging. Another study by a group of forensic scientists at the University of Illinois at Chicago found that only 3% of subjects may have been the victims of surreptitious drugging, a stark contrast from the 36% of respondents who reported believing that they had been drugged (Weiss 2010:351-2).

Contrary to this reality, policies implemented which mean to prevent rape have left many young women growing up with familiar mantras of “Never leave a drink unattended,” “Always watch the bartender pour your drink,” and “Never walk home alone at night.” These cautionary messages are used with good intentions as preventative measures against the risk of sexual assault and rape, especially for those women who attend university. A majority of current sexual assault prevention programs adopt similar methods of education, neglecting to tailor their prevention strategies to the reality of the relationship between alcohol use and sexual victimization, and also the prevalence of acquaintance rape. Such programs teach women how to avoid rape through self defense classes and other means which focus on preemptively restricting the behaviors of women, such as teaching women where is a “safe” place to walk, a “safe” bar to meet up with friends at, and “safe” parties to attend (Lawyer et al. 2010; Weiss 2010:352). When
alcohol use is discussed, drinking is framed more in terms of a responsibility for the victim (i.e., know your limits and don't get too drunk) (Abbey 2002).

Although implemented with good intentions and meant to be practical approaches to responsible alcohol use, such approaches to sexual assault and rape by advocacy groups tend to neglect the majority of victims (e.g., victims who had been voluntarily drinking and were taken advantage of by a friend). These strategies perpetuate the misconceived notion that stranger rape and surreptitious druggings are the most common forms of victimization and further muddle discourse on consent. They also serve to frame sexual assault as a female issue while simultaneously minimizing male responsibility in rape (Piccigallo, Lilley, and Miller 2012:508). When the responsibility for preventing sexually assault falls solely on a woman's preemptive actions, a polarized social environment is cultivated which contributes to victim blaming phenomenon (Armstrong, Hamilton, and Sweeney 2006; Banyard, Moyniham, Plante 2007; Ullman, Townsend, Filipas, and Starzynski 2007).

Such outdated prevention strategies remain in use largely because of the rape narratives claimsmakers utilize in the first stage of the social construction process. Crime narratives in general are short tales which can be used and reused within social settings in order to support a point. For example, to support the idea that we have a “drug problem” here in the United States, experts may often bring up the story of an intelligent, middle class teenager, who had all the potential in the world until he was coerced into trying marijuana. Marijuana led to cocaine, which led to heroin, one high after the other, always seeking something stronger. Suddenly, that once bright young student is drawn into a
ragged life of homelessness, having destroyed all social relationships around him, resorting to theft to get money for drugs. These narratives not only describe social problems, but they also frame our perceptions of the crime (Weiss 2010:371). In the previous narrative, we now know that drugs are a problem which need to be eradicated, and that drug dealers need to be put in prison, where they cannot reach our vulnerable youth. In this sense, crime narratives affect how people think, act, and interact with one another, and have the potential to “distort beliefs, perpetuate myths and stereotypes, and divert efforts away from more empirically dangerous problems.” (Weiss 2010:371).

These narratives are especially problematic when it comes to cases of rape and sexual assault, especially amongst college students. Narratives simplify complicated crime problems like rape into polarized views of right and wrong. They make it easy to see who needs help, and who deserves blame. They also neglect the majority of cases of rape and sexual assault which fall somewhere in the middle, the gray area of consent. For this reason, rape narratives have the strong potential to harm victims of rape and sexual assault rather than helping them by defining which crimes are more “legitimate” than others. Many victims of sexual violence often feel as though they cannot tell anyone what happened to them, for fear that they will not be believed, or that they will be blamed rather than helped. In fact, with only 40% of sexual attacks reported to law enforcement nationally, rape is the most underreported violent crime in America today. When examining rape on college campuses specifically, the United States Justice Department estimates that fewer than 5% of both completed and attempted rapes are reported to law enforcement (RAINN 2013). It is the opinion of the current study that the first step in
helping victims which do not fall on the extreme ends of sexual victimization is
challenging traditional rape narratives and teaching inaccuracies in how they frame rape
as a social problem. The following section offers a more in-depth look at these narratives
and their place in social problems discourse.
NAB THE BAD GUYS, SAVE THE GIRL: THE FUNCTIONS OF RAPE NARRATIVES

Sarah, a 17-year-old waitress, was walking home after staying until closing time at the restaurant she worked at. She hated working late nights because she didn't get home until close to one in the morning, but she needed to save up money for college, so she accepted any hours she could get. It was summer, and since she lived a short 15 minute walk from the restaurant, she opted to leave her car at home this shift. It was a route she had walked countless times before. She brushed off the footsteps she heard behind her – this was a small town, and she felt safe here. At one point in her walk, the path went dark, a section of road where the street lights had burned out. That was when she felt someone grab her, clamping their hand over her mouth so that she could only let out a muffled cry while they dragged her in between two buildings.\(^1\)

The previous story is familiar to a majority of American people, especially women. It is an example of the traditional rape narrative, in which an innocent civilian is caught off guard and attacked by the deranged actions of a stranger who had hidden away in dimly lit areas. The victim is typically a young female, innocent and perhaps bordering on naïve, while her attacker is likely a psychotic offender, someone with mental health problems who does not belong in mainstream society. Henbry Brownstein (1999) described this classic narrative as emerging at a time when public fears of violent crimes committed by strangers were peaking. Mass media had dubbed 1990 as “the year of the innocent bystander,” publishing column after column detailing stranger violence. Such reports came even in the face of empirical evidence which show that violence between two individuals who know each other has always been statistically higher. Focus given to stranger danger by the media, government officials, and other experts lent legitimacy to

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1 Narrative constructed by author for purposes of illustration.
the fear of random, violent strangers, awaiting their next victim from the dark shadows of foliage and alleyways.

Since the traditional rape narrative was established, a second variation of its cautionary tale has emerged. Let's take the following example:

Jamie, an 18-year-old college freshman, was attending her first large party. She had been invited by Steve, a boy from her biology class, and was excited to see him. Not wanting to go alone, she took two of her friends with her, and even offered to be the designated driver since she had work early the next morning. Despite opting to drink soda all night, Jamie found herself having a good time talking with Steve. At one point, she handed him her cup, asking if he would hold it while she used the restroom. When she had returned, he had even refilled her soda for her. She smiled and they continued their conversation. Suddenly, Jamie felt weak, so she leaned against the arm of a sofa for support as her vision began to blur. The next thing she remembers, she awoke in a strange bed, nude, with no recollection of what had happened to her.²

This is another story a majority of women in America could finish by heart. The date rape drug narrative, closely related to the traditional rape narrative, emerged in the 1990s alongside a rise in the popularity of raves. Raves are “all-night dance events attended by large numbers of middle-class youth,” which boasted fun, wild nights of synthetic drug use, set to the backdrop of neon and electronic dance music (Weiss 2010:358-9).

“Roofies,” short for Rohypnol, are one of these drugs that had been used, in addition to Gamma Hydroxybutyrate (GHB) and Ketamine. Youths were able to share stories of their experiences at raves in unprecedented ways due to one key technological development: the Internet. Online message boards were constructed for the sole purpose of swapping

² Narrative constructed by author for purposes of illustration.
stories and brainstorming ideas for the next huge party, connecting members of rave culture across the country, much to the dismay of their concerned parents.

Use of club drugs was not unlike use of LSD in the previous generation, which parents and other experts had blamed for the rebellious nature of the youth. Both were primarily taken voluntarily and circulated around a relatively small subculture. However, through the use of online forums, information on the use of such drugs was left in the open, and the mass media picked up on this. Use of these synthetic drugs married two heavy and consistent worries associated with youth culture: substance abuse and teen sexuality (Weiss 2010). Thus, the craze of reporting on the dangerous effects of such drugs took hold and hasn't let go.

In illustrating just how strong of an effect rape narratives can have in gaining support for a particular view, let us continue with the date rape drug narrative. It didn't take long for public focus to shift from viewing drugs like Rohypnol, GHB, and Ketamine as “club drugs” to viewing them as “date rape drugs.” Until the 1990s, drug facilitated sexual assault was not considered a social problem, and not for lack of such instances taking place. Rather, there was simply a lack of public fear of random drink spiking; rape was still considered a much more physically violent act. Yet in the midst of the club drug problem, Newsweek in 1996 broke the surface, publishing the article “Roofies: The Date-Rape Drug.” Newsweek's piece focused specifically on Rohypnol, the tasteless, odorless drug which was known for its mellowing effects, but could knock users out if they took too much (Weiss 2010). Once published, the article lit a spark which spread like wildfire in all forms of news, from print to television.
Club drugs were now not only associated with underage drinking and consensual premarital sex, but the threat of their children, and in particular their daughters, being taken advantage of in one of the most severe ways. Later in 1996, the government responded by passing the Drug Induced Rape Prevention and Punishment Act, which classified Rohypnol as a Schedule I drug under the Controlled Substances Act. Four years later, after the tragic deaths of two young women, Hillory J. Farias and Samantha Reid, who had each been surreptitiously slipped GHB into their drinks, the Hillory J. Farias and Samantha Reid Date-Rape Prevention Act of 2000 was passed, which added GHB to the list of Schedule I drugs. Their clean-cut stories served as the ultimate reinforcement for the date rape narrative (Weiss 2010).

Each variation of the rape narrative has followed the social problems process. To illustrate, a series of violent crimes committed by strangers first began to worry experts that a problem was arising. Stage two of the social problems process was then entered when the media picked up on these cases and broadcast them disproportionately to the public, framing stranger danger as a true problem. The traditional rape narrative emerged as a simplified way to address crimes of rape, something easy which could be used on talkshows, at fundraisers, political rallies, and the like. Policies were created to manage public pressure to capture the deranged rapists and lock them away, and since, the way that lawmakers and law enforcement agents respond to crimes of rape has been changed. Laws were passed scheduling club drugs as Schedule I drugs under the Controlled Substances Act as a way to go after those who illegally possessed and sold them.
However, there has been a long-lasting, indirect effect of rape policies that impacts how discourse on rape and sexual assault is framed. Narratives like these make it readily apparent who is right and who is wrong, who needs to be helped and who deserves punishment. Because of the ease of distinction between victim and perpetrator, narratives make perfect examples for government officials and other experts to use to pull reactions and support from the public. Both Hillory Farias and Samantha Reid were young, healthy women with long, happy lives ahead of them. Their faces became the face of every daughter in America, the unsuspecting female who's death would have been prevented if GHB hadn't been circulated to begin with. The repetition of the date rape drug narrative in speeches and fundraisers by politicians and other experts, especially with Hillory and Samantha's faces attached to it, further legitimized that stories like these are the norm (Weiss 2010:366).

Most crime narratives have a short lifespan. They come and go in bursts of popularity, playing to the current fears of the general public. However, both the traditional rape and the date rape narratives have become rooted in how we define and respond to rape as a social problem, both proactively and reactively. Weiss and Colyer (2010) have cited three main reasons for this persistence, the first being that it is difficult to question the legitimacy of a narrative meant to support rape victims. To question a narrative is to question the authority or motives of those who promote it. Doing so opens the skeptic up to the critique that they are unsympathetic to victims and their plights, or that they are trying to downplay policy which could help victims, especially given that many legitimized groups like victim advocacy organizations use
these narratives to promote change. Given the especially sensitive and controversial nature of rape, many experts choose not to challenge the use of such narratives in prevention strategies.

Silence on part of those who may offer amendments to popular rape narratives gives way to the second reason for their persistence: their repetition. With no one to challenge the notions presented in rape narratives, these stories flood discussions on what can be done to protect vulnerable populations. It is a reciprocal relationship: the more the public hears a given story, the more they accept it to be true. The more it is accepted to be true, the less it is challenged, and the more it can continue to be repeated, thus contributing to the cycle (Weiss 2010). This repetition is key in explaining how a majority of Americans can so fear stranger rape, or rape by surreptitious drink spiking, when in reality they are much more likely to be victimized by someone they know and in familiar settings. We hear more often than not cases which fit the former situations, as opposed to the majority of cases which fit the latter.

Finally, rape narratives ultimately serve a function to those who perpetuate them. So long as they remain useful, there is no reason for their proponents to switch to an alternative method of discussing rape. Primarily, rape narratives give easy targets for blame and easy solutions to achieve justice (Weiss 2010:366). In our fictional narratives described above, Sarah and Jamie are the ultimate victims. There is no question that these young, hard-working women were in no way deserving of what happened to them. Sarah was walking home from a job she worked to put herself through college, and Jamie took friends with her to a party that she was not drinking at. The perpetrators are clearly the
random stranger who grabbed Sarah, and the boy from biology who slipped Jamie a drink. Here, a clear solution can be reached which quells public outrage for these crimes: in Sarah's case, the street lights can be fixed, and more lights and police officers on patrol can be added to target areas; for Jamie's, policies which crack down on those caught selling “date rape” drugs, as well as those in possession of them, can be made. Beyond these fictional cases, similar solutions have provided the foundations for sexual violence prevention programs today. “Watch the bartender pour your drink,” “Never leave your drink unattended,” and “Always walk home with a friend,” are all cautionary statements made in reaction to traditional rape narratives.

Such statements have led to the formation of “rape myths,” or claims about rape which skew public opinion on which cases of victimization count as “real” crimes. Rape myths include such beliefs as women who flirt are inviting physical sexual activity from men, women who dress provocatively are deserving of the sexual attention they receive, and women who are in relationships cannot be victimized by their lovers. Kappeler and Potter (2004) described rape narratives, and the accompanying myths they produce, as parts of a larger mythology of mass crime problems. According to their work, narratives serve the function of simplifying complicated criminal issues, and they serve this function for two main groups: the government, and the mass media. Rape is a complicated crime to summarize in a sound byte, and narratives allow for this. The media and government thus play off each other; the media utilizes government organizations and figures to reinforce and legitimize their claims, while government organizations utilize the media to inform the public of their attention to the crime (Kappeler 2004).
Kappeler and Potter (2004) focused on the role that the government and mass media play in perpetuating crime narratives. This project believes that a new force should be added to this group: online media. More and more, mass media and government outlets are turning to the Internet to get in touch with youth populations and further expand their viewership. However, the Internet has also given rise to innumerable independent news sources. Additionally, social media sites like Facebook and Twitter have allowed users to build a digital social network of like-minded peers. The data analysis section below hopes to address in part the influence that social media and other online news sources had on respondent opinions of the Steubenville rape case, in order to uncover some of the potential influence social media can have on popular rape narratives.

Despite the well-publicized fact that sexual victimization is far more likely to occur among people who know each other in familiar places, this fear of stranger rape and random drink spiking still grips our current culture. Brownstein (1999) suggests that this is because our current social environment is one of groups constantly seeking appeasement. Elected officials must satisfy the citizens who vote for them, just as political appointees must work to support those who worked to get them in office. Local project managers must be at the mercy of those bureaucrats who fund their programs. News reporters are torn between the need to please their viewership, while also being careful to adhere to the owner of their organization's standards and remaining favorable in the eyes of the sources which provide them with information. The best way to accomplish such a variety of groups with such differing interests is to downsize: “problems need to be simple and their solutions measurable” (Brownstein 1999:70). Once
a problem is simplified, the line between the good guys and the bad guys becomes clear and distinguished, easily understood by all parties. The discussed rape narratives fulfill this requirement: from them, we may call upon legislators and law enforcement to nab the “bad guys,” the deranged strangers who aim for unsuspecting victims, thus saving the innocent female and allowing the public to rest easy that all daughters are safe at home at night.
Rape narratives work well for addressing a cause because of how they condense the constellation of factors surrounding a specific instance of rape into a clear picture of right and wrong which can be applied to all crimes of sexual violence across the board. Such a simplified look at sexual victimization provides an easy path to a solution, feasible changes to social order that policymakers can implement in order to address the problems of rape and sexual assault. This is because the core of the rape narrative focuses specifically on polarizing the parties involved in a rape: victim versus perpetrator. The victim is always good and wholly innocent of any misbehavior, while the perpetrator is always bad, a sick (perhaps mentally ill) individual who targets the unsuspecting. The “victims are good and perpetrators are bad” assumption seems fair, until the implications for such a dichotomy begin to emerge. Much like how rape myths derive from the rape narrative, which skew what scenarios the public defines as rape, people types derive from the polarization of actors involved in a rape. These people types carry hefty weight in who is defined as a victim and who is not, and subsequently who is and is not deserving of justice.

“People types” are abstract social models attached to various social problems, a concept pioneered by Donileen Loseke (2003). People types become the human face representative of a given social problem, invoking specific emotions from the public towards the problem. The concept of people types begins with the notion that within a given social problem, there inevitably arises a victim and a victimizer, or the agent of
harm; victims are viewed as undeserving of the harm done, while victimizers bear the brunt of responsibility for the harm that has been committed. According to Loseke, however, the issue stems beyond who was harmed in a given instance. In order for victims of social problems to be taken seriously and given attention or help, they must be seen in a sympathetic light. Because of this, Loseke suggests that this categorization of victim and victimizer is a claims-making activity that produces “putative people” as being situated in particular moral universes: “sympathy-worthiness” or “condemnation-worthiness” (Loseke 2003:122).

To apply this concept to the current narratives, a certain image comes to mind when someone refers to a “rape victim.” This is typically a young, attractive female of smaller build, someone clearly unable to fend off an overpowering attacker. In addition, perpetrators are seen as large, hulking males dressed fully in black, maybe in a sweatshirt with a hood or sunglasses to protect their identity, as shadowy as the dark spaces they hide in. The perceived vulnerability of the victim people type evokes a strong sense of pity and sympathy from the public, and subsequently anger and hatred directed towards the perpetrator. (Loseke 2003:120).

While such distinctions make sense on the surface level, they have specific consequences for who law enforcement, politicians, and the public as a whole feel is most in need of help in cases of sexual assault and rape. For instance, many prevention programs have adopted bystander intervention training strategies as part of their curriculum in fighting sexual assault. The theory is that bystanders who are close to situations which have the potential for victimization to take place can step in, guiding the
potential victim away from a perceived perpetrator. This is based off of Shawn Megan Burn's (2009) situational model of bystander intervention. By this model, the first step to intervention is always noticing a problem. Bystanders evaluate situations which may lead to sexual assault or rape by the perceived worth of the actors involved. In this evaluation, assigning the roles of victim and victimizer is key to whether or not intervention may take place.

The general people type associated with a victim is a female who is morally correct, sympathy-worthy, and not responsible for any harm they may endure or may have endured, and therefore worthy of help. Therefore, any variation from this adds responsibility onto the victim. In contrast, the victimizer needs to be seen as someone who is immoral, condemnation-worthy, and intending to do harm which they are completely responsible for. Any variation from this can reduce responsibility for the crime on part of the victimizer, transferring blame to the victim. Variations can include excessive, voluntary drinking on part of the victim, provocative dress from the victim, and a victimizer who is in a legitimate relationship with the potential victim. Since such actions are evaluated by bystanders to not indicate a sexual assault, they may not warrant intervention (Loseke 2003:123).

Beyond bystander intervention strategies, people types are crucial to the functioning of the rape narrative, and extremely influential in affecting perceptions towards alleged cases of rape. These archetypes show us that the more an actual victim strays from the stereotypical victim the more blame individuals will place on them. This constricts definitions not only of what situations do and do not equate to sexual assault,
but also who can and cannot be a victim. Restricting such definitions impedes decisions to help. “Viewing [the victims] as good or bad- through the construction of a social type such as the innocent bystander, for example-oversimplifies the problem,” Brownstein asserts. “This itself becomes a problem in that, by focusing on the innocence of victims of violence, we are distracted from the circumstances and conditions that envelope all people who are enmeshed in a web of violence” (Brownstein 1999:72). In other words, by utilizing rape narratives to simplify rape crimes, we address only the extremes while neglecting the majority of victims who fall somewhere in the gray area.

The reality of sexual assault and rape crimes in America today clashes with popular rape narratives. Additionally, the average victim of such crimes does not always completely fit the victim people type. Yet these are the stories and cases upon which the foundation for addressing sexual violence rests upon, and thus, a large group of victims is left neglected. This neglect is felt by victims nationwide. Brownstein (1999) was critical of programs geared towards helping victims in such situations, stating, “In a study of victims and victims services...'[r]ather than offering real improvements, most victim policies still leave people victimized: by crime, criminal justice, and the political process’” (Brownstein 1999:71). This is where current sexual assault and rape prevention programs fall short: when policies are focused on helping the minority, the majority cannot find comfort in seeking their services.

There are also larger consequences to be found in the justice system, particularly in discrepancies between who is seen as a criminal and who is not for committing acts of sexual violence. Not all individuals who commit rapes and sexual assaults are seen as
criminal. Not only can two individuals commit the same crime and not be given the same punishment, but in fact one individual may not even be considered criminal at all. For example, in Ohio, the law dictates that the minimum sentence for an adult convicted of forcible rape conviction is five years in prison, while the maximum can include life in prison, leaving a large gap of time for the judge's discrepancy (Ohio Revised Code 2907.02). According to a report released by the United States Sentencing Commission, in 2012 the average length of sentence for sexual abuse crimes in state facilities is 146 months, which is higher than the 129 month national average. Variation in mean sentences for sexual abuse here indicates that two individuals committing acts of rape in different geographical locations may receive very different sentences.

A closer examination of cases reveals huge variations in sentencing for similar offenses. In 2014 Jonathan Dunn, a 29-year-old high school teacher from Pinellas Park, Florida, pled guilty to two counts of unlawful sexual activity with a minor (who was 16 at the time of the relationship). He had been arrested roughly one year prior after word of an illicit relationship with a student in 2011 was spread. Dunn was sentenced to three years of prison, followed by two years of sex offender probation (Tampa Bay Newspapers 2014). In a similar case, 27-year-old Sarah Jones, a high school teacher from Kentucky, was arrested for engaging in a relationship with her 17-year-old student. Jones admitted to the relationship as part of a guilty plea deal, and was sentenced to a five year diversionary program with regular reports to a probation officer and drug testing. Jones was not put on the sex offender registry, and did not receive jail time. She even walked
out of the courtroom holding the hand of the student she had begun the affair with (who had since turned eighteen) (NFL.com Wire Reports 2012).

In each of these cases, a similarly aged offender began an illicit relationship with similarly aged minors. The minors were both students, and both affairs involved actual physical sexual activity. Yet Dunn received a far harsher sentence than Jones, and was subsequently labeled a sex offender, while she was not. Differences like these point to much variation within sentencing styles, and how numerous factors beyond the actions which took place can influence the outcome of a criminal case. More importantly, we can see the influence of rape narratives on these outcomes. Jones, an attractive woman, does not fit the stereotype of perpetrators of rape. She is not a large, imposing male, nor is she deranged. She was instead viewed as someone who began a relationship (albeit an inappropriate one) relationship with one of her students. A male student/female teacher relationship is more of a celebrated act here than what Dunn experienced. Dunn, who is closer to the typical idea of a perpetrator, was seen as predatory, using his position of power to exploit a young female.

Recent developments in rape prevention research suggest that bystander intervention could be effective in reducing the occurrence of sexual assault (Banyard et. al. 2008). Importantly, an emphasis on bystander intervention can remove the primary responsibility for rape avoidance from the woman at risk (Ullman et. al. 2007). Removing even some responsibility for rape avoidance from potential victims can broaden the scope of who is seen as a victim, thereby broadening the scope of who is deserving of help. Additionally, proponents of bystander intervention claim that such methods also
encourage and empower college students who adopt its strategies (Banyard et. al. 2004).

Taking into account the fact that a majority of sexual assaults in college happen in familiar areas with many people present, and that drinking tends to be involved in such scenarios, training students to be more aware of the warning signs of sexual assault so that they may step in to help their peers can prove extremely valuable in decreasing cases of sexual assault (Fisher et al. 2000; Vander Ven 2011). However, the problem remains that bystanders cannot intervene on a situation that they do not know is a problem. At the root of this issue are issues of defining consent, especially when alcohol is involved.

The social construction of who is and is not a victim in cases whether the potential for sexual victimization is present (as well as cases which have already happened) has been largely discussed in previous research. Shawn Burn's (2009) produced a bystander intervention model adapted from the classic model of bystander intervention constructed by Latene and Darley (1970) to apply specifically to such cases. In this model, Burn outlines the five steps to bystander intervention as: 1) noticing the event, 2) acknowledging intervention is necessary, 3) accept responsibility for intervening, 4) make the decision on how to act, and finally 5) intervene. There are specific barriers to each of these steps that are unique to situations of sexual assault.

Returning to the notion of the Internet, online communication through social media is opening new gates for bystanders. Bystanders no longer have to be local to a scenario in order to form opinions on alleged victims and perpetrators. In one now-notorious case, 16-year-old Jane Doe was raped by at least two members of the football team in Steubenville, Ohio. News of the crime spread online, and before the victim even
knew what had happened to her, hundreds of youths from around the area were already passing judgment. Burn (2009) defines one barrier to intervention as a potential intervenor's decision on whether a situation is “intervention-appropriate,” a decision largely based off of their beliefs on rape and rape victims (2009: 781). Rape narratives and people types are key in influencing this position.
METHODOLOGY

This study utilizes a descriptive case study meant to show the social problems process in action. The selected case was the rape of 16-year-old Jane Doe in Steubenville, Ohio, who was assaulted at a series of parties by at least two members of Steubenville High School's football team, known colloquially by their mascot's name, Big Red. A comprehensive timeline of events beginning the night of the rape in Steubenville was constructed via triangulating accounts from multiple news sources. Case studies are implemented by a number of disciplines, including psychology, social work, and of course, sociology. They are used primarily to help understand complex social phenomena (Yin 2002:1-2). In this case, the Steubenville rape is a real-life event that allows for the explanation of the construction of rape in action. Jane Doe's rape deviated from traditional rape narratives in a multitude of ways: Jane Doe voluntarily consumed alcohol, she was assaulted by people known to her (who were also well-known and well-liked within their community), and the assault took place in a familiar area. Case studies are best used when discussing how or why a certain phenomenon exists (Yin 2002). Given that the current study seeks to explain how rape narratives shape public perceptions of rape, especially when a rape case may deviate from the scenario presented in a traditional narrative, using Steubenville provided a timely and relevant case to explore these issues.

Additionally, a survey was constructed which consisted primarily of Likert scale questions which measured respondent opinions on two main sections: questions specifically regarding the Steubenville rape case, and general questions regarding rape beliefs. Surveys are often used by sociologists to obtain descriptive information from a
group of people that can attempt to reflect an estimate of an entire population (Czaja and Blair 2005:4). The survey method was chosen because of its utility over other data collection methods. Surveys allow for the collection of a large amount of data in a short amount of time (Czaja 2005:7). Because the target population was college students, and it would be unrealistic to be able to survey all college students, surveys allowed the chance for a representative sample to be used in its place. Additionally, discussing opinions on rape and sexual assault can be controversial matters. Surveys allow for the utmost anonymity among respondents, as opposed to interviews, where respondents would need to speak face-to-face with researchers and are thus more likely to overreport behaviors they feel are most desirable to researchers (Czaja 2005:55). The anonymity surveys provide allow respondents to be more open and honest about their feelings towards sexual victimization.

The current survey was distributed to various undergraduate courses within both the College of Arts & Sciences and the College of Business at a midsized Midwestern university (N=381). Classes between the two colleges were chosen to obtain a more diverse sample population, as the two colleges house students of different majors which may not otherwise cross paths. Nine cases were ultimately discarded from the data set due to missing information, leaving a total usable sample size of N=371\(^3\). The data set includes 153 male respondents, 216 female respondents, and 1 other respondent. A total of 219 respondents reported knowledge of the Steubenville case.

\(^{3}\) Those who failed to report their age were assigned the average age of 20.
A NEW JURY: SOCIAL MEDIA AND REACTIONS TO RAPE IN STEUBENVILLE, OHIO

On August 11th, 2012 the typically quiet town of Steubenville, Ohio was alight with excitement. Several end-of-summer parties were taking place, drawing the attendance of many of the town's youth. It was one last taste of freedom for the students returning to school for fall classes, a chance to say goodbye to those friends who had graduated and were heading to college, and with it came the promise of underage drinking.
Figure 1. A timeline of events of the Steubenville Rape.
Sixteen-year-old Jane Doe was among those attracted to the excitement, visiting from her West Virginia hometown located just across the Ohio River from Steubenville. Although she was not a Steubenville High School student, Doe had friends who were attending the parties, whom she met and began drinking with. The night then took an unfortunate turn. According to police testimony, Doe had too much to drink, blacking out around midnight. It was at this point that she was seen by witnesses stumbling and slurring her words, being led from a first, to a second, and then to a third party with several Steubenville football players, including Trent Mays and Ma'lik Richmond, both also sixteen at the time. “She woke up long enough to vomit in the streets,” The New York Times quoted one witness who saw Doe outside the second party, “and she remained there alone for several minutes with her top off” (Macur and Schweber 2012). At one point, Doe was so drunk that she had to be carried by Mays and Richmond.

Mays and Richmond each raped Jane Doe that night. These assaults were committed at two separate party locations, in the presence of numerous witnesses (Macur and Schweber 2012). Bystanders at the parties laughed and made jokes to one another at Doe's expense; at one party, a baseball player from Steubenville dared those around him at the party to urinate on Doe, although no one accepted the challenge. The partygoers took their observations to social media, posting to Twitter, Facebook, and Instagram about the assaults. These posts broadened the reach of the crime; it was no longer just taking place inside someone's basement, but rather it was playing out in real time online.

When she awoke, Jane Doe could barely remember the night's proceedings. She learned about them primarily through the various social media posts, which referred to
her as a “dead body,” a “slut,” and a “whore.” The entire night had been documented and was rapidly spreading among social groups in Steubenville, with many of the most vocal users taunting Doe for her actions. Doe's parents went to the police on August 14th to report the rape, taking with them a flash drive filled photographs, tweets, and even a video that they had retrieved from the Internet (Macur and Schweber 2012). While police worked through the evidence presented to determine what crimes had taken place and who could be held responsible, it was established by Steubenville police chief William McCafferty that too much time had passed since the alleged rape to determine whether drugs were involved, and much of the physical evidence would have been washed away since Jane Doe had showered. Rumors of an investigation flew, and many of the students who had spread word of the event deleted their photos and tweets from the night. Primarily due to the photographs produced by Doe's parents, on August 22nd, Mays and Richmond were arrested (Macur and Schweber 2012).

The teens were charged with kidnapping and raping Jane Doe. The kidnapping charges were later dropped, but Mays faced a second charge of possessing and disseminating nude photographs of a minor. Assigned Juvenile Judge Samuel W. Kerr of Jefferson County recused himself from the case, as his granddaughter had dated one of the football players who had initially been linked to the incident. Lawyers representing Mays and Richmond vehemently defended their innocence, maintaining that any sexual activity which had taken place was consensual. However, ample evidence proved that Doe was heavily intoxicated during the assaults, and Ohio law states that nobody under the influence of alcohol is able to provide legal consent.
During a probable cause hearing on October 13, 2013, three other Steubenville athletes gave their testimonies against Mays and Richmond in exchange for immunity in the case. Key testimony came from Brian, a fellow Steubenville football player and friend of Mays and Richmond. Brian informed law enforcement that he was with Mays and Richmond when they took Doe to the third party, during which time Mays continuously flashed her breasts and penetrated her with his fingers. Brian even admitted to videotaping this assault on his cellular phone, although he subsequently deleted the video. He further testified that Doe was barely conscious, that she “was just sitting there, not really doing anything.” Brian then explicitly stated that Mays attempted to coerce the girl into giving him oral sex, despite the fact that she was unresponsive (Macur and Schweber 2012).

Richmond also had a role in Doe's assault, according to witnesses. He stood behind her with his hands between her legs at one of the parties, digitally penetrating her. One witness reported telling Mays to stop, but Mays brushed him off by saying, “It's alright. Don't worry.” The witness who cautioned Mays took a photo of the assault, but like Brian, he claimed to have deleted it from his phone after showing it to several people. The night ended with Doe passing out on a couch in the basement of the third house party. At no point aside from the witness who told Mays to stop assaulting Doe did anyone attempt to step in and help, or remove her from the situation. “If you could charge people for not being decent human beings, a lot of people could have been charged that night,” McCafferty remarked in an interview with The New York Times (Macur and Schweber 2012).

4 Name changed to protect anonymity.
The exposure of Jane Doe's rape through social media would be key in its path to the national spotlight. While the rape initially passed under the radar of most mainstream media sources, including local news stations, independent online users were documenting the event. Alexandria Goddard, an independent blogger and Steubenville native, was one of the first to compile and post the photos of the night on her blog, Prinniefied. As controversy stirred over her posts, a subset of the online activist group Anonymous picked up on the story. This group, Knight Sec, established #OccupySteubenville, the name given to their efforts to achieve justice for Jane Doe in the face of what they perceived to be a case that was trying to be swept under the rug to benefit the Steubenville football players. They disseminated photos and tweets on social media, and the case began to gain steam. The public began to direct their anger towards the town as a whole, calling for Steubenville High School officials and Big Red football coach Reno Saccoccia to publicly apologize to Jane Doe for what had happened to her. As public pressure began to mount, Steubenville supporters jumped to defend the town and its football program. Nate Hubbard, a volunteer coach at Steubenville who himself used to play for the team, voiced such sentiments when he said, “The rape was just an excuse, I think. What else are you going to tell your parents when you come home drunk like that and after a night like that? She had to make up something. Now people are trying to blow up our football program because of it.” Goddard even received a lawsuit for defamation of character for her claims against the players, a suit which was later dropped.

Online involvement in the case took a drastic turn when Anonymous published a twelve minute long video to YouTube which depicted a room full of boys discussing Jane
Doe's assault on January 3, 2013. The primary speaker was Michael Nodianos, who laughed and joked, “She is so raped right now,” and, “She looked deader than Caylee Anthony.” The video was viewed more than two million times, earning the name “The Rape Crew” and officially sending the case viral and sparking outrage on a national level. Groups such as the National Organization of Women pressed Ohio Attorney General Mike DeWine to step in and charge Nodianos and others in the room with failure to report the rape. Nodianos has since apologized, stating that he regrets his behaviors, and his attorney insists that he had no firsthand knowledge of the event (Abdad-Santos 2013). Thusfar, no additional charges have been filed against any of the Rape Crew boys. Legal personnel involved in the case maintain that, while certainly distasteful, the actions of other boys present were not criminal. “You can't prosecute stupid,” Sheriff Abdalla remarked to the Herald-Star (Miller 2013).

While rumors and arguments flew online, Anonymous continued to extend their efforts in helping Jane Doe to offline realms. The first #OccupySteubenville rally was held on December 29th, 2012. Between 300 and 400 people gathered on the steps of the Jefferson County Courthouse to voice their support for Jane Doe. On January 5th, 2013, a second rally was staged to protest the fact that more individuals weren't charged in the case (Miller 2013). This second rally, which was organized after the now-infamous Michael Nodianos video had gone viral, drew an estimated 1,500 to 2,000 people. Victims of sexual assault shared their stories, including the pain and humiliation they had felt when their cases weren't taken seriously by law enforcement. Video of the rally was
streamed live online, gathering over 10,000 views all over the United States, and was even viewed internationally (Abdad-Santos 2013; Bazelon 2014).

Now thrust into the center of a very controversial public debate, Mays and Richmond were poised to stand trial on February 13th, 2013 before visiting Judge Tom Lipps. Testimony from the probable cause hearings was used, as well as thousands of text messages recovered from phones detailing conversations between Mays, Richmond, and their friends. Mays and Richmond were subsequently convicted in March of 2013. Richmond was found guilty of rape and sentenced to at least one year in a juvenile detention facility with time served, while Mays was found guilty of rape and photographing Doe while nude, and sentenced to at least two years in a juvenile detention facility.
ANALYSIS OF DATA

Jane Doe's rape in Steubenville, Ohio will leave a lasting mark on public perceptions of sexual victimization. The assault happened not only locally in Steubenville, but also virtually through the hundreds of tweets and other social media posts documenting the crimes in real time. Three themes which emerged in this project thus followed: a new jury in evaluating victims and perpetrators in cases of rape, complexities in defining and recognizing consent, and challenges to traditional rape narratives.

A New Jury.

“The New Jury” refers to the emergence of an informal justice process online. This includes not only a new jury, but new prosecutors as well, as certain online voices carry more weight than others. In the case of Jane Doe, the online courtroom she faced at initially consisted mainly of a jury of Steubenville High School students and their immediate friend groups. This group disseminated posts, pictures, and rumors about Doe, discrediting her claims against Mays and Richmond. Rather than judging Mays and Richmond for their actions, they were instead judging Doe's. While law enforcement officers went through the formal legal process of charging Mays and Richmond, as well as investigating anyone else who may have needed to be charged, the online jury had already tried and convicted Doe of lying about being a victim.

This conviction came from both the bystanders who attended the parties during her assault, as well as those who virtually contributed to the spread of its knowledge.
Tweets and Facebook posts circulated in real time during the attacks themselves among social groups, calling Doe “sloppy,” a “whore,” and a “dead body.”

Figure 2. A tweet referencing Jane Doe being passed out.

Figure 3. A second tweet referencing Jane Doe being passed out.

Figure 4. A tweet referencing Jane Doe.

The above tweets were taken from two boys from Steubenville the night of the rape. As Doe was assaulted in front of numerous bystanders, tweets like this began to circulate around social media outlets like Twitter and Facebook. More scathing comments were made the night of the assault by Michael Nodianos in the infamous video taken of him mocking the crimes that had taken place.

None of the teens attending the parties in Steubenville stepped in to remove Doe from the situation, because none of those teens were defining the situation as a rape to
begin with, in part because of the crime’s location, and also because Doe, Mays, Richmond, and any other actors potentially involved in the crime did not fit what the rape narrative defines as a rape. When Doe came forward to report the crime, critiques against her became more aggressive.

Figure 5. A tweet suggesting Jane Doe may not be a victim.

Figure 6. A tweet defending Mays and Richmond.

Figure 7. A tweet attacking Jane Doe for her decision to report the rape.
The above tweets from students and others within the social circle of Mays and Richmond show clear defense of the boys. They illustrate the popular opinion that Mays and Richmond were the actual victims of the case, victims of a girl who had lied about being assaulted.

In addition to those posts made in defense of Mays and Richmond, numerous posts were made calling into question the actions of Doe. Specifically, many supporters of the boys questioned why Doe had come to the parties or gone along with the actions of Mays and Richmond if some form of consent wasn’t present.

**Figure 8.** A tweet suggesting Jane Doe consented to sexual activity.

**Figure 9.** A tweet placing blame for the rape on Jane Doe.

**Figure 10.** A tweet stating that Jane Doe is lying about the rape.
The above tweets suggest that individuals close to Mays and Richmond continued to support that Doe was lying when she reported that she had been raped. These responses negate how drunk Doe had been, and do not even acknowledge the fact that in addition to being physically unable to walk or hold herself up, according to Ohio law, Doe was legally unable to consent to sexual. This reveals an important fact: online juries are not bound by the same formal rules as official juries and other courtroom actors are, and thus laws defining what is and is not legal become technicalities as opposed to meaningful rules of behavior.

However, the Steubenville rape was unique, and the scope of knowledge about the case was soon broadened when Anonymous thrust the case into the national spotlight. Anonymous proved a strong metaphorical prosecutor within the virtual courtroom; the reach of their voice allowed the case to be spread all across the country in a mere matter of days. The new jury grew, now including these new viewers. As the story gained traction, mainstream news outlets like CNN picked up on it, running segments on the process and Anonymous's involvement. Now, the new jury not only included online viewers, but anyone who happened to turn in to one of those segments. It even gained international attention when Anonymous broadcast a livestream of one of their protests. The spread of Doe's story shows just how large new juries can become, and additionally how powerful they can be. The public pressure on Steubenville officials to try and convict Mays and Richmond grew. It can be argued that a conviction may not have been reached if not for the efforts of online activists like Anonymous and pressure from the
huge jury of public opinion, who's eyes followed law enforcement's every move throughout trial.

The current study's survey showcases just how this new jury flipped the scales in the case. Before the story went viral, support largely fell with Trent Mays and Ma'lik Richmond. After it went viral, support largely fell with Jane Doe. It is the argument of the current study that the new jury exists online. Of the total sample size of respondents surveyed in the current study, 212 students reported hearing about the Steubenville rape case. The figure below displays the first medium through which respondents learned of the case.

![Figure 11. Medium by which survey respondents report first learning of the rape.](image)

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5 219 respondents had reported hearing about the Steubenville case, but 7 could not remember any specific details and so were excluded from analysis of those cases who knew about Steubenville.

6 For this illustration, “other” responses were eliminated. “Social media” and “Online news” responses were combined to create an “Online media” category.
This particular question was presented in open-ended response format, meaning that respondents were given a free space to specify their source of knowledge as they wished. A majority of respondents reported hearing about the trial through “news,” and it should be noted, given that no specification was provided in these particular answers, this response can encompass local news, national news, or online news. Thirty-four percent of respondents reported having first heard about this case online or through social media, a sizeable portion, which alludes to the important role that online activism had in spreading word of this case and the large size of contributors that the new jury had.

The new jury online did not find Doe completely innocent, however. Although a vast majority of people sympathized with Jane Doe and felt that she had indeed been sexually victimized, survey respondents shared some of the judgment that Steubenville residents had placed on Jane Doe, specifically regarding her decisions from that night. Eighteen percent of respondents believed that Jane Doe should not have gone to the parties she did. Five percent of respondents believed deserved the attention she received from Mays and Richmond. Six percent believed she consented to sexual activity, while 15% were neutral that she had consented. Thirteen percent of respondents believed that Mays and Richmond were in general good boys who made wrong decisions, while 31% believed Jane Doe was a good girl who made in general wrong decisions. In highlighting the fact that responsibility for the assault could be spread between the two parties involved, one respondent remarked, “I think the boys by definition raped her but this girl still broke the law too and was teasing the boys so don't pull the 100% innocent card, cause [sic] she's not.” In large part, such an attitude comes from Jane Doe’s personal

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7 This survey item asked, “From where did you first hear about the Steubenville rape case?”
decisions to attend parties and drink, even though she was underage. Another respondent wrote, “Two sides to every story,” suggesting that media coverage of the event perhaps left out how Mays and Richmond perceived Jane Doe’s actions and placing an unfair amount of blame on the boys. Such respondents are indicative of a key fact with the new jury: the way in which a story is framed can have a huge influence on determined guilt and innocence, and blame can just as easily be shared between actors in a given social circle.

Complexities in Defining Consent.

Issues of consent have long been some of the most confusing aspects of untangling cases of sexual victimization. Especially when there is little physical evidence of a crime, actors within the justice system must often determine guilt or innocence based off of testimony of the alleged victim and perpetrator. This is one of the contributing factors to rape having such low conviction rates.

Determining consent is a process especially muddled when alcohol enters the equation. As reported by Loseke (2003), voluntary alcohol use by victims of sexual assault often causes bystanders to place more blame on the victim, while removing blame from the perpetrator. Alcohol use was a clear focus of Steubenville residents when critiquing Jane Doe.
As these tweets show, Jane Doe's alcohol consumption, according to the teens attending the parties in Steubenville, was not a cause for concern, or something which would indicate that she could not consent to sex. It was instead something which made her sloppy, out of control, and worthy of ridicule.

Jane Doe's voluntary alcohol consumption detracted from the ability for bystanders in Steubenville to see her as a victim. Responses from surveys in the current study were quite different: an overwhelming majority of respondents believe that Jane Doe was a victim of rape. However, respondents still had critical views of her alcohol consumption: 69% believed that she had drank too much, while 58% believed that she
should not have been drinking in the first place. These numbers indicate the extent of personal responsibility respondents still placed on Jane Doe. One respondent wrote, “[Jane Doe] shouldn't have been drinking. Her parents shouldn't have let her go to parties where alcohol is being served. The two rapists should have been given AT LEAST 10 years, with no possibility of parole.” This response acknowledges the fact that personal responsibility for one's actions can be assigned to both perpetrators and victims in cases of sexual assault. Here, the respondent felt that although Doe (and her parents) made decisions which could have prevented the rape, this responsibility did not outweigh the responsibility that Mays and Richmond had to not violate Doe. The respondent perceived the sentence to be too lenient, and was left feeling that justice had not been completely served. This was in direct contrast to many Steubenville students, who reported feeling sympathy for Mays and Richmond, especially those who believed Doe had been lying and that no crime had taken place.

In general, alcohol is a clear source of confusion when discussing consent, and provided the widest spread of answers in survey responses. When asked if they would intervene in potential cases of sexual assault, 24% of respondents specifically cited impairment by alcohol as a scenario which would motivate them to step in and help. Despite this, 48% of respondents agreed that they would let their friends go home with someone after a night of drinking. Mixed responses regarding alcohol use and sexual activity suggest the difficulty students can have in distinguishing between a fun, drunken hookup and an instance when someone is too drunk to make sound decisions. Especially
in college, where drinking and hooking up go hand in hand, this confusion is important to note.

Survey responses suggest that there exists a sliding scale of drunkenness encountered in the college drinking scene. On one far end lies sobriety, and the other, unconsciousness. Those which discussed alcohol as a factor that would influence intervention most often reported that an individual would have to be towards the latter half of the scale, where potential victims become “too drunk” to help themselves. Phrases like “out of it,” incoherent,” or unable to recognize one's surroundings were often used to clarify when the line had been crossed, which indicate some clear, physical sign that an individual is highly incapacitated. Unconsciousness was another physical factor that indicated to respondents whether a drinking episode had crossed the line into dangerous territory. Focusing on physical signs, however, neglects the fact that individuals react differently to alcohol, and that someone who has blacked out may still appear to be completely coherent. This is especially problematic for consent, because it means that someone can appear to give consent when legally, they are unable to.

Alcohol use becomes one of the largest areas where respondents deviate from legal definitions of crime. Respondents acknowledged that there were certainly times when people could get drunk and hook up, so it becomes difficult to decipher when a line is crossed. “If it were apparent that the act was not consensual, I would intervene or if I knew the person and knew it wasn't what they wanted,” one respondent explained. “However, alcohol is a big concern since technically that makes it not consensual even if the person participating thinks it is.” This suggests that although legally, anyone who has
consumed any amount of alcohol is unable to provide consent, there is some level of inebriation which respondents believe consent to sexual activity can still be given.

Another respondent stated that they would definitely step in and help a drunk girl who seemed to be unwilling to leave with a male. However, they added that although the female may have needed help, this was not always a fault of the male: “If I see a drunk girl that doesn't wanna go somewhere with a guy I say something or act like we're friends to stop it. Sometimes both people are making mistakes. Guys get too drunk and too pushy. Many aren't PLANNING rape, they just don't know what they're doing.” This again points to the confusion that can happen when individuals are drinking. It states the claim that even when a female may need help, it doesn't necessarily mean that a crime is taking place, or that a male should be viewed as criminal if a situation were to go too far. Both this and the previous response make the important note that not all perpetrators are the sick and deranged characters that rape narratives would stereotype them as.

Other responses were more critical of drunken hookups. One respondent wrote that he would only step in if the potential victim was sober, or at least mostly so. “Otherwise she put herself in the situation if alcohol is a driving factor.” This suggests a heavy assignment of personal responsibility on the victim: drinking comes with many potential consequences, and knowing those consequences before getting drunk is key to protecting one’s own safety. Another person echoed the sentiments that more individuals who engage in drinking need to adopt personal responsibility. “Alcohol or no people should know what they are doing,” they wrote. “Morals don't fly out of the window after a beer.”
Respondents also indicated a level of skepticism towards claims of rape after a night of drinking. Some believed that alcohol consumption may sometimes be an excuse for feeling ashamed or embarrassed about a hookup. As one respondent said, “I believe giving consent while drunk is still consent. If someone ends up having sex when they're drunk and 'didn't want to' they shouldn't have been drinking in the first place.” Another went a step further, stating “I believe if both parties are under the influence of alcohol/drugs, then neither or BOTH should be charged. It shouldn't be pegged on the one who doesn't seek help/or seeks help after the other person already accuses of rape.” While not all respondents felt that accusations of rape after a night of drinking needed to be treated in such an all-or-nothing way by law enforcement, it is clear that many felt that alcohol ultimately muddled consent. “It is confusing whether rape is really rape if both parties are under the influence,” one respondent admitted.

Despite such harsh critiques, many respondents ultimately acknowledged that although personal responsibility for one’s actions can play a large role in preventing sexual assault, they would still be motivated to help someone in a potentially risky situation, whether or not they had been drinking too much. “Just because someone is too drunk doesn't mean they should have this [rape] happen to them,” one respondent stated. Defining who is too drunk to consent to sexual activity ultimately is a difficult action, and thus is often left to extreme conditions. Such variation in reactions to sexual victimization, especially when alcohol is involved, is important to consider when evaluating sexual assault prevention policies and programs. Where formal court systems draw the line may be different from where bystanders who could be witness to crimes
draw the line, or where new jury members on social media draw the line. The result are differences in definitions of who is and is not a victim in all three areas of the social world.

For survey respondents, determining what constitutes consent is an issue which extends beyond alcohol use. Nearly all respondents indicated that they would intervene in cases with the potential for sexual assault, however many who reported specific indicators for what would lead them to intervene called for aggressive action to be taking place. Twenty-one percent of respondents included that the potential victim would need to look visibly uncomfortable. Sixteen percent indicated that they would need to hear some sort of verbal distress, including an audible “No,” while 14% indicated that they would need to see a physical struggle. Nine percent also indicated that it would be difficult to intervene if they did not know the victim.

Only 37% of respondents believe that rape is common in the drinking scene, which stands in stark contrast to previous research. Although 92% of responses indicated that sexual activity should cease whenever one party says “no,” 6% disagreed. This could be in large part due to the confusion alcohol introduces into the equation, especially if consent is given and then later retracted. Indeed, 67% of respondents agreed that monitoring one's drinking can reduce risks of sexual assault. “It is the person's responsibility to stay aware of their situation to be able to protect themselves from falling into a victimizing situation,” one respondent clarified, again returning to the notion of personal responsibility for one’s own actions.
Additionally, although 69% of respondents disagreed that consistent flirting was a sign of sexual consent, 12% did agree, and further, 28% of responses indicated that provocative dress was deserving of sexual attention. “In the college scene, I believe most girls are putting themselves in situations without understanding the possible consequences,” one respondent wrote. Another echoed these sentiments: “Giving a male's perspective I would argue that females tend to set themselves up for this kind of behavior in the way they act. Also when something unwanted may occur they then run and scream rape.” These comments place hefty responsibility on part of females to ward off unwanted attention by limiting their own actions. “As bad as it is, when females dress provocatively, they should expect dirty comments,” one respondent laments. “It's not right, but it's the way the world is now. Rape is horrible, but females should dress with class.”

Although these comments are indicative of more extreme ends of responses, there is a strong middle ground seen in the data where many respondents felt victims and perpetrators often shared blame in cases of sexual victimization. “I hate when people file for rape just because they regret the sexual activity the day after,” one respondent lamented. Another said, “Blaming the victim is obviously a large issue. But so [are] females placing the blame solely on the male. Sometimes both parties are to blame.” Other responses directly countered these claims. “I think it's really wrong that victims are blamed for what they are wearing as a reason for their rape,” one respondent said. Another said, “Girls should be allowed to wear whatever they want without being fearful that she will be sexually assaulted.” In either case, what is clear is that how a victim was
dressed, as well as their personal decisions to drink, impact respondent perceptions of whether or not a situation could be determined as rape. This is similar to how Jane Doe had been judged on her alcohol consumption and her decision to voluntarily come to Steubenville and attend parties. Her voluntary actions led many to believe that she had consented to sex and was later regretting her decisions. These notions are strongly rooted in our culture and are indirect consequences of the use of rape narratives in the social problems process.

Challenges to Traditional Rape Narratives.

A lasting, indirect outcome of the rape crime narrative has been the fact that cases of sexual victimization which do not fit traditional narratives have increased chances of not being seen as real, legitimate crimes. The previous two sections of analysis have shown how the Steubenville rape case demonstrates this from both direct responses from Steubenville and responses from survey respondents. Here, it is important to note the specific ways in which Doe's case deviated from traditional rape narratives, and how this can prove to be a lasting challenge to such narratives and help to victims of sexual assault in the future.

The first deviation from traditional rape narratives in this case is that Doe was raped in a familiar location in the presence of numerous bystanders. Steubenville is close to her hometown, close enough that she had established a group of friends there. Doe was not walking alone, nor was she in a “bad” neighborhood or anywhere dimly lit that a deranged rapist could hide in. Additionally, given that many of the bystanders were
Steubenville students themselves and the parties were held in their city, it was an area which felt safe. This place was home, somewhere they knew well; rape is not a crime one tends to worry about while at home. The location of the rape was the first deviation which initially led bystanders and those who heard about the rape to question whether a crime had really occurred.

Yet perhaps of greater influence was the second deviation, the fact that Jane Doe did not fit the stereotypical victim role. Doe had voluntarily traveled to Steubenville, a conscious decision despite widespread knowledge that underage drinking would be taking place. Not only did she voluntarily attend the first party, but she also voluntarily began drinking. And while Doe had a group of friends that she could meet up with, not being a Steubenville native, there were many others whom she did not know, and vice versa. The fact that she was not known and engaging in risky behavior made it so that Jane Doe did not fit the stereotype of the young, naïve, innocent victim.

In a third deviation from traditional rape narratives, Trent Mays and Ma’lik Richmond were seen as good kids, popular and well-respected among their friends and others in the Steubenville community. They were friends, teammates, classmates, two boys that most of the partygoers saw or interacted with on a daily basis. They weren’t perverts stalking the grounds for prey, but rather two kids out to have some end of summer fun before school started. Simply put, Doe was not an innocent, helpless victim, and Mays and Richmond were not deranged predators. Doe had voluntarily traveled to a party and voluntarily consumed copious amounts of alcohol. She was assaulted not only by boys who were familiar to her, but who were well-liked and well-respected within
their community. The assault took place in a familiar location, surrounded by others. Each of these factors has been shown to reassign blame from the perpetrators to the victim (Loseke 2003).

If news of Doe’s rape remained local within Steubenville, the verdict may have looked quite different, with these deviations suggesting that Mays and Richmond were the ones being victimized, having to deal with false rape accusations from Doe. As the crimes unfolded the night of the rape and word of a case spread, the new jury online had tried and convicted Jane Doe, pointing fingers of blame in her direction. However, as a result of the efforts of online activists, the case was sent viral and thrust into the national spotlight. Following this, a shift occurred which sent an overwhelming amount of support onto Jane Doe's side.

While many Steubenville high school students turned against Jane Doe, survey responses were supportive of the fact that a crime had taken place. Respondents indicated on a Likert scale\(^8\) to what extent they believed Jane Doe had been raped. The figure below\(^9\) displays the breakdown these responses, categorized by the original source of knowledge of the case.

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\(^8\) Scale choices were 1 (Strongly Agree), 2 (Agree), 3 (Neutral), 4 (Disagree), and 5 (Strongly Disagree).

\(^9\) Figure 1.2 omits “Neutral,” “N/A,” and “Other” responses from the visualization. “Social Media” and “Online News” responses were combined to create an “Online Media” category.
Figure 15. Respondent opinions on whether Jane Doe had been raped, organized by initial source of knowledge of the rape.

An overwhelming percentage of respondents either agree or strongly agree that Jane Doe had been raped. Those who first heard about the rape through school, social media, and personal connections to the city display the strongest percentage of agreement with the fact that she had been raped. Such high levels of agreement that Jane Doe had been raped were surprising given the backlash she received in Steubenville, and the fact that her case strayed from traditional narratives.

Only eleven respondents reported disagreeing that Jane Doe had been raped. Of those, five believed that no crime had taken place at all. Six respondents believed that she had not been raped, but had been sexually assaulted. Additionally, twelve respondents were neutral about whether or not Doe had been raped, but agreed that she had been
sexually assaulted. Given that these responses account for a mere 11% of the sample population, there is positive indication that sources of knowledge for this case were positive forces in challenging traditional rape narratives. Jane Doe's case, and other future cases which deviate from traditional narratives, can challenge the stereotypes perpetuated from such narratives. They can be used to help the public understand that cases of rape do not always have clear distinctions between right and wrong, and can broaden the scope of justice to impact more than just extreme cases of sexual violence. Schools and online media sources can especially be utilized by prevention programs and policies in order to do so.
THE OBVIOUS RAPE: DISCUSSION AND IMPLICATIONS FOR FUTURE RESEARCH

The rape of Jane Doe in Steubenville, Ohio demonstrated key deviations from the rape crime narrative: the assault took place in a familiar location, and was perpetrated by Trent Mas and Ma'lik Richmond, two well-liked and well-respected teens in Steubenville. Doe had voluntarily traveled to the first party of the night, and voluntarily consumed alcohol. In addition to intervention by law enforcement in the formal legal process, the case reveals a new jury, the online viewers of the crime, both locally within Steubenville and all across the country once the case went viral. The backlash witnessed from Steubenville students and residents on social media illustrates the indirect, long-lasting effects of the rape narrative: those cases which deviate from such tales may not be viewed as “legitimate” rapes, even in light of the fact that legally a crime had undoubtedly taken place. An overwhelming majority of respondents who reported knowledge of the Steubenville rape believed that a crime had taken place. This suggests that somewhere along the line when Doe’s story was introduced online, it was reframed as a challenge to the problems which can arise from adhering solely to rape narratives. This was perhaps when Anonymous stepped in as new metaphorical prosecutors of Mays and Richmond; the group's involvement, and subsequent involvement of many other activist groups, allowed Doe to earn a large amount of public support, and ultimately to achieve a verdict. This finding indicates that social media and other forms of digital communication can be
useful tools in challenging traditional rape narratives, thus earning justice for a wider range of victims.

Although a majority of respondents who reported knowledge of the Steubenville rape case reported that they believed a crime had taken place, some even going so far as to say that it was an injustice that such a light sentence was handed down, an investigation into their responses of when they would intervene reveals that many may not have intervened if they were present for Doe's assault. Perhaps this is due to hindsight and the fact that it is easier to make decisions on how you would act when you are completely removed from a situation. But this also suggests that the way that the rape was framed through various sources – either online, through school, or through mainstream media – was different than how the crime was perceived by individuals who were present for the assault. Initial reactions in Steubenville, who did not define Mays or Richmond as perpetrators, were quick to blame Doe. Future research could be aimed at uncovering at what point certain cases of rape and sexual assault are reframed to challenge traditional narratives. This can be conducted through an analysis of more case studies, as well as a content analysis of media representations of specific cases of sexual victimization.

Social media is poised to be extremely influential in cases of sexual assault, both supporting and denouncing victims. It proved to be a significant source of knowledge of the Steubenville rape case here. Internet technologies are making it easier to put cases of sexual assault and rape in the public eye, and challenging traditional rape myth beliefs. The more such cases are repeated, and the more traditional rape narratives are challenged
as in Jane Doe's case, the more legitimacy other types of rape will gain. Sixty-six percent of respondents still believe rape is a large social problem, and this number can grow the more information that gets put out there. One respondent included, “I have heard many more rape cases over the past few years at [my university]. It seems to be something that is more prevalent than people think.” The use of Facebook and Twitter have largely contributed to the sharing of articles which report cases of sexual assault on campus, similar to the role social media played in spreading knowledge of Doe's rape. A thorough understanding through future research of the factors which may contribute to support can prove useful to prevention programs, organizations, and other activists looking to challenge the negative effects of traditional rape narratives.

Despite the hope that social media provides as an outlet to reframe narratives of sexual assault to challenge traditional assumptions, respondent opinions on whether or not they would intervene in potential cases of sexual assault, as well as what specific conditions would motivate them to intervene, reveals that victims today still face challenges if their experience deviates from traditional narratives. Of the total sample size, 98% of respondents believe that they would intervene in situations which have the potential risk for sexual assault or rape to occur. In line with the previous research, the current study has found that there is still a wide spread of variation when it comes to how individuals construct which scenarios are intervention-worthy. One respondent referred to it being easy to tell in cases of the “more obvious rape,” when an aggressive physical or verbal confrontation between individuals is taking place in public. Many respondents echoed this, indicating that two sides of the spectrum – either aggressive verbal or
physical action, or a complete lack of action (i.e., unconsciousness) from the potential victim -- were strong signals that extra help may be needed.

Traditional rape narratives often discuss such aggressive cases, and encourage bystanders to intervene when safe. Sexual assault prevention programs have been built around this ideology. One respondent even wrote that the cases in which they would be most likely to intervene would be “the clues we were taught in AlcoholEdu\textsuperscript{10}. Unwanted touching and activity.” Given that this training dominates sexual assault prevention programs, the traditional rape narrative becomes the standard by which all other alleged cases of sexual violence are judged. For example, many respondents reported that Jane Doe should not have been drinking in the first place. While this belief was not influential enough to discount the fact that a crime had taken place, it suggests that respondent opinion of the situation might be different if they had been physically present for the crime, rather than reading about it in hindsight.

To begin to change such beliefs, sexual assault prevention programs must address how the public construct cases of sexual violence. “I do not believe drinking causes rape to happen more,” one respondent wrote, “The real cause is the lack of education on consent and what qualifies as RAPE [sic].” This is an extremely important notion, the fact that while drinking may lead to situations which put individuals at risk for sexual assault, increased knowledge on the relationship between alcohol use and the ability to give consent can protect against sexual victimization. This reflects respondent confusion over where to draw the line between drunk and “too drunk.” One respondent wrote, “I

\textsuperscript{10} AlcoholEdu is a program which freshmen at this university are required to take. It serves to educate and inform students of the consequences participating in the drinking scene can bring, especially in regards to binge drinking.
have been sexually assaulted while under the influence of alcohol. I have also stepped in twice now when I felt like someone else needed some help.” This is an important response which demonstrates how without a personal experience with alcohol, it can be difficult for others to understand situations which may need help. Awareness programs can utilize experiences like these in order to educate people on various stages of drunkenness in between sobriety and unconsciousness, the true gray area which can be difficult to navigate.

Another respondent shared a similar desire for education on cases of sexual victimization to be reformed: “It is not a matter of how much someone drinks or what they do. No is no. People shouldn't be taught to drink less or party less to prevent rape. People should be taught not to make such advancements in the first place.” This quote gets at an important point. In all discussions on personal responsibility discussed in survey responses, including the responsibility to know one's limits and not drink too much or the responsibility to watch how one dresses and behaves in certain social scenarios, not one respondent mentioned personal responsibility to monitor drinking or behaviors that would put someone in a position to commit a crime. In each case, personal responsibility falls on the victim to avoid finding themselves in situations where sexual assaults may take place, not perpetrators to not rape or assault someone. Programs should reframe their dialogue to accommodate this latter side.

Critiques have suggested the need for increased efforts in producing more prevention programs that are empirically and theoretically supported. If the public, both as potential bystanders to crimes and witnesses to crimes online, do not define a situation
as a true rape, then such programs would be rendered moot. Traditional rape narratives are deeply rooted in our social world, and consequently in our justice system, and these need to be addressed and challenged in order for any progress to be made. Such polarizing definitions of who is and isn't a victim can be troublesome for victims, especially given that a majority of sexual assaults do not fit the traditional rape narrative, but rather fall on a scale of blurred gray area. Social media and other online communities may prove useful here, as independent users can reframe cases of sexual assault as challenging the problems associated with traditional rape narratives. When crimes are no longer local, but can rather reach national or even international attention, this reframing becomes important in offsetting indirect negative effects of traditional narratives. Thus, it is pertinent for future research to begin to look at the effects that social media can have on cases of rape and sexual assault and forming such opinions.
CONCLUSION

Analysis of the Steubenville rape case and responses from the current study's survey prove that complexities in defining consent persist, and that alcohol especially muddles who can and cannot consent to sexual activity. Jane Doe's rape exemplifies these complexities, and thus deviates from traditional rape narratives which serve to help guide public opinion on what is and is not rape. Doe voluntarily traveled to parties, voluntarily consumed alcohol, and was assaulted by two well-liked and well-known boys from the community of Steubenville. Although Doe did not fit the stereotypical victim role, and Mays and Richmond did not fit the stereotypical perpetrator roles, Doe ultimately gained an immense amount of public support for her claims against the boys. This is largely due to a new jury, or the online witnesses to crimes. New juries can be vast, are not bound by formal legal processes, and thus can convict various defendants even when the formal legal system cannot. This new jury can prove to be one of many challenges to traditional rape narratives, expanding public definitions of who is and is not a victim, and what is and is not a crime of sexual victimization.
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