Victim Blaming and Retaliation; The Second Rape
Virginia Division of Criminal Justice Services Higher Education Conference
by Anne Munch, Esq.

Victim Blaming; What Is It?

• Victim blaming is assigning blame, in whole or in part, to people who have crimes committed against them usually based on some perception of their having “done” something wrong.

Case Example #1; Cleveland Texas Victim Blaming
Case example #2 University of Vermont; Victim Blaming

The “rule book” for sexual assault survivors

If sexual assault was a compass, NORTH would be victim behavior
Theories that help us understand victim blaming and retaliation

- **Just world theory**
- Othering and Defensive “othering”
- Objectification
- Denial

The Just World Theory

- People have a strong desire or need to believe that the world is an orderly, predictable, and just place, where people get what they deserve.
- Good is rewarded and evil is punished
- This hypothesis helps us function in an unpredictable world, as we need to believe that our actions will have predictable consequences.
- A belief in the Just World Theory may undermine a commitment to justice
  - [https://www.scu.edu/ethics/ethics-resources/ethical-decision-making/the-just-world-theory/](https://www.scu.edu/ethics/ethics-resources/ethical-decision-making/the-just-world-theory/)
Cognitive Dissonance

Retaliation as Defined by Title IX

- A strike back in response to another’s action or accusation
- A form of revenge or reaction because of a filed complaint against a person
- Refusal to promote, advance, or accurately support/qualify a person due to a complaint filed
Case Example #3; Baylor University
Retaliation

Police

Retaliation in the Military

"Sexual assault is not what messes you up; it is the reprisals, the hazing."
“Find her, tag her, haze her, make her life a living hell”

Human Rights Watch Report, 2014

Case Example #4 US Army Retaliation

• “Roy Carter” (pseudonym) was sexually assaulted by another male soldier from a different platoon in 2012
• He reported his assault and was attacked two more times in the next six months
• He was mocked and belittled by at least six senior NCO’s and other peers
• About a year after the sexual assault someone tried to stab him in a bar repeatedly screaming, “Die (homophobic slur) die!”
  — Retaliation: Human Rights Watch Findings Report

Retaliation in the Military

• A report issued by the Rand Corporation in 2014 revealed that 62 percent of women who reported unwanted sexual conduct to military authorities experienced some form of retaliation.
  — 35 percent of women reporting sexual assault suffered an adverse administrative action
  — 32 percent suffered professional retaliation
  — 11 percent were punished for infractions after reporting
• It didn’t count the number of women who receive pseudo-psychiatric diagnoses like “borderline personality disorder,” which is often used to damage or end a victim’s career.
• It was a small sample; more research being conducted
Retaliation in the Military cont’d

• Human Rights Watch report issued in May, 2014 interviewed 150 service members who said they were sexually assaulted, many of whom experienced retaliation
• Disclosed lack of action against retaliators; more often the tools for maintaining discipline were seen to be used against reporting victims
• Many victims reported being labelled and involuntarily discharged
  — “Embattled: Retaliation against sexual assault survivors in the US military”

As a result...

• DoD is creating a Retaliation Prevention and Response Strategy
• All branches of the military are required to implement a policy that allows sexual assault victims who have been involuntarily discharged to request a review of their case to ensure they are not being drummed out for reporting
• Also holding commanders more responsible by surveying for attitudes of harassment and other issues and holding them responsible for results

Mental Health Break
Retaliation and Social Media

A look at social media in People v. Kobe Bryant, 2003

That was then, this is now...

AUDRIE & DAISY @HOLLYWOOD INTERVIEW [SUNDANCE 2016]
Audrie Pott; California

- Days after Parsons committed suicide 15 year old Audrie Pott went to a party at a friend's house and woke up with explicit scribblings on her half naked body.
- Three sixteen year old boys were arrested for sexual battery and distribution of photographs
- "The whole school is talking about it. My life is over."
- Several days after the party she hanged herself

Rahtah Parsons; Nova Scotia

- Fifteen year old Rahtah Parsons drank at a party passed out got extremely sick and did not recall the events of the party
- At her high school students were sharing a cell photograph of her throwing up and being raped by a male student showing a "thumbs up" sign to the camera
- She endured a year of humiliation where she was called a slut by students, she moved to a new high school.
- Her own friends turned on her
- She participated with police in the investigation,
- They declined to go forward
- She killed herself after hearing their decision

Theories that help us understand victim blaming and retaliation

- Just world theory
- Othering and Defensive “othering”
- Objectification
- Denial
Othering and Defensive Othering

• “‘Othering’ is the process where a dominant group defines the existence of secondary groups
• “Defensive Othering” refers to actions of members of the secondary group to distance themselves from other members of that same group
  – Social Problems and Social Change
  http://www.soc.iastate.edu/Sapp/soc235change.html

To see this dynamic, ask the following

• Who is dominant group?
• Does the culture value the dominant group such that there are benefits bestowed on that group more than other groups?
• Do members of subordinate groups desire the benefits of the dominant group?
• Then there may be motivation to distance themselves from members of their own group who are seen as rocking the “dominant group boat”

Scenario; popular athlete offender, female victim

• Perpetrator represents the dominant group
• “Football is life” in
  – Steubenville Ohio
  – Tallahassee Florida
  – Maryville, Missouri
  – Etc.
• Victim challenges the dominant group status by way of a rape report against a player
• Other women may become critical of the victim because it threatens their status with the dominant group
An Historical Lesson in Grooming and Objectification

- How did Adolf Hitler manage to groom his fellow Germans so that they stood by as he exterminated an entire race of people?
- How did he depict Jews in the news and by use of propaganda?

Thieves

Rats

[Image of a cartoon illustration representing Thieves and Rats with a political message against Hitler and his regime.]
How it worked….

• People were groomed to see the Jewish person as something “less than” human, and in fact as something harmful to “us”, which made it easier to act against them.
• The “rat”, the “vermin” or the “thief” had no value and were in fact harmful to “us”. 

What relevance does this have to the issue of interpersonal violence?
Andrade’s words

- Referred to Angie as “it”
- “Gay things must die”
Pornography

Based on comprehensive review of research articles on the impact of pornography on children, Dr. Paul Wright of Indiana University concluded that the viewing of pornography by children is widespread, and the more they view it, the more they do the often violent things they see in pornography.


The prevention conversation REALLY needs to start here...

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Denial
Twisting ourselves in pretzels to avoid holding offenders accountable

How many sex offenders do we hold accountable?

How many reports of sexual assault are false?

- Research studies spanning 3 different countries show false reporting rates between 2-8%

* "False Reports: Moving Beyond the Issue to Successfully Investigate and Prosecute Non-Stranger Sexual Assault"  
  - By Dr. Kimberly A. Larroway, Sgt Joanne Archambault (Ret), Dr. David Lisak  
Legal responses

- Legal
  - Criminal laws
  - Image exploitation laws
  - Civil law suits
  - Title IX actions

Criminal Laws

- Laws against retaliating against a victim or witness to a crime
- Laws that prohibit cyberstalking and cyber harassment
- Exploitation laws (or “Sexploitation” laws)

Criminal Laws

- Image Exploitation Laws
  - Image exploitation involves the nonconsensual creation, possession, or distribution of an image or images depicting victims engaged in consensual sexual activity or being sexually assaulted
  - Passed in 27 states
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Civil Law Suits

- JK vs. Arizona Board of Regents; $850,000
- University of Colorado, 2014; $850,000
- University of Colorado, 2007; $2.5 million
- University of Montana: DOJ consent decree
- Florida State University $950,000
- Increasing number of law suits filed by respondents.

Title IX Actions

- ALL schools who receive federal funding are obligated under Title IX to respond to "sex discrimination" and other forms of IPV that interrupt the learning environment of a student or employee.
- Department of Education lists around 175 schools being investigated for alleged Title IX violations.
- Title IX includes prohibitions against retaliation to students who report.
Why is this problem so stubborn?

How this all fits together

The World View

• Violence against women and other minorities is global
• The same structures that keep it alive and well in other countries apply here, it just looks different.
• We like to hold ourselves out as different but to do so would require us to reconcile the gender bias at every level, including the use of violence against women.
The Individual View

- People have a psychological need to feel safe and safe worlds don’t include people who look and act “normal” that commit rape
- Safe worlds don’t include victims who are raped by people who look and act “normal”
- Which is easier; blaming the victim or holding the offender accountable?
- If one can restore their sense of psychological safety by deciding the victim is either lying or at fault...they may

Pro Social Responses

- As an INDIVIDUAL
- In INTERPERSONAL relationships
- As a part of a COMMUNITY
- As a part of the WORLD COMMUNITY

As an INDIVIDUAL
In INTERPERSONAL relationships

In our COMMUNITIES

Truth Telling in Film
The Emerging of a New Archetype

Courage

A few months ago 16-year-old Jada went to a house party with friends where she was drugged and raped. Pictures of her, bottomless and unconscious, were then posted on social media. People began shaming her. They mocked and replicated her pose. They posted pictures of themselves under the hashtag #jada and used the message "hit that". Her rapist also mocked her repeatedly on Twitter, referring to her as a "hoe. Jada is fighting back. Speaking out publicly about what has happened to, not only her, but to girls all over the country.
Thank you!

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