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A New Age of Believing Women? Judging Rape Narratives Online

In July 2015, *New York* magazine's cover story was a profile of 35 of the then 46 women accusing Bill Cosby of sexual assault. The story is as much a story of cultural transformation in American society's response to women's narratives of rape and sexual violence as it is a narrative of multiple acts of violence committed by one man. It opens: "More has changed in the past few years for women who allege rape than in all the decades since the women's movement began." It claims that while "campus movements like Take Back the Night and 'No Means No'" raised awareness of acquaintance rape during the 1970s and 1980s, "the culture of silence and shame lingered, particularly when the man had any kind of social status." Now, however, the possibilities of social media to act as a "megaphone" has "radicalised" younger women so that "there is a strong sense now that speaking up is the only thing to do, that a woman claiming her own victimhood is more powerful than any other weapon in the fight against rape" (Malone 2015). Even more importantly, the magazine suggests, women's narratives are being believed and acted upon as never before. The years following publication of this article have seen recurring claims of a "revolution" brought about by the new power of women's testimony. Writing in the months following the emergence of the online "Me Too" movement, *Time* magazine, for example, labelled it a "revolution of refusal, gathering strength by the day, and in the past two months alone, their collective anger has spurred immediate and shocking results: nearly every day, CEOs have been fired, moguls toppled, icons disgraced" (Zacharek, Dockterman and Sweetland Edwards 2017).

In this chapter, I revisit, and complicate, these claims, which have largely risen in response to a selection of high-profile cases. As I argue below, high-profile and celebrity cases can be useful tools to explore the cultural politics surrounding sexual violence. In this chapter, therefore, I undertake an intersectional feminist analysis of some of these cases from the last few years, asking what they reveal about practices of judging and doubting women's testimony. Drawing on the work of feminist critic Leigh Gilmore (2017), I argue that the practices of disbelief she identifies continue to produce women who speak in public as "tainted witnesses", with the success stories mentioned above functioning through a logic of exceptionalism. Careful reading of specific cases reveals that women who speak about sexual violence continue to be subject to differential processes of judgement, based on who is speaking and on the kind of story that is told. In the first section, I outline my approach in selecting and analysing practices of judgement through consideration of high-profile cases. The following sections explore these practices in more detail, first considering the ways in which selective belief and support for women's testimony can obscure the persistence of wider patterns of doubt and disbelief. In the following two sections, I turn to consider the operation of more explicitly negative modes of judgment, examining, firstly, attempts to undermine the factual veracity of women's testimony and, secondly, the labelling of speech as inappropriate or irresponsible. I conclude by reflecting on connections between these individual narratives and broader practices of doubt and judgement that divide women into a small number of believable narratives and a far larger number of women tainted by disbelief and judgement.

Reading Encounters of Testimony and Judgement: Cases and Analysis

In this chapter, I draw on the analytical framework offered by Leigh Gilmore in her discussion of the ways in which women's testimony becomes "tainted" by doubt and disbelief, even as some women's testimony may be believed. Her analysis shows that women are rendered unreliable and the evidentiary value of their speech degraded through "an encounter between testimony and judgement" (Gilmore 2017, 18). It is this encounter, its operation and effects, that I am concerned with here. Paying attention to this encounter reveals, I argue, elements of change and continuity in responses to women's testimony of sexual violence. While older modes of judgement persist, social media has provided both new ways for some women's testimony to compel belief and new modes of "doubting women in public" (Gilmore 2017, 10).

My analysis proceeds through the examination of several high-profile cases, all of which attracted significant media attention and the majority of which involve celebrities, in the USA during the period 2015–2018. As Lisa Cuklanz (1996) argues, media coverage of prominent cases of sexual violence provides a focal point for analysing cultural debates about gender, (hetero)sexuality and violence. Her analysis, and mine, draws on Robert Hariman's (1983) arguments that a selection of thematically linked high-profile cases can grant significant insight into cultural and social change. Gilmore (2017, 4) further suggests that attention to specific cases during a period of heightened public attention to sexual violence may be particularly useful, as it enables us to chart emerging practices of judgement and shifting social responses to women's testimony. While these cases are, by their nature, far from representative examples, taken together, they can be used to demonstrate the continuation of long-standing practices of undermining of women's testimony, and the emergence of newer modes of doubt.

I have selected cases that involve prominent public "encounters of judgement", either positive or negative, between women's testimony and those who read and comment on it, and I engage in close textual analysis of these encounters, the criteria of judgement exercised, and the claims made for the legitimacy of that judgement. Each section uses different cases to analyse a distinct aspect of these processes. In the following section, I explore the ways in which the selective belief and recognition granted to some cases of sexual violence can function, counter-intuitively, to increase and further processes of doubting and judging other cases. Susan Estrich (1987) famously described this as a legal and social tendency to divide sexual assaults into "real" or "simple" rape. The archetype of the former is a criminal stranger attacking a woman in public space, and it fosters the idea that, to be "real", sexual violence should involve physical force or incapacitation, be recognisable to potential or imagined witnesses as violent as opposed to sex, and not take place within an encounter or relationship that is otherwise viewed as unexceptional. I argue that this division continues in contemporary media reports of women's testimony. I highlight the implicit selectivity and conditionality of supportive or positive representations through revisiting significant media accounts of several high-profile cases. These include the original mainstream reports of the testimony of Emily Doe and the women who accused Harvey Weinstein and the first major media story that brought together the accounts of Bill Cosby's accusers (Baker 2016; Kantor and Twohey 2017; Malone 2015).

The following sections focus on more explicitly negative judgements in order to demonstrate the persistence of what Gilmore suggests are the two key methods for undermining women's testimony in public: "deforming it by doubt" and "substituting different terms of value for the ones offered by

the witness herself". In the first mode, doubt can be mobilised through explicit statements of disbelief. It can also involve the pretence of reserving judgement through deploying tropes such as "he said, she said" or "nobody knows what really happened". It is only, Gilmore argues, in cases of sexual violence that "people feel virtuous, objective and fair when they claim that the conditions that typically initiate and guide" investigations render them moot from the outset (2017, 7). The section, "Judging Narratives Online", considers the contemporary operation of this mode of judgement through two examples, Lena Dunham's public statement undermining the claims of Aurora Perrineau, and Woody Allen's biographer, Robert B. Weide's series of refutations of Dylan Farrow's claims that her father sexually assaulted her as a child. Using these examples, both of which claim "insider knowledge", I argue that, rather than rendering investigation moot, in a social media era, tropes such as "he said, she said" may instead provoke amateur investigations built on the assumption that social media provides transparent access to facts and evidence. In a case of "he said, she said" in the social media era it can be asserted that anybody might come to know what really happened through their own process of independent evidence gathering. What remains the same is that a process that is presented as "virtuous, objective and fair" works to preclude belief in women's testimony. The final section explores the second mode of judgement, which is less concerned with factual veracity than it is with contesting the interpretation that women give to their narratives, and their authority as experts on their own experience. I explore this through two influential judgements of one of the most polarised cases of the "Me Too" moment, the story published about the sexual encounter between the anonymous "Grace" and comedian Aziz Ansari. I examine the ways in which these interventions, by Ashleigh Banfield of CNN (2018) and Caitlin Flanagan (2018) of the *Atlantic*, seek to rewrite Grace's accounts as "sex" rather than "violence" in ways that reflect traditional modes of doubt. However, I note that both draw on their right to speak as feminists and argue that Grace's account is especially irresponsible because of greater tendencies to believe women's narratives, making feminist advances themselves a justification for doubt and judgement.

As feminist critics have long shown, the patterns of selective belief and doubt that greet women's narratives of sexual violence are determined not only by the type of stories that are told but also by who tells them. Understanding these patterns therefore requires examining how "gender, race and sexuality coincide with the construction of reliability and credibility" (Gilmore 2017, 13). As Kimberlé Crenshaw (1991) famously argued, only an intersectional analysis that considers gender alongside other vectors of power such as race and class is capable of analysing the ways in which public credibility and sympathy is denied to women of colour, working-class and other marginalised women. The claims that I cited above, of a new era for women's testimony, are only tenable, as I argue below, in the absence of an intersectional lens. Societal responses to rape, even, or perhaps especially, in the current era of widespread attention to sexual violence, are only comprehensible through an intersectional analysis of the selective and differing responses to women's testimony based on who they are and the kinds of stories they tell.

Changing Everything? Social Media and the Persistence of Doubt

The period from 2015–2018 has been marked by increased public attention to sexual violence, largely driven by several high-profile cases and their widespread discussion on social media and elsewhere (Alcoff 2018). Extensive condemnation of Bill Cosby, Harvey Weinstein and Brock Turner, the "Stanford swimmer", have seen social media hailed as a new and effective avenue for activism

around rape and sexual violence which is creating a “revolution” in social attitudes to rape. This belief is not limited to the media profiles quoted above, but is echoed in responses by prominent figures, such as the then US Vice President, Joseph Biden, writing in 2016. Biden penned an open letter to Emily Doe, an anonymous woman whose Victim Impact Statement, released to *Buzzfeed* news, was viewed over eight million times in the 24 hours after it was released, largely through sharing on social media sites. By the time of Biden’s letter, written six days after the statement was released, Doe’s words had been read aloud on CNN and in the US Congress (Baysinger 2016). Biden argued that Doe represented “every woman” and that she had “shaken untold thousands out of the torpor and indifference towards sexual violence that allows this problem to continue” (Namako 2016, n. p.).

While the response to Doe’s statement was significant, statements such as Biden’s, like the media sources quoted above, fail to acknowledge the differential patterns of belief and judgement that characterise responses to women’s testimony. Understanding, and combatting, the “tainting” of women’s testimony requires paying attention, as Doe herself does in her statement, to the ways in which her story is not representative. As she noted, rather than an “every woman”, she was constantly told by police and prosecutors that she was a “best-case scenario”:

I had forensic evidence, sober un-biased witnesses, a slurred voice mail, police at the scene. I had everything... I thought, if this is what having it good looks like, what other hells are survivors living? (Baker 2016, n.p.).

As this quote demonstrates, a significant part of why Doe was a best-case scenario was that she had various types of corroborating evidence which meant that her testimony was not required to stand alone, either in court or on social media. The *Buzzfeed* article that presented Doe’s statement chose to focalise it through the “unbiased witnesses” rather than Doe, beginning: “One night in January 2015, two Stanford University graduate students biking across campus spotted a freshman thrusting his body on top of an unconscious, half-naked woman behind a dumpster” (Baker 2016, n.p.).

Barbara Bowman (2014), one of Cosby’s accusers, has drawn attention to the fact that women’s testimony, on its own, remains insufficient to compel belief or sympathy, even on social media. In an opinion piece for the *Washington Post*, Bowman pointed out that she and others had been publicly telling their stories of Cosby for years, with little response beyond scepticism and vilification. Indeed, their testimony was largely incidental to the eruption of public outrage about Cosby following the online publication of a video of a male comedian calling Cosby a rapist. Similarly, women’s testimony about Weinstein only became news when it was presented as part of an exposé in the *New York Times* which carefully stated that the claims were not solely taken from the women interviewed but “documented through interviews with current and former employees and film industry workers, as well as legal records, emails and internal documents from the businesses he has run” (Kantor and Twohey 2017, n.p.). All of these cases are compatible with an ongoing logic in which women’s accounts of sexual violence are only believed when they are validated and supported by more “objective” voices, particularly those of seemingly disinterested observers. Ultimately, this fails to challenge the existence of a taken-for-granted orientation of doubt towards women’s narratives and mobilised against women who are unable to find public corroboration for their stories.

These cases are similarly compatible with the distinction between “real” rapes, which are deserving of sympathy, and “simple” rapes, which are not, even though they may indicate a shift in the

boundaries between these categories (Boux and Daum 2015). Each of these cases contains elements that might see it fall short of the “real” rape threshold. Doe was drunk at a party, while the majority of women who have spoken about Cosby and Weinstein were engaged in professional or social relations with the men, several of which continued after they were assaulted. However, they also contain elements that shield the women from the victim-blaming that might be expected in response to their narratives. The opening of the *Buzzfeed* article, for example, quoted above, emphasises that Doe was unconscious, not merely intoxicated, at the time of her assault. In her statement, she also emphasised that her level of intoxication resulted from being an infrequent drinker (Baker 2016). In this, and in other ways, she was able to portray herself as an innocent, white, middle-class college girl who did not usually go to parties and get blind drunk, and therefore deserving of sympathy rather than judgement. In the case of Cosby, the use of incapacitating drugs played a similar role in exonerating women from blame. As Joanna Bourke (2007) has noted, however, evidence of incapacitation has a long history of being used to divert blame from women for sexual violence, and it does little to challenge victim-blaming in cases where women are not clearly incapacitated.

The position of an innocent victim of “real rape” is not equally open to all women. Rather, as Gilmore writes, “judgement disproportionately affects the vulnerable”. The persistence of racial and other logics in tainting women was evident in Harvey Weinstein’s selective rebuttals of the allegations against him. While he did not directly counter any of the initially reported allegations, he noted that Ashley Judd, one of his most prominent accusers, was “going through a hard time right now, I read her book, in which she talks about being the victim of sexual abuse and depression as a child” (Smith 2017, n.p.). Two weeks after this indirect inference that Judd might not be reliable, and after more women had come forward, Weinstein publicly refuted Lupita Nyong’o’s (2017) account of harassment and assault published in the *New York Times* (Wang 2017). Nyong’o was both the first black woman to speak publicly about Weinstein and the first whose story he directly questioned. In stating that he had a “different recollection” and contesting specific facts, Weinstein attempted to render Nyong’o’s claim “unknowable” by moving it into the domain of “he said, she said” (Gilmore 2017, 7). Even though this effort to discredit Nyong’o was largely unsuccessful, the fact that Weinstein saw her story as the one most vulnerable to being tainted with doubt cannot be viewed outside of a racialised logic where women of colour are granted far less sympathy and belief than white women (Crenshaw 1991). It also leaves a lingering question as to what the public response to Nyong’o’s story would have been if it had not been told as part of a series of multiple allegations against a man who had already been judged a “real” rapist.

Judging Narratives Online: Investigation and Doubt

The enhanced vulnerability of women of colour to being “tainted” with doubt was again demonstrated in November 2017, when Aurora Perrineau, a biracial actress, made allegations against Murray Miller, a white writer on the HBO series *Girls*. In response, the series creators and celebrity feminists, Lena Dunham and Jenni Konner, posted a statement on Instagram which asserted that they had been “thrilled to see so many women’s voices heard” through the “Me Too” campaign. However, they continued: “During every time of change there are also incidences of the culture, in its enthusiasm and zeal, taking down the wrong targets.” They argued that, “having insider knowledge of Murray’s situation ... this accusation is one of the 3 percent of assault cases that are misreported every year” (Guardian 2017, n.p.). Soon following this statement, Miller’s legal

team claimed that Perrineau's allegation was part of an attempt by the actress and her family to extort money, a claim that was subsequently withdrawn as a "good-faith misunderstanding" (Birnbaum 2017). Like Weinstein, Dunham and Konner's intervention provoked a public backlash rather than successfully "tainting" its target. Following criticism of the racial politics of her intervention, Dunham deleted her initial tweet and issued an apology to women "who had been disappointed by the statement", declaring that it had been the "wrong time" to speak. She concluded: "Until we are all believed, none of us will be believed" (Guardian 2017, n.p.). Notably, however, she did not apologise directly to Perrineau or retract her claim that she was lying. Her closing assertion of a universal gendered logic to belief notwithstanding, Dunham's intervention demonstrates that patterns of selective belief in women's testimony continue, even among self-identified feminists, and the ongoing vulnerability of women of colour to being tainted by these logics, even as they might be read as evidence of their diminishing power.

While the starting point of Dunham and Konner's intervention was, like Weinstein's rebuttal of Nyong'o, an assertion within a "he said, she said" framework, they did not imply that the truth was therefore unknowable. In contrast, despite having not witnessed the event in question, Dunham and Konner asserted that their "insider knowledge" meant that they could categorically declare Perrineau's narrative untrue and disseminate that declaration online so that it would also become a form of evidence. This behaviour reflects a wider tendency on social media to presume that the "truth" of complex situations of interpersonal harm and violence is knowable through determined amateur investigation, based in part on the production of public statements by those who claim "insider" status even when they are not directly involved (Greer and McLaughlin 2012). When applied to sexual violence, these practices intersect with older forms of judgement and suspicion, and, through making women's testimony an appropriate target for public scrutiny and amateur investigation, normalise the activity of publicly doubting women. In the remainder of this section, I elaborate upon the operation of a mode of judgement that takes the "he said, she said" framework identified by Gilmore as an authorisation to undertake a sceptical evaluation of women's testimony, rather than leaving it in the realm of the unknowable.

A sustained example of this new mode of doubting can be seen in the response to Dylan Farrow's narrative of being sexually assaulted as a child by Woody Allen. Her account was published as an "open letter" in a *New York Times* blog in February 2014 in response to Allen receiving a lifetime achievement award at the Golden Globes. While the allegations had been the subject of media attention decades earlier, the letter was the first time that Farrow had spoken publicly about the incident. The letter told her story alongside a series of ethical demands for empathy and response, asking readers to think of their favourite Woody Allen film and then to imagine their child being led by Allen into an attic and sexually assaulted. It also named actors who had worked with Allen, asking them to imagine themselves or their children in her place. Declaring that Allen's idolisation in popular culture compounds her injury and suffering, Farrow has subsequently retold her story in several forums, and, from the end of 2017 onwards, questioned why the emergent "Me Too" movement had up to that point "spared" Woody Allen (Farrow 2017).

Farrow's story has produced widely varying responses. She was publicly affirmed online by some Hollywood figures, including Lena Dunham, and their numbers have increased in the aftermath of "Me Too" (Cooney 2018). However, many celebrities who worked with Allen have invoked the "he said, she said" and "nobody really knows" framings. Kate Winslet, for instance, declared, "I don't

know anything, really, and whether any of it is true or false”, a reservation that Farrow pointed out she has not applied to the testimonies offered as part of “Me Too” (Farrow 2017). Demonstrating the effects of this framing, Cate Blanchett recast the matter as a private family conflict rather than a public allegation of violence: “It’s obviously been a long and painful situation for the family, and I hope they find some resolution and peace” (Jabour 2014). As in the case of Dunham, however, this framing has not rendered investigation moot. Instead, both supporters and critics of Farrow have engaged in processes of amateur investigation, evaluation, collection and presentation of evidence or “facts”. For instance, Maureen Orth (2014), has published articles on *Vanity Fair’s* blog such as, “Ten Undeniable Facts About the Woody Allen Sexual Abuse Allegations”, which summarised the findings of Orth’s “two lengthy, heavily researched and thoroughly fact-checked articles”. A contrasting set of facts has been repeatedly put forward by Robert B. Weide (2014, 2017), who, like Orth, cites his “extensive research” into the case and his expertise as Allen’s biographer to authenticate his position. Both invite readers to verify their facts through hyperlinks to selected primary documentation, such as medical and court reports as well as previous media reports.

Weide (2017) is aware that he is “opening myself up to accusations of ‘blaming the victim’” and is thus careful to assert that it is “possible to believe Allen without calling Dylan Farrow a liar”. He consistently projects a veneer of even-handedness which echoes the false fairness of the “he said, she said” trope. For instance, he writes that “we can each believe what we want”, and that he is merely “presenting facts” or “floating scenarios” rather than pursuing an agenda. This framing is continued through phrases such as “not so fast” or “let’s back up a bit”, or through framing his articles as a “Q&A” with Farrow, even though she has no space to respond (Weide 2014, 2017). Tellingly, this performance of disinterested reasonableness has been highly successful, with Weide frequently cited as an objective expert on the situation (Winter 2014). Despite these protestations, Weide employs several mechanisms to undermine Farrow’s narrative and assert Allen’s in its place. The first is a strict hierarchy of credibility of both witnesses and sources. Much of Weide’s narrative work is deployed in asserting the reliability of evidence favourable to Allen and “tainting” witnesses and evidence that support Farrow’s version of events. For instance, Allen’s unsupported claim in a television interview that Mia Farrow threatened in a late-night telephone call to “do worse” than shoot him is taken as factual “evidence”, and verified through a hyperlink, while Dylan Farrow’s claims that she and her family have been harassed by Allen’s lawyers and other employees is dismissed as unverified assertion and exaggeration (Weide 2017). Similarly, Weide frequently cites a Yale psychiatric evaluation that found “no evidence” of child abuse as authoritative. Orth (2014) dismisses the same report based on expert criticism, noting that the “inconsistencies” it cites in Farrow’s statements are frequently found in the testimony of children who have experienced abuse. On the other hand, he describes a Prosecutorial statement that the decision not to charge Allen was taken on the basis of Farrow’s mental health rather than a lack of confidence in the evidence as “incredible”, without acknowledging that the reluctance of victims and their families to go to trial is a common reason for not pursuing prosecutions in these cases (Madigan and Gamble 1991).

Investigations and judgements are, of course, not produced purely from facts. As Peter Brooks (2008) argues, what is at stake in most cases of sexual violence, as here, is not so much the “facts” as the “narrative glue” which turns these facts into a story of sexual abuse or a false allegation. In Weide’s case, this glue is derived from long-standing tropes used to discredit women who speak about sexual violence. Although Weide may stop short of calling Farrow a “liar”, he does insist that her account is unreliable or, perhaps more accurately, “tainted”. For Weide (2014), Farrow

“believes” what she is saying, but only because she has been manipulated by her mother. Despite an absence of supporting evidence, Weide asserts that “there are many, many people who believe this whole case boils down to Mia Farrow’s (understandable) rage at Woody Allen for falling in love with her adopted daughter, Soon-Yi Previn” (Weide 2017). Weide’s narrative is only “understandable”, however, to the extent that it accepts the premise that women who speak about rape are either “mad”, as in the case of Farrow, or “bad”, as in the example of her mother. It requires the reader to believe that Farrow is so weak-willed as to have been successfully brainwashed for several decades, and that Mia Farrow, a “scorned woman”, is so consumed by jealous rage that she has lied for decades and, in the process, sacrificed her daughter’s wellbeing.

In his article written in the aftermath of “Me Too”, Weide directly counters Dylan Farrow’s linking of her testimony to that of women speaking against men such as Weinstein and Cosby. He asserts that the allegations against Cosby, Weinstein and others targeted by “Me Too” are characterised by “strikingly similar” “*multiple accusations*” (Weide 2017, emphasis in original). In Allen’s case, in contrast, there only a “single accusation of a single alleged incident made by one understandably furious ex-lover in the middle of custody negotiations, after warning him of her intentions”. Here, Weide writes Dylan Farrow out of the story completely, changing this from a narrative of sexual abuse into a cynical ploy by a jilted woman while simultaneously suggesting that, in contrast to the narratives told about Cosby and Weinstein, a single, uncorroborated story of sexual violence is inherently suspect.

“Appalling” Speech: Narrative Power and Responsibility

Weide’s insistence that Farrow’s narrative be considered distinct from the testimony that, collectively, has come under the banner of “Me Too” reflects a further shift in processes of judgement in the era of social media. As Boux and Daum (2015) argue, the last few years have seen a wider number of narratives of sexual violence accorded legitimacy and sympathy, even as these narratives are still constructed as exceptional, as I argue above. The public perception, however, that women’s narratives are more likely to compel belief and to have consequences for the men that they speak about has, ironically, itself produced new modes of judgement which substitute different terms of value and meaning than those offered by women. There is a growing tendency to warn against the new power of women’s narratives and their ability to threaten sexual freedom and due process and, ultimately, to undermine their own credibility through irresponsible speech. In this mode of judgement, the truth of a story is less relevant than the effects that it is seen to have, so that women’s speech about violence is posed as possessing greater potential harm than the acts that it seeks to describe and expose. For instance, after the publication of Farrow’s open letter about Woody Allen, Scarlett Johansson, named in Farrow’s letter, stated that it would be “ridiculous” for her to make any “assumptions” about the truth of Farrow’s allegations. She did state, however, that it was “irresponsible” of Farrow to take actors who would have “google alerts” set up and “throw their name into a situation that none of us could knowingly comment on” (Cadwalladr 2014, n.p.). The implication here is that the ethical problem lies in Farrow’s speech rather than Allen’s alleged actions, with the implicit judgement that these stories should not be told, or at least not told in public.

An example of these kinds of judgements can be seen in responses to the pseudonymous account by the woman known only as “Grace” of a date with comedian Aziz Ansari, which she described as the “worst night of her life”. The account, a journalist’s rewrite of Grace’s story, albeit with extensive

quotations, was published on *Babe.net*, an online magazine aimed at young women. It describes an eagerly anticipated evening that ended in a coercive sexual encounter. The article also documented a subsequent text-message exchange in which Grace told Ansari via text that “he ignored clear non-verbal cues” and that “nothing changed” even after she asked him to slow down. Ansari replied that he was “sad” and “truly sorry” and must have “misread things in the moment”. The narrative concludes with Grace’s reflection that “It took a really long time for me to validate this as sexual assault.” She agreed to speak to *Babe* after witnessing Ansari receive an award at the Golden Globes while wearing a “Time’s Up” badge as a gesture of support for survivors of sexual harassment and assault (Way 2018). There have been numerous, justified, criticisms of the sensational and flawed presentation of the story by *Babe.net*, which combines and even conflates commentary on outfit choice and descriptions of boorish behaviour around wine selection with its account of Grace’s distress over the sexual encounter (e.g. Escobedo Shepherd 2018). While acknowledging problems with the reporting, the opprobrium and judgement directed at Grace and her decision to tell her story remains worthy of analysis.

The article makes use of social media’s ability to collect and offer supporting evidence to forestall judgements around veracity, including photos taken by Grace of Ansari, screenshots of text messages, and an assurance that the publication had verified his phone number. This did not, however, prevent Grace and her testimony from being tainted by judgements of her interpretation of the events and her right to speak publicly about them. While Grace, like Farrow, had supporters as well as detractors, what was rarely questioned was the possibility, and even desirability, of judging her narrative in these terms. Her understanding of events was debated, with numerous participants asserting that, based on the “facts” provided, the events could and should be rewritten as a romance gone wrong, or a “bad date”, even as others asserted their support for Grace’s perspective. This public debate came in some ways to eclipse the narrative itself. For example, six days after publication of the article, the UK’s BBC radio current affairs programme, “The World at One”, broadcast an episode entitled “Was it ‘sexual assault’ or just a bad date?”, bringing together a group of women with no connection to the story to debate its meaning and correct interpretation (BBC 2018). As Grace remained unheard following the immediate story, her authority to interpret what had happened to her was increasingly challenged, so that what transpired was not so much a “he said, she said”, as Ansari also remained largely silent, but more an over-dissection of what “she said”, what she claimed it meant, and, perhaps most importantly, whether she had the right to have spoken in the first place.

A particularly prominent example of this process involved Ashleigh Banfield, a CNN anchor who had previously read Emily Doe’s statement live on air. Evidencing the selective patterns of judgement and doubt I have been discussing, Banfield again made a personal intervention, this time reading an open letter to Grace in which she described her act of speaking publicly about Ansari as “appalling” (CNN 2018). Banfield aggressively asserted the “wrongness” of Grace’s interpretation, even as she accepted its factual veracity, adopting language reminiscent of the cross-examination of a complainant by a defence lawyer: “By your own admission, this was a bad date.” The transformation of an account of violence to one of romance, albeit romance gone wrong, is, as Sue Lees (1997) argues, a common social response in cases of acquaintance, or “simple”, rape. Such rewriting normalises and excuses male sexual aggression even as it acknowledges its reality. As Banfield notes, she has “had a few” similarly bad dates and “they stink”. Given the presumed inevitability of men’s aggression, responsibility is placed on women to act as sexual gatekeepers through a private and

individual assertion of sexual boundaries; or, as Banfield states, a “guy like that deserves a bad case of blue balls”. The burden of blame shifts from the failure of the man to gauge his partner’s desire, or even consent, to a female abrogation of responsibility to manage what is deemed to be an unavoidably risky situation. Or, as Banfield says, “you didn’t leave – that’s on you”. Finally, such an interpretation reinstates the boundaries between “real” rape and other forms of sexual violence and coercion, placing the latter clearly within the realms of normative and private heterosexuality. What Grace labels an “assault”, Banfield describes as being “overly amorous”. Perhaps the ultimate renormalisation of the behaviour described in the account is when she offers Grace the advice that she “not go on a second date” with a man like Ansari and she should definitely not “marry a guy like that”, presuming and asserting an economy of heterosexual romance where, for women, dating and sex are a necessary evil on the path to “landing a man”, while for men they resemble something closer to a game of conquest.

These judgements, like Weide’s, ultimately rely on seemingly common-sense ideas of gender and heterosexuality to provide their narrative glue. That these interpretations easily slide into narratives that demonise women who speak about violence is evident in Banfield’s description of Grace and her speech as “appalling”, and in her imputation that Grace has an ulterior motive for speaking. Banfield accomplishes this with her question, “what exactly is your beef?”, as though Grace’s stated interpretation of the event as sexual violence was not sufficient reason to justify public speech. This construction is made even more explicit in an article written for *The Atlantic* by contributing editor, Caitlin Flanagan (2018). Flanagan also places responsibility for not “calling a cab” or otherwise putting an end to the situation on Grace but goes further in her characterisation. Rather than being helpless, she writes, Grace “wanted something from Ansari” and “she was trying to figure out how to get it”. In Flanagan’s reading, Grace wanted “affection, kindness, attention” or to “even become the famous man’s girlfriend”, although this is not mentioned in the original account. Nevertheless, for Flanagan, Grace is a scorned woman, “rejected yet another time, by yet another man” and therefore, like Mia Farrow, above, the author of “revenge porn”, in which the “clinical detail in which the story is told is intended not to validate her account as much as it is to hurt and humiliate Ansari”. Not only is Grace accused of blaming Ansari for her own failures but she, like Farrow or Perrineau, becomes the agent of harm, a scorned woman seeking revenge.

The boundaries that are drawn around acceptable speech in cases like this, are also assertions of the range of acceptable heterosexual encounters and male sexual practices. Where Grace’s story could be read as the opening of a dialogue around these questions, the judgements levelled against her preclude the possibility of change in what is deemed to be the “normal” operations of heterosexuality. The tainting of Grace is a clear insistence that normative heterosexuality is an inappropriate topic for ethical debate or political change. Grace’s speech is therefore transformed from public testimony into unseemly and malicious gossip. As I discuss below, these judgements function to limit not only when women’s testimony may be considered politically valuable and necessary but also who is empowered to make that determination.

Conclusion

The timespan discussed here has undeniably been a period of “heightened visibility” of sexual violence, driven by an upsurge in women’s testimony (Alcoff 2018). This has seen repeated commentary characterising this as a new age of “believing women” when the megaphone of social media has enhanced the political power of women’s speech. As I have shown, however, while this

may be true under specific circumstances for particular women, judgement and doubt continue to characterise the responses to many women's testimony of violence. Judgements of women's narratives are based on an interplay between what they say and who they are. Following Gilmore, I argue that an overarching framework of suspicion links the narratives discussed here, including those which have been subject to belief and cultural celebration, to women's testimony from earlier eras. This framework, and the highly selective patterns of belief it engenders, helps to shape cultural beliefs about the reality of sexual violence and the dangers of women's testimony. The "tainting" of individual women can be generalised to other women, particularly women made vulnerable by racial, class or other forms of social marginalisation. In concluding, I explore the links between individual and collective forms of judgement and doubt.

In the context of a more generalised scepticism towards women's narratives, even cases where women are believed can function to authorise and normalise doubt. The examples studied in the first section might all be thought of as "best-case scenarios" in the words of Emily Doe, in large part due to factors of external corroboration and meeting the criteria for "real" rape (Baker 2016). Rather than indicating a shift towards granting women adequate witness, these cases can be used to deny accounts without these attributes, such as when Weide argued that Dylan Farrow's uncorroborated testimony against Allen could not be considered in the same category as the multiple allegations against Cosby and Weinstein. A journalist for the UK's *Guardian* newspaper similarly asserted that it was "wrong, lazy and dangerous" to compare Allen to Cosby or Weinstein for precisely these reasons (Shoard 2018, n.p.).

The use of the word "dangerous" is instructive, as the danger of granting too much credence to too many women's stories recurs in these judgements. Belief, it seems, must remain selective and exceptional in order to avoid the dangers of women's testimony. Variations on this logic are present in both Flanagan's and Banfield's judgements of Grace's narrative, discussed in the previous section. For Flanagan (2018), Grace's account, targeting a man of colour, indicts the entirety of "Me Too", revealing it to be little more than a vindictive "hit squad of privileged young white women". For Flanagan, Grace's speech is particularly appalling because of Ansari's cultural position, as "the first exposure many young Americans had to a Muslim man who was aspirational, funny, immersed in the same culture that they are", writing that, on the "basis of intersectionality and all that" she thought that it would have taken longer for this hit squad to "open fire on brown-skinned men". In an example of the logic critiqued by Crenshaw (1991), Flanagan presumes Grace and all the other women involved in the collective testimony of "Me Too" to be white, erasing the movement's origins among women of colour (Santiago and Criss 2017). She also implicitly asserts that racism is a problem faced solely by men such as Ansari and not by women like Lupita Nyong'o, Aurora Perrineau or, possibly, Grace herself. Flanagan invalidates women's collective testimony at the same moment as she centres whiteness, erasing the speech of women of colour and framing even Ansari's cultural value solely in terms of his educative potential for, presumably white, "young Americans", a category from which he is implicitly excluded.

The interaction of whiteness and gendered judgements is echoed in both Lena Dunham's intervention against Aurora Perrineau's speech and Ashleigh Banfield's critique of Grace. Dunham and Banfield, unlike Flanagan, accuse Perrineau and Grace of tainting a movement which they otherwise support. As Banfield says to Grace: "You have chiselled away at a movement that I, along with all of my sisters in the workplace, have been dreaming of for decades, a movement that has

finally changed an oversexed professional environment that I, too, have struggled through at times over the last 30 years.” In this move of internal boundary-policing, Dunham and Banfield might be seen as engaging in what bell hooks (1994) describes as a politics of white feminist entitlement by which privileged white women assert a natural ownership over feminism, relegating women of colour to a form of marginal or provisional participation, despite their foundational role in movements against gendered violence such as “Me Too”. This can result, as here, in the pre-emptive judgement and jettisoning of stories told by marginalised women, deeming them potential or actual risks to the cultural credibility and acceptability of white women’s speech.

Taken together, the cases discussed here demonstrate the ways in which selective judgements of women’s testimony remain culturally ingrained, even in an era which has seen unprecedented levels of speech about sexual violence. An analytical framework that ignores intersectional questions can very easily reproduce long-standing social divisions between “real” and “simple” rape and between the private harms associated with normative heterosexuality and the public harms of stereotypical violence. Such a process is inevitably one which sees more vulnerable and marginal voices judged or denied, even in the rarefied realm of high-profile celebrity politics.

References

- Alcoff, Linda M. 2018. *Rape and Resistance*. Cambridge: Polity Press.
- Baker, Katie J. M. 2016. Here’s the powerful letter the Stanford victim read aloud to her attacker. *Buzzfeed*. 3 June.
https://www.buzzfeed.com/katiejmbaker/heres-the-powerful-letter-the-stanford-victim-read-to-her-ra?utm_term=.ehnWPEeNJ9#.lkq25paoDN (Accessed 23 March 2018).
- Baysinger, Tim. 2016. How BuzzFeed became the outlet that made the Stanford rape victim’s letter go viral. *Adweek*. 7 June.
<http://www.adweek.com/digital/how-buzzfeed-became-outlet-make-stanford-rape-victims-letter-go-viral-171870/> (Accessed 16 March 2018).
- BBC. 2018. Was it ‘sexual assault’ or just a bad date? *BBC*. 19 January.
<http://www.bbc.co.uk/news/av/uk-42754808/was-it-sexual-assault-or-just-a-bad-date> (Accessed 25 March 2018).
- Birnbaum, Debra. 2017. Girls’ writer Murray Miller’s lawyers retract claim that assault accuser demanded money. *Variety*. 7 December.
<http://variety.com/2017/tv/news/girls-writer-murray-miller-retraction-aurora-perrineau-1202633343/> (Accessed 24 March 2018).
- Bourke, Joanna. 2007. *Rape: A History from 1860 to the Present*. London: Virago.
- Boux, Holly J. and Daum, Courtenay W. 2015. At the intersection of social media and rape culture: How Facebook postings, texting and other personal communications challenge the ‘real’ rape myth in the criminal justice system. *University of Illinois Journal of Law, Technology, and Policy*, 2: 149–186.
- Bowman, Barbara. 2014. Bill Cosby raped me: Why did it take 30 years for people to believe my story? *The Washington Post*. 13 November.
https://www.washingtonpost.com/posteverything/wp/2014/11/13/bill-cosby-raped-me-why-did-it-take-30-years-for-people-to-believe-my-story/?utm_term=.a96e0d23fc83 (Accessed 23 March 2018).
- Brooks, Peter. 2008. Narrative in and of the law. In James Phelan and Peter J. Rabinowitz (eds.). *A Companion to Narrative Theory*. Oxford: Wiley, 415–426.
- Cadwalladr, Caroline. 2014. Scarlett Johansson interview: I would way rather not have middle ground. *The Guardian*. 16 March.
<https://www.theguardian.com/film/2014/mar/16/scarlett-johansson-interview-middle-ground-under-the-skin-sodastream> (Accessed 29 March 2018).
- CNN. 2018. Banfield Slams Ansari Accuser in Open Letter. *CNN*. 16 January.
<https://edition.cnn.com/videos/us/2018/01/16/open-letter-to-aziz-ansari-sexual-assault-accuser-banfield.hln> (Accessed 25 March 2018).
- Cooney, Samantha. 2018. These actors all worked with Woody Allen. Now they regret it and support Dylan Farrow. *Time*. 18 January.

- <http://time.com/5106106/woody-allen-dylan-farrow-actors/> (Accessed 24 March 2018).
- Crenshaw, Kimberlé. 1991. Mapping the margins: Intersectionality, identity politics, and violence against women of color. *Stanford Law Review* 43 (6): 1241–1299
- Cuklanz, Lisa. 1996. *Rape on Trial: How the Mass Media Construct Legal Reform and Social Change*. Philadelphia: University of Pennsylvania Press.
- Escobedo Shepherd, Julianne. 2018. Babe, what are you doing? *Jezebel*. 16 January. <https://jezebel.com/babe-what-are-you-doing-1822114753> (Accessed 7 September 2018).
- Estrich, Susan. 1987. *Real Rape: How the Legal System Victimized Women Who Say No*. Cambridge, MA: Harvard University Press.
- Farrow, Dylan. 2014. An open letter from Dylan Farrow. *New York Times*. 01 February. http://kristof.blogs.nytimes.com/2014/02/01/an-open-letter-from-dylan-farrow/?_r=0 (Accessed 24 March 2018).
- Farrow, Dylan. 2017. Why has the #MeToo revolution spared Woody Allen? *LA Times*. 07 December. <http://www.latimes.com/opinion/op-ed/la-oe-farrow-woody-allen-me-too-20171207-story.html> (Accessed 24 March 2018).
- Flanagan, Caitlin. 2018. The humiliation of Aziz Ansari. *The Atlantic* [Online]. 14 January. <https://www.theatlantic.com/entertainment/archive/2018/01/the-humiliation-of-aziz-ansari/550541/> (Accessed 7 September 2018).
- Gilmore, Leigh. 2017. *Tainted Witness: Why We Doubt What Women Say About Their Lives*. New York: Columbia University Press.
- Greer, Chris and McLaughlin, Eugene. 2012. Media justice: Madeleine McCann, intermediatization and ‘trial by media’ in the British press. *Theoretical Criminology*. 16 (4): 395–416.
- Guardian, The. 2017. Lena Dunham apologises for defending Girls writer accused of sexual assault. *The Guardian*. 20 November. <https://www.theguardian.com/culture/2017/nov/20/lena-dunham-apologises-for-defending-girls-writer-accused-of-sexual-assault> (Accessed 23 March 2018).
- Hariman, Robert. 1993. Introduction. In Robert Hariman (ed.) *Popular Trials: Rhetoric, Mass Media, and the Law*. Tuscaloosa. The University of Alabama Press, 17–30.
- hooks, bell. 1994. *Outlaw Culture*. New York and London: Routledge.
- Jabour, Bridie. 2014. Cate Blanchett responds to letter by Woody Allen’s daughter, Dylan Farrow. *The Guardian*. 03 February. <https://www.theguardian.com/film/2014/feb/03/cate-blanchett-responds-to-letter-by-woody-allens-daughter-dylan-farrow> (Accessed 24 March 2018).
- Kantor, Jodi and Twohey, Megan. 2017. Harvey Weinstein paid off sexual harassment accusers for decades. *New York Times* [Online]. 05 October. <https://www.nytimes.com/2017/10/05/us/harvey-weinstein-harassment-allegations.html> (Accessed 15 June 2018).
- Lees, Sue. 1997. *Ruling Passions: Sexual Violence, Reputation and the Law*. Buckingham: Open University Press.
- Madigan, Lee and Gamble, Nancy C. 1991. *The Second Rape: Society’s Continued Betrayal of the Victim*. New York: Lexington Books.
- Malone, Noreen. 2015. “I’m no longer afraid”: 35 women tell their stories about being assaulted by Bill Cosby, and the culture that wouldn’t listen. *New York*. 26 July. <https://www.thecut.com/2015/07/bill-cosbys-accusers-speak-out.html> (Accessed 14 September 2018).
- McQuade, Dan. 2014. Hannibal Buress on Bill Cosby: “You’re a Rapist”. *Philadelphia*. 17 October. <https://www.phillymag.com/ticket/2014/10/17/hannibal-buress-bill-cosby-rapist/> (Accessed 21 March 2018).
- Namako, Tom. 2016. Joe Biden writes an open letter to Stanford survivor. *Buzzfeed*. 09 July. https://www.buzzfeed.com/tomnamako/joe-biden-writes-an-open-letter-to-stanford-survivor?utm_term=.roelnYLPg#.cv0JKj0my (Accessed 19 March 2018).
- Nyong’o, Lupita. 2017. Lupita Nyong’o: Speaking out about Harvey Weinstein. *New York Times*. 19 October. <https://www.nytimes.com/2017/10/19/opinion/lupita-nyong-o-harvey-weinstein.html> (Accessed 21 March 2018).
- Orth, Maureen. 2014. 10 undeniable facts about the Woody Allen sexual abuse allegation. *Vanity Fair*. 07 February. <https://www.vanityfair.com/news/2014/02/woody-allen-sex-abuse-10-facts> (Accessed 25 March 2018).

- Santiago, Cassandra and Criss, Doug. 2017. An activist, a little girl and the heartbreaking origin of "Me too". *CNN*. 17 October.
<https://edition.cnn.com/2017/10/17/us/me-too-tarana-burke-origin-trnd/index.html> (Accessed 16 March 2018).
- Shoard, Catherine. 2018. Comparing Woody Allen to Polanski or Cosby is lazy and dangerous. *The Guardian*. 13 May.
<https://www.theguardian.com/commentisfree/2016/may/13/woody-allen-polanski-cosby-dangerous-cannes-ronan-farrow> (Accessed 24 March 2018).
- Smith, Emily. 2017. Harvey Weinstein gives first interview after shocking sex harassment claims. *Page Six* [Online]. 05 October. <https://pagesix.com/2017/10/05/harvey-weinstein-gives-first-interview-after-shocking-sex-harassment-claims/> (Accessed 7 December 2018).
<https://pagesix.com/2017/10/05/harvey-weinstein-gives-first-interview-after-shocking-sex-harassment-claims/> (Accessed 24 March 2018).
- Wang, Amy B. 2017. Harvey Weinstein, accused by dozens, specifically disputes Lupita Nyong'o's harassment claims. *The Washington Post*. 21 October
https://www.washingtonpost.com/news/arts-and-entertainment/wp/2017/10/21/harvey-weinstein-accused-by-dozens-specifically-disputes-lupita-nyongos-harassment-claims/?utm_term=.7ad48e3a4673 (Accessed 24 March 2018).
- Way, Katie. 2018. I went on a date with Aziz Ansari. It turned into the worst night of my life. *Babe.net*. 13 January.
<https://babe.net/2018/01/13/aziz-ansari-28355> (Accessed 25 March 2018).
- Weide, Robert B. 2014. The Woody Allen allegations: Not so fast. *The Daily Beast*. 27 January.
<https://www.thedailybeast.com/the-woody-allen-allegations-not-so-fast> (Accessed 25 March 2018).
- Weide, Robert B. 2017. Q&A with Dylan Farrow. *This Mortal Coil* [Blog]. 13 December.
<https://ronanfarrowletter.wordpress.com/2017/12/13/qa-with-dylan-farrow/> (Accessed 25 March 2018).
- Winter, Jessica. 2014. Don't Listen to Woody Allen's Biggest Defender. *Slate*. 04 February.
http://www.slate.com/articles/life/culturebox/2014/02/woody_allen_s_biggest_defender_robert_w_eide_s_attack_on_mia_farrow_and_her.html (Accessed 25 March 2018).
- Zacharek, Stephanie, Dockterman, Eliana, and Sweetland Edwards, Haley. 2017. The silence breakers. *Time*. 18 December.
<http://time.com/time-person-of-the-year-2017-silence-breakers/> (Accessed 28 March 2018).