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“Object of Vision”: Non-Consensual Photographic Representations of Sexual Assault

A Thesis in English

By:

Anne Mooney

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Dedication

For survivors of sexual assault—may your voices always be heard and respected.

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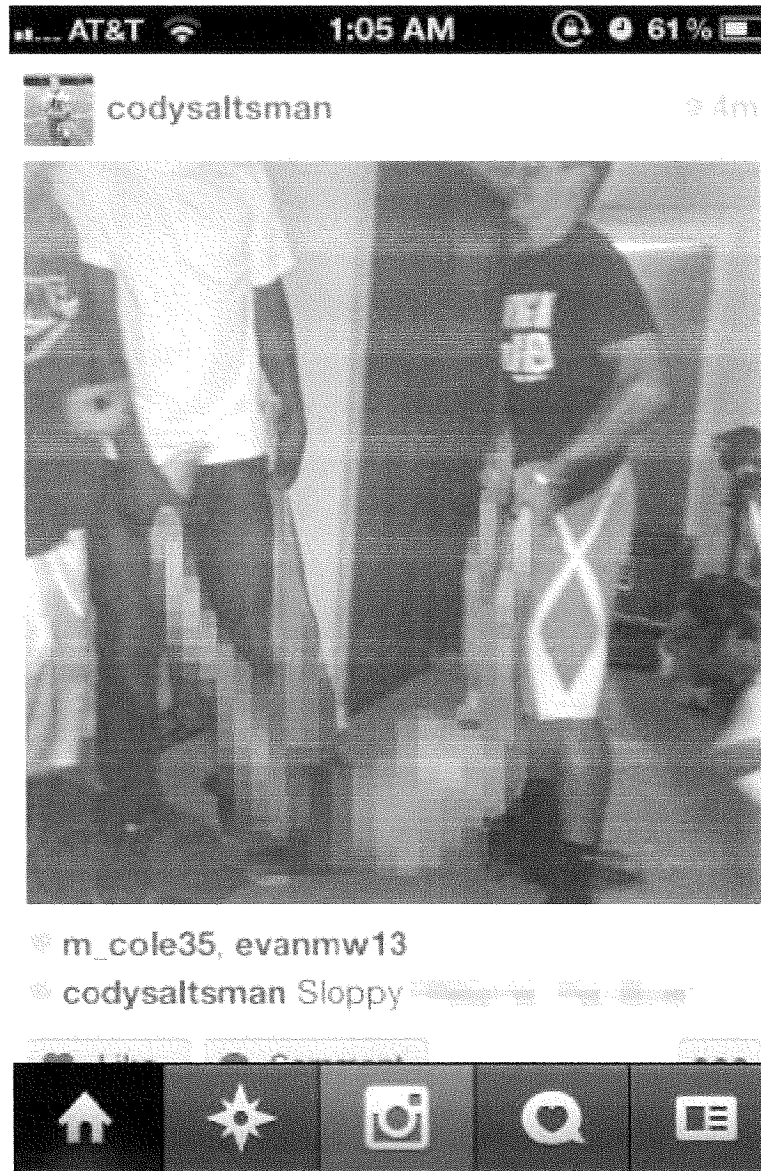
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Introduction:

Sight of Analysis: American Rape Culture, Trauma, and Photography



Instagram photo of Steubenville survivor (Cody Saltsman).

A young woman is being carried by two attackers. Her head hangs above the floor, her hair dragging on the floor between one of the boy's legs. She is blurred in this version of the photograph; her attackers remain unaltered in the photograph. The caption of the image reads

“sloppy” and contains blurred text. This photograph was posted by Cody Saltsman on his Instagram.¹

The night this photograph was taken, a young girl went to a series of three parties with her friends in Steubenville, Ohio. When her friends eventually decided to go home, she stayed behind with several male acquaintances. She had one drink, but it affected her more than normal, making her incredibly intoxicated. She woke up the next morning in a strange basement, her underwear and phone missing. She could not remember anything that happened the night before.

This photograph was taken while she was unconscious. The photograph depicts that night, when she was raped by the two male attackers in the photograph. The morning after, she began to see photographs, tweets, and text messages from fellow party-goers that help her piece together the events of the previous night. She realized she was raped and wondered if she was drugged by someone at one of the parties. Her family urged her to go to the hospital, but it was too late for a rape kit. However, she spoke to the police about what happened to her.

Without a rape kit, the photograph became a crucial part of evidence for her case. The story gained local and national attention because her two attackers were star football players, the pride and joy of the town. These young men were local celebrities, and rape allegations against them were not something either the town or the football team handled well. The two players were tried as juveniles and found guilty. One, Ma’lik Richmond, was sentenced to at least one year in prison, while the other, Trent Mays, was sentenced to at least two years in prison, and both were required to register as sex offenders. With her image in circulation, the young woman has to deal with the photograph of her assault forever available on the internet just as she has to deal with the trauma of her assault forever. Because she was a minor at the time of the assault

and is a rape survivor, she was unnamed in the press, but she is the young woman at the center of the Steubenville rape case



Flyer depicting Emma Sulkowicz (Twitter, @Fakerape).

In this photograph, a different young woman supports a mattress on her shoulder. She wears a tank-top, skinny jeans, and sandals with socks. She stares ahead while her left arm wraps around the mattress, helping hold it against her shoulder, which supports most of the mattress' weight. Her right arm is by her side. The caption of the photograph reads "Pretty Little Liar" in all capital letters towards the top of the image with "Liar" across the center and "Emma Sulkowitz Columbia #RapeHoax" in all capitals in the bottom right corner of the flyer. The photograph was used for a "rape hoax" flyer; a "rape hoax," supporting a rape culture, suggests

that claims of rape are fabricated by women. The flyer was hung around her university the day after Sulkowicz graduated and was also shared on Twitter by an account dedicated to “rape hoaxes,” implying that her claims of being raped were a hoax.

This photograph depicts Emma Sulkowicz, a rape survivor from Columbia University. Sulkowicz was raped by a classmate during her sophomore year of college. She did not immediately report her rape, wishing not to deal with the “emotional trauma” of her rape (Gray). Discovering, however, that two other women were assaulted by the same attacker as her, she reported her rape, as did the other women. All of their cases were dismissed by the university. Sulkowicz recalled how poorly the campus handled the reports, making her listen to her rapist’s testimony, and ultimately denying her appeals, allowing her unpunished rapist to remain on campus with her (Gray). Dealing with the anxieties of having her rapist on campus with her and not being believed by the university or many friends, she decided to begin carrying her mattress around campus with her for her senior performance art project. The mattress, university-owned, represents the mattress on which she was raped. She carried it with her as a physical representation of the burdens and struggles that survivors carry with them every day and received the nickname “mattress girl.”

When she began her performance art piece, her art professor shared the rapist’s name. Having his name released to the public, he sued the university for defamation of character since, he claimed, there was no rape. Sulkowicz received support, being interviewed as a spokesperson for the improper protocols in rape cases happening on universities. She also received hate for speaking out; many have suggested that Sulkowicz falsely accused this man and ruined his life. Despite the backlash she received, she has continued to create art installations that bring attention to the pressures and struggles of survivors of sexual assault. (Gray)

From Steubenville and Sulkowicz to an Exploration of Trauma Photography

Although the ways both of these photographs were shared differs, both cases received national attention, shedding light on the ways that circulation of photographs of sexual assault impacts survivors.² The circulation of these photographs warrants a discussion of what sexual assault is. What constitutes sexual assault and consent have been widely debated in American political and popular culture. Lisa Cuklanz explores the long historical journey rape law has taken in the United States. Rape has traditionally been believed to be a woman's problem; she either did something to prompt the rape, or she didn't do enough to stop it. Cuklanz goes on to say that it was also largely believed that a woman claimed rape when she was either embarrassed about a sexual experience or dissatisfied. As time went on, feminists fought for more supportive and protective laws for women (Cuklanz 1). This led to the common (mis)understanding of consent as a sexual experience to which someone doesn't say "no." And sexual assault was anytime someone did not give consent—any time someone said "no." However, theorists have examined consent further, determining that it is more complex than the lack of a "no" before and during a sexual experience. Franklin Miller and Alan Wertheimer argue:

Sometimes, maybe more often than not, maybe less often than not, women consent to sex that we want or desire, and entirely for its own sake. We consent to sex, in other words, because we actively desire the sex. Sometimes, though, we consent to sex that we don't want at all, and some women and girls, and some men and boys as well, might do that quite a bit. (16)

Whereas Miller and Wertheimer make a distinction between wanted consensual sex and unwanted consensual sex, I argue that any unwanted sexual experience is non-consensual. I define consent as a continual "yes" before and during any sexual activity from someone of legal

age and sound mental capacity. This definition of consent means that any time someone does not verbally say “yes” to a sexual experience, consent is not given. This also means that people who are under the influence of drugs or alcohol cannot give consent to sexual activity because they are not of sound mental capacity. Sexual assault, then, is any time consent is not given— any time someone does not continually say “yes.” A type of sexual assault, rape, which is particularly relevant to the cases discussed, is “penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim” (“Was I Raped?”).

The struggle that has continued over defining sexual assault and consent are largely due to rape culture in American dominant culture. The United States, I argue, is a rape culture. A rape culture is “a culture in which sexual violence is a normalized phenomenon” (Projansky 9). The term “rape culture” was first coined by second-wave feminists in the 1970s to describe a culture that victim-blamed, sexually objectified, trivialized rape, and denied the rape phenomenon. The rape phenomenon is a cultural situation in which rape occurs frequently to many people within the culture, suggesting that rape is not an individual’s problem, but rather a larger cultural problem. Rape is seen as a personal issue, rather than a cultural phenomenon because of rape culture (Projansky). Because rape is seen as a personal issue, a rape culture is able to deny any real responsibility, avoiding the need to change anything culturally that promotes and supports rape. A rape culture, theorists like Sarah Projansky and Jessica Valenti argue, perpetuates the supposed personal nature of rape, holding women responsible for their safety and men blameless for their actions. A rape culture normalizes sexual violence against women, teaching men that women are made for their pleasure (Valenti). By teaching men that

women are made for their pleasure, a rape culture continues to support the cultural teachings that have led to the rape phenomenon, to the cultural issue of rape.

Fighting against rape culture are people who support survivors of sexual assault and seek to highlight the survivor's voice. Opposing rape culture is, I argue, a survivor positive community; this community respects survivors of sexual assault and empathizes with the personal and public trauma with which survivors deal. The survivor positive community is a community in which the representations of sexual assault both come from survivors themselves and emphasize the cultural issues that must be discussed and changed in order to create a more inclusive and safe environment.

There are arguments that suggest narratives of rape by someone other than the survivor are valuable because they can help the survivor recreate her memories and narrative. However, I want to explore the potential dangers of memories that the survivor builds from narratives of others. Cathy Caruth argues that a survivor of trauma can never fully remember it and is always attempting to rebuild the memory; for survivors of sexual assault, trying to remember what happened is also traumatic (Caruth 4; Herman 42). Caruth suggests that the inability to remember in totality is especially traumatic; the latent remembering, the rebuilding of memories, and the repetitive nature of trying to remember can make survival of the traumatic destructive for the survivor (17). Yet, to attempt to rebuild those memories from someone else's narratives and stories risks building memories that are not the survivor's own.

The Steubenville survivor, a minor at the time of her attack, did not make her case public. Rather, her case was made public by others who shared the tweets, text messages, and photographs related to her assault. As the Steubenville survivor's story was told by others across social media, crime blogger Alexandria Goddard began to take screenshots both to share with the

police and post on her crime blog.³ Once these screenshots were shared on Goddard's blog, the Steubenville survivor's case gained national attention and the photograph of her was shared not only online but also on television and in print.

While photographs of the Steubenville assault were shared without the survivor's consent, Sulkowicz's case became public through her performance art piece, which aimed to bring more attention to the troubling student conduct policies and proceedings used to mediate rape accusations at Columbia University. She gave interviews to television and print outlets and had her picture taken by some of these sources to accompany her story. It was one of these photographs, taken by *New York Magazine*, that was used in the flyer to discredit Sulkowicz. As a result, the circulation of these photographs – produced and shared by someone other than the survivor – has resulted in the increase of narratives around their assaults, narratives told by others, not the survivor.

The effect of this circulation is that the narratives of the survivors themselves are unrepresented and unheard. My thesis argues that the circulation of these photographs participate in the re-violation of the survivor.⁴ The survivor, although depicted in the photograph, is not representing her own assault because she is not circulating the photograph. Someone else, the person circulating the photograph, is representing the sexual assault for her. Because someone else is representing the sexual assault for her, her own narrative is foreclosed. The survivor's voice, and her ability to share her own experience, is silenced.

The implications of circulated photographs of sexual assault are significant because they result in a proliferation of narratives about the survivor's trauma. In doing so, these narratives displace the survivor's voice, disrupting her ability to share her own testimony. Scholars like Felman and Laub and Herman argues that it is only through sharing her testimony that a survivor

is able to understand the experience of sexual assault (Felman and Laub 70; Herman 175). Experiencing the sexual assault, she is the only person able to truly represent it by creating the rape narrative. Felman and Laub argue, “they [survivors] also needed to tell their story in order to survive” (78). The rape narrative is the testimony that shares the experience and its effects with others. This rape narrative, as I am exploring it, can only be created by the survivor since she is the only person who actually experienced the rape and its effects. The fact that the circulation of photographs of sexual assault fails to represent the survivor’s experience means that narratives of her rape are created without her control and consent. The circulation of the photograph by someone other than the survivor undermines and overshadows the survivor’s own narrative and testimony. Those photographs can never share the survivor’s story or experience; only the survivor herself can do so.

As such, the issue of representation is central to the circulation of photographs of sexual assault. Representation, in this thesis, is semiotic in approach. I assert that in photography and trauma there is no inherent link or relationship between the photographed person and the photograph. Theories of signification and semiotics offer insight on representation, interpretation, and meaning. Semiotics argues that all signification and meaning making is done within a pre-established system, without which, meaning cannot be made. In the case of photographs of sexual assault circulated through social media, the pre-established system through which signification and meaning making occurs is rape culture. Saussurean semiotics suggests that there are signs, through which we make meaning; signs can be words, images, sounds, objects, etc. The sign is composed of two parts: the signifier and the signified. The signifier is the form the sign takes. The signified is the concept represented by the signifier. The signifier can be a concept or, as it is now often thought of, a material form that the sign takes.

The relationship between the signified and the signifier is called signification. In photographs of sexual assault, the photographed survivor is the signified, and the image of her is the signifier. This is critical to understanding photographic representations of sexual assault because it demonstrates that the image of the survivor and the survivor herself are not linked—it does not truly represent her.

Yet, those who circulate photographs of sexual assault engage in the act of representation with a range of motives. Some people may share the photograph in order to perpetuate a disbelief for survivor or to demonize her. Some people may share the photograph to demonstrate support for survivors and argue for more political protection of women. Some people may share the photograph because it has gone viral and they want to be part of viral sharing experience. Others may share the photograph because it has some personal or communal significance. What is most significant, however, is that concern for the survivor's claim to narrating her own experience is absent. Moreover, because these photographs are representing the survivor – and she is not representing herself – their circulation risks circumscribing the survivor's space to produce her own narrative. The photograph is always rhetorical in nature, impacted greatly by the person who creates it, the context in which it is created, and its exigence.

The person who creates the photograph and the person for whom the photograph is created has traditionally been male. Laura Mulvey introduced the concept of the “male gaze.” The male gaze, originally used in film studies, suggests that the structure of films impose a masculine perspective on audiences in which a passive, eroticized female object is being observed. No longer confined to film studies, the male gaze has been used in much of feminist scholarship as well as mainstream media. Photographs of sexual assault can be read as demonstrative of the male gaze in which the audience takes the perspective of the male attacker,

viewing a passive, eroticized female survivor.

Women are traditionally seen as objects of men, both in and out of photography. John Berger argues that woman is “an object of vision: a sight” (47). Women appear in photographs always in relation to men, he says— always in relation to male power. How a woman appears in a photograph, he suggests, is indicative of how she sees herself and how she wants others to see and treat her. How a woman is represented in the photograph, then, directly relates to how a man will treat her as his object of vision, as his sight. The photograph, then, for Berger is centered around the male gaze. The photograph demonstrates the power men traditionally hold over women. A male-dominated point of view, which the photograph has, as Berger says, and a rape culture both view women as objects for male dominance. Therefore, she is forced into the role of object. The women in photographs of sexual assault are not making themselves objects of male vision, yet they are seen through the male gaze. These women are not representing how they want others to treat them; rather, their male attackers are using their bodies in these photographs to represent them in a specific way and to make others also see her through this male gaze of rape culture.

The audience, viewing the photograph through the male gaze, and the survivor carry two important roles of the photograph: the subject and the object. WJT Mitchell says, “The ‘subject’ is paradigmatically a *spectator*, the ‘object’ a visual image” (19). The subject of the photograph is the “spectator” or the viewer, the audience. The subject’s viewing of the photograph of sexual assault is, I argue, always impacted in some way by the male gaze; yet, the subject may be unaware of this impact. The audience, as subject, makes the survivor the object; the audience, through the male gaze, views the passive object. The audience is active; the audience acts. The subject, the spectator or audience, is interpreting the image; they are creating meaning through it.

The object of photographs of sexual assault is the survivor. The survivor, as object, is passive. The object, the photographed survivor, is being acted on— she is both being depicted during a non-consensual experience in which she is not acting willfully and she is being interpreted by the audience through the photograph.

In the case of photographs of sexual assault not authorized by the survivor, it is important to remember the roles of photographer and photographed survivor because these are, particularly in the cases discussed different people. As I have argued, it is imperative for the survivor to narrate her experience; however, the photographer of the sexual assault, takes and shares the photograph for her, risking silencing the voice and experience of the survivor. The audience of the photograph must decide whether they will make meaning of the photograph through the photographer's narration, a narration that is never the survivor's, and continue to share the photograph, perpetuating the potential silencing the survivor. Or they must decide if if they will share support for the survivor and allow her to narrate her own experience, if she chooses. The audience must think critically about who and what the photograph of sexual assault represents in order to prevent reading the photograph as a narrative *of* or *for* the survivor.

In chapter one, I explore the issues of representation in the photograph of sexual assault in more detail. The chapter begins with a discussion of the components that make up many circulated photographs of sexual assault: the image and the caption. I argue that the caption provides an immediate interpretation from the distributor of the photograph to the audience, and is therefore, critical to the audience's experience of making meaning. As I consider the meaning making process of the audience, I explore whether that process is representative of the photographed person. The chapter examines, in detail, the difference between being the referent of the photograph and being represented by the photograph. I consider how the audience

interprets the referent of the photograph. The chapter examines the interpretations of the photograph of sexual assault and the interaction the audience has with the photograph. I argue that photographs of sexual assault do not represent the survivors depicted, but instead, represent the photographer, the distributor, and the attacker. The sharing of photographs of sexual assault allow the distributor to appropriate the photograph, and use the photograph, and as its referent, the photographed person, as an object for their own motives. Finally, the chapter discusses the performance of the photograph of sexual assault, arguing that the performance of the photograph impacts the meaning created around it.

My second chapter examines the issues of consent in photographs of sexual assault. Just as the survivor does not give consent in rape, she also does not give consent for the photograph to be taken and distributed. The chapter begins with a distinction between legal and ethical consent to being photographed. Based on this distinction, I consider what it means to give consent to photographs both in public and private spaces. Considering where photographs are taken and who takes them, the chapter discusses the question of ownership of photographs of sexual assault, exploring who legally owns the photograph and who should ethically own the photograph. I argue that ownership of the photograph largely impacts the narrative of the photograph and the sexual assault depicted in it. Finally, the chapter explores the ethical implications of witnessing the photograph of sexual assault, examining the issue of consent both in witnessing and in the witness' ability to share the photograph with others.

These chapters work together to explore the implications of narratives of sexual assault presented by someone other than the survivor. Although this thesis explores the dangers of representations of sexual assault provided by someone other than the survivor, representations of sexual assault should not end completely. To be unrepresented is not to be discussed, and sexual

assault must be discussed in American culture. However, in these representations, it is important to think critically about who is doing the representing, how they are representing, and why they are representing sexual assault. Representations circulated by anyone other than the survivor must be examined carefully, considering whether the representation attempts to speak for the survivor or not. It must always be remembered that representations shared by someone other than the survivor, rhetorical in nature, do not narrate her experience. Furthermore, those representing sexual assault should be careful not to silence survivors through their representations. The survivor is the only person capable of narrating and sharing her experience with others, and it is through her voice and consensual testimony that the phenomenon of rape in American culture will be better understood.

Chapter One:

Silencing the Survivor: Representing and Interpreting Her Experience

The photographs of the Steubenville survivor and Emma Sulkowicz offer representations of sexual assault. Photographs of sexual assault are important because they can offer evidence that the assault occurred for both the survivors and for legal recourse. While the survivor is depicted in the photograph, she is not represented by it. Photographs of sexual assault do not provide simple or singular narratives; instead, they are open to interpretation. Interpretations of these photographs can impact the survivor and her experience with her trauma, and these interpretations also reveal a great deal about the photographers. By examining the circulation and public interpretations of photographs of sexual assault, I argue that these do not represent the survivor and her story. Instead, because they are rhetorical in nature, they reveal the motivations, ethics, and beliefs of those who choose to take and/or distribute the photographs.

Through the image and caption of the photograph, the author of the photograph demonstrates his or her purpose. It is through sharing the photograph that the author addresses his audience, who interprets or makes meaning of the photograph. As the audience interprets the photograph, they create an identity for the image of the survivor, which they desire to be performed. The author and the audience create meaning of the photograph, not the survivor. Therefore, the meaning created, a product of the author and the audience, reveals the interpretive processes of them rather than the narrative of the survivor. As the photographs are circulated and publicly interpreted, they risk appropriating and misrepresenting the survivor's testimony. Because photographs are rhetorical, any attempt of the photographer to represent sexual assault is undermined by the contingencies and contexts at work in the meaning making processes of the

audience. When photographs of sexual assault are discussed in public discourse, I argue, the survivor's safety is compromised publicly through the photograph's circulation.

Captioning and the Risk of Misinterpretation and Decontextualization

Representation suggests a semiotic relationship between photography and trauma. The photographed survivor, as signified, has no inherent link or relationship to her image, the signifier. As such, the photographed survivor likely does not have an inherent link to the photograph as sign. The photograph can be comprised of multiple parts. Whereas some photographs have an image only, other photographs have an image and a caption. The photographs of the Steubenville survivor and Emma Sulkowicz, for example, include an image and a caption. Captions can be helpful cues for the image. These cues alert the audience to specific parts of the image, giving them something specific to look for in the image. The captions of photographs of sexual assault can be dangerous, misrepresenting the image and the photographed person to the audience.

The interplay between the caption and image shapes the kind of representations possible. Using Saussurean semiotics with photography, I suggest that the caption functions as the signifier while the image serves as the signified. Together, the caption as signifier and the image as signified comprise the photograph—the sign. The signified and the signifier, although relational, are not, as Saussure says, inherently linked; there is nothing natural or inherent that links the caption as signifier or image as signified besides the meaning making processes of the system (62). For photographs of sexual assault, the meaning making process is important because the dynamics creating rape culture, the system, rhetorically connect the caption as

signifier and image as signified. It is through the relationship between the caption and the image, connected by rape culture, that the audience interprets the photographs.

Yet, in photographs of sexual assault, there are additional signifieds and signifiers. The photographed person is the signified; the image of her is the signifier. However, as the signified of the image, the photographed person does not equate to her image. Her character— her inner-self, her personhood, her essence— is not signified by the image. The signification of the image is not that of her character, but simply the signification of a depiction of her. Although in public discourse photographed people are often conflated with their images, Roland Barthes suggests that while the photographed person is the referent of the photograph, the person is never truly represented by it. The photograph refers to the physical person, but it does not denote the person's character. The photograph is what Barthes terms “has-been,” but not who the survivor was or is (*Camera Lucida* 91).

The caption, as a signifier for the image, allows the photographer to attempt to provide a representation of the image. Theorists like Barthes, Charles A. Hill, Marguerite Helmers, and Susan Sontag emphasize the intertextuality of the image and the caption. In this context, intertextuality implies a significant relationship between two forms of text, the caption and the image, in which each affects the meaning of the other. As intertextual, the image and the caption work together in the audience's meaning making process of the larger text: the photograph. The photograph is comprised of the two modes, alphabetic text and image. The captions of photographs are typically alphabetic, being comprised of written language; however, the captions may also include symbols and emojis. Barthes argues that the image is “structure” that is always in communication with other “structures” (*Image/Music/Text* 26). The image as a structure is always in communication with the caption as another structure, each informing the other. Barthes

suggests that the alphabetic caption of the photograph is a “parasitic message designed to connote the image, to ‘quicken’ it with one or more second-order signifieds” (*Image/Music/Text* 25). The caption provides a signifier for the image as signified; the caption provides a representation, a signification, for the image. It carries a crucial rhetorical purpose in it: to guide, or force, how the audience views and interprets the photograph, and thereby the photographed person as a signified.

The alphabetic caption connotes or provides a culturally based commentary, for the audience, yet it is always dependent on the image. Because of this, the interpretations that these photographs make possible are contingent and contextual, beyond the complete control of the photographer and survivor alike. The image is the primary mode of viewing the assault; however, the alphabetic caption seems to offer immediate signification of the image for the audience, providing a way to read the image. The photographs of the Steubenville survivor and Sulkowicz consist of image and captions. The Steubenville photograph’s caption reads “Sloppy” followed by someone’s (now blurred) Instagram username. The photograph of Sulkowicz, which was used on a flyer, includes the caption, “PRETTY LITTLE LIAR,” with “LIAR” posted across Sulkowicz and the mattress and “EMMA SULKOWITZ COLUMBIA #RAPEHOAX” in the bottom left corner. These captions are, as Barthes says, parasitic messages; the captions rely on specific aspects of the image, emphasizing those aspects in order to further the signification of the captions. The caption on the Steubenville survivor’s image emphasizes her apparent intoxication in the photograph; while the caption on Sulkowicz’ image emphasizes the idea that the depicted woman is not truthful. As this example suggests, the captions function rhetorically in relation to their placement and arrangement. Interpretation of the photographs, however, relies on how a viewer engages with the photograph. For example, the order in which one views the

image and caption shapes their experience of the photograph. Yet, focusing on one and ignoring the other could offer a different interpretation. Therefore, the relationship between caption and image influences the meaning making process in greatly variable ways, ways outside the control of those who created or are depicted in the photograph.

The caption of the photograph also allows the photographer to evoke associations for the audience. Associative captions refer to, or associate the images with, something or someone else. Through different associative captioning, the author is able to relate the image to something publicly known and recognized. The allusions speak to the cultural associations embedded in language that mediate the process of making meaning – a process that exists within cultural, linguistic, and historical contexts. The caption on the flyer about Sulkowicz uses an association with a popular ABC Family television show, *Pretty Little Liars*, to further question the validity of her experience, to further the idea that she is, as the caption suggests, a liar. *Pretty Little Liars* (*PLL*) is a television drama in which four teenaged girls attempt to discover who murdered their friend (a murder that is later discovered to be fake). As they try to find the murderer, they are harassed by “A,” an anonymous stalker, who threatens to expose the secrets of these friends and anyone they love— and there are a lot of secrets in this small town. Throughout the show, the four friends lie to their loved ones and authorities in order to protect themselves and others from the threats of “A.” Through associative captioning, the captioner of photographs of sexual assault is able to relate the image and the photographed person by evoking other signifiers with specific signification. In the case of Sulkowicz’s caption, the captioner uses another signifier—the association to *PLL*— evoking the signification of someone who lies, someone not to be trusted. An audience who can connect the photograph with the show may associate Sulkowicz with the

four main characters in this show who continuously lie. Those unfamiliar with the show, however, will not have access to this particular layer of interpretation.

Yet with more knowledge about *PLL*, the audience is able to interpret the association between Sulkowicz and the young women character differently. The teenage girls in this show continue both to lie and to hide their harassment because they are afraid both of further harassment and because they are not sure how to handle the situation. Sulkowicz has said that she did not report the rape immediately because she “didn’t feel like dealing with it [the emotional trauma] at first,” not sure how to handle the situation (Gray). Furthermore, the caption creator, for the *PLL* knowledgeable audience, replicates what “A,” the harasser and bully in the show, does to these girls with Sulkowicz; the captioner replicates the power and intimidation of this character. Having a clear understanding of the association being made through the caption, the audience does not simply see Sulkowicz as a liar but as someone being bullied and harassed by the person who created the flyer—the interpretation is made differently than the creator intended. By including this association, the caption creator attempts to intimidate Sulkowicz and other survivors into silence; the association suggests that if survivors speak out about their experience, they risk harassment and disbelief from authorities.

The photograph, however, can have multiple interpretations, and the caption is just one of those interpretations. Therefore, the caption of a photograph of sexual assault is always contingent and subject to interpretation. Sontag says, “But even an entirely *accurate* caption is only one interpretation, necessarily a limiting one, of the photograph to which it is attached” (109, my emphasis). Though there may be a possibility for a caption on some photographs to “accurately” describe the events being depicted, the caption never able to provide a fact because the meaning making process is fluid and relies not only on the image, caption, and creator’s

intent, but also the associative contexts the audience brings to the photograph. The caption of photographs of sexual assault is, rather, a dangerous interpretation, created by someone other than the survivor as an attempt to interpret a photographic depiction of her experience through the construction of someone other than the survivor.

As they participate in the construction of the survivor's experience, the captions of photographs of sexual assault can attempt to silence the survivor through fears of retaliation or by questioning her testimony. The fear of retaliation, harassment, threats, and the police not believing them are common reasons that survivors of sexual assault do not make reports to the police (Valenti). The fact that Sulkowicz did not go to the police immediately is one reason why many people have tried to negate her testimony. Yet, when testimonies are asked for, it is often shortly after the trauma occurred, and therefore, the survivor's language may be disjointed and fragmented, which often leads to the assumption that she is lying. Furthermore, studies have suggested that most women, like Sulkowicz, do not report rape. Women often do not report because it often does not lead to conviction and also because they are afraid of their rapists ("The Offenders"). The caption's suggestion that she is a liar silences not only Sulkowicz from talking about her experience, because she is undermined by the claim that her experience isn't true, but it also risks silencing other survivors, making them fearful that if they speak out they, too, may be called liars. The caption on the photograph of the Steubenville survivor also works to silence her. Not only was she embarrassed because the photograph was shared with others, but she also faced a great deal of scrutiny and blame for her assault because she was intoxicated.

The caption, providing one of many interpretations possible for the image, also provides a false context. Photographs of sexual assault that are shared by someone other than the survivor provide a context constructed by and through the voice of someone other than the survivor. A

context created without the survivor can never be entirely true because others are never able to explain it and the situation as well as the survivor can. Although the survivor's memories of the event may be disjointed and difficult to explain through language, trying to remember and rebuild memories of the trauma is an important process of trying to heal, a process that ultimately not every survivor can complete (Herman 175). By providing the context for the survivor, the caption creator again silences her; speaking for her and her experience rather than letting her speak for herself. Therefore, her memories, which she must rebuild have the potential of being built around the contexts and the stories provided by the caption, which may be false. The caption, by providing a false context, attempts to legitimate the interpretation presented through it. The false context provided by the caption is the placing of the experience in an incorrect situation. The false context provided by the caption of the photograph of the Steubenville survivor is that she is willingly partaking in all the events of the party, including drinking and being friendly with these young men, her attacker. This false context suggests that she was having intoxicated fun with her attackers, suggesting that she willing partook in the sexual activity later. The false context provided by the caption of the photograph of Sulkowicz suggests that she is known to be a liar and therefore should be trusted in this case either, but also disregards the actual experience by never bringing her claims up in the caption. By disregarding her testimony, the false context of the caption continues to try to silence Sulkowicz.

The caption of the photograph, although reliant on the image, provides an immediate interpretation of the photograph. Through the caption, the audience is given associations and context through which to attempt to understand the photograph. However, the photograph of sexual assault can never have a reliable or true caption because it is not created by the survivor

who is depicted in the image. Rather, the caption of photographs of sexual assault is an attempt to silence the survivor and her experience.

Representing and Interpreting the Photograph: The Audience and the Author

The audience interprets and makes means from the photograph, comprised of caption and image, of sexual assault. Theorists like Lisa Ede and Andrea Lunsford argue that the audience, addressed and invoked, is critical to the meaning making process, or interpretation of it (156). The addressed audience is the one the author—photographer or flyer creator— wants to view the photograph. The author knows who this audience is, the audience is concrete, and the author knows their beliefs, attitudes, and expectations of the photograph. The invoked audience is the audience the author wants to view the photograph; this is the intended audience. The author—photographer or flyer creator— both work to make meaning through text. The author attempts to make meaning by taking the picture in a specific way, by captioning the image, and by circulating the photograph to certain people in specific places. The audience makes meaning from the photograph they view. Their meaning making process is affected by the interpretation of the author, because the photograph is always presented through the author's interpretation.

The audience's meaning making process, or interpretation, of the photograph is impacted both by the author and by their own experiences. John Berger argues that the audience should always be aware of the photographer when they see an image, being aware that the photographer made certain choices in selecting a specific moment and providing a specific caption (10). This is especially important when considering photographs of sexual assault because the photographer is not the survivor, and therefore, the moment selected and the caption provided are not the testimony of the survivor. The audience may be viewing the photograph through an author's

interpretation which seeks to silence the survivor. The audience is affected not only by the photographer but also by their own perceptions and previous experiences (Berger 10). The audience of the photograph of sexual assault interprets the photographs through their beliefs and experiences that have been shaped through the lens of rape culture. A rape culture promotes the idea that survivors of sexual assault should be questioned, scrutinized, and demonized rather than supported; dominant discourse, informed by rape culture, emphasizes the support of the perpetrator, the photographer, but not the photographed women.

Because rape is largely still believed to be a personal issue rather than a cultural issue—one person's problem rather than a collective one—photographs of sexual assault are often mistaken as representations of the referent—the photographed person—rather than representations, or significations, of the larger issue of rape culture. Sarah Projansky suggests, “Representations of sexual violence pervade our social lives, occupying both public ... and intimate ... spaces and defining gendered and racialized social relations” (231). Because representations of sexual assault are so pervasive in American social life, photographs depicting assaults are culturally desensitized, becoming more and more normal to see. Furthermore, Sontag says, “But after repeated exposure to images it also becomes less real” (20). As photographs of sexual assault are shared more with dangerous significations and false contexts, a rape culture perpetuates the idea that sexual assault is a personal issue—blaming these young women for their assaults. The more shaming that continues in the public discourse surrounding these photographs, the less of a culture issue it becomes because the individual survivor is being blamed, and is being used as a scapegoat.

Photographs of sexual assault, shared more with the public, continue to be used as evidence of personal, rather than cultural, issues through the blame placed on the one survivor.

The photographed women in these pictures are commonly mistaken to be somehow depicted and signified by the photograph through the idea that these are personal issues. This, however, is not the case. Susan Sontag argues, "What the photograph-record confirms is, more modestly, simply that the subject exists; therefore, one can never have too many" (165). The photograph does not represent the character or some truth about the person photographed; it only demonstrates that the person existed, that the person lived and was in a specific place or situation. This does not suggest why or how that person was there. This is to suggest that the survivors depicted in these pictures, although proven to have been present, are in no way proven to be there by choice or force; the photograph cannot represent whether the survivor was there by choice or not, only the survivor herself can tell others about her choice. The distinction Sontag makes between photographs not being representative of the people in the photographs and the photographs being proof of existence only is particularly significant with photographs of sexual assault: the photographs of sexual assault are proof of the survivors' existence and also the existence of a violation, but not of her character. The Steubenville survivor and Sulkowicz are proven to have existed from their photographs. The Steubenville survivor, as seen from her photograph, both exists and is proven to have been at the place of the attack; however, her testimony in the court describes her lack of choice in being present at that place and for that experience. Sulkowicz's photograph also proved that she exists and that she carried her mattress with her, but because the photograph was used in the flyer by someone other than the original photographer for whom Sulkowicz posed, she did not choose to have her image associated with the caption provided.

How the audience interprets the photograph of sexual assault and how they see the survivor and the sexual assault are largely determined by their beliefs and experiences. Who the audience are and what they believe and have previously experienced is largely based on where

and how the photograph is shared. Furthermore, who shares the photograph also affects how the audience interprets the photograph. The photograph of the Steubenville survivor was originally shared with the followers of the photographer on Instagram; knowing the photographer, the audience overwhelmingly responded similarly to the photographer, by focusing on the survivor's behavior rather than the behavior of the photographer and the attackers. Comments by those who knew the survivor and the photographer focused on how she was drunk and placed the blame on her rather than on the attackers, continuing the perpetuate the survivor blame evident in rape culture (Abad-Santos). The flyer which used Sulkowicz's photograph was shared around her university campus as well as on Twitter by an account dedicated to (what the account holder deems) rape hoaxes. The audience of the Twitter account, @Fakerape, shares the account holder's beliefs about survivor's making up rapes, and they, therefore, interpreted the image in a similar way to the flyer creator. However, the response of people around Sulkowicz's campus was largely supportive, as these were fellow students who may have known Sulkowicz; many reports about the flyer discussed how many students took down the flyers in support of her (Hilton). The flyer of Sulkowicz was created and shared by an anonymous person. It can be difficult for an audience to relate to and empathize with an anonymous circulator, and therefore, supporting the interpretation of that anonymous person may be more difficult. However, the original audience of the Steubenville photograph knew the circulator. Knowing the circulator personally, and being friends with that person, makes it more difficult to question him, and therefore, easier to accept the interpretation he presents.

Where photographs of sexual assault are displayed and by whom affects who the audience is and how they interpret it. How the signification, the meaning, of the photograph is created—always within rape culture— is determine by who is constructing the meaning. Barthes

argues that the “channel of transmission” is important to how the message of the photograph is formed and received. The “channel of transmission” or the medium or platform in which the photograph is shared greatly impacts the audience of the photographs, which in turn can greatly impact how the photograph is interpreted (Barthes, *Image, Music, Text* 15). Sontag suggests, “A photograph changes according to the context in which it is seen” (106). The channel or medium and the context in which a photograph is viewed are crucial to the interpretation of it. The photograph of Sulkowicz was shared through a flyer that was hung around campus, which makes the audience largely fellow students and anyone else who walks around those areas. The flyer was then shared on the @Fakerapes Twitter account, which is a place in which all rapes are questioned and claimed to be false, so it would be expected and supported in this “channel” for Sulkowicz to be questioned. The photograph of the Steubenville survivor was shared on someone’s Instagram account, and so the original “channel” is a personal account and therefore would be presumed to post things about friends—not crimes. However, the photograph of the Steubenville survivor was then captured and discussed by crime blogger Alexandria Goddard. Discussed on a crime blog, the photograph in this “channel” is seen as a crime.

The audience creates the signification of the photograph in relationship to rape culture, whether complicit or resistant. With television and print news sources, the discourse between author and audience is limited, but on blogs, the audience can often speak to the author in the comment section. Nancy Worthington argues that news sources attempt to remove any ambiguity from stories; she says the news genre encourages its viewers to “draw on a narrower range of interpretative resources than they do for entertainment” (347). The audience of the news sources that used the photographs of the Steubenville survivor and Sulkowicz are encouraged to interpret what is shared as fact, as the only, or at least the most important, interpretation of them.

The blogs that include the photographs of sexual assault, however, tend to be more socially progressive and active. Carrie A. Rentschler argues, “Women’s social media responses to rape culture seek to interrupt the cultural supports for sexual violence” (66). Blogs are a platform that women can use to fight against rape culture and support the survivor. Because blogs are public in nature, people are enabled to discuss anything. Through this, blogs can be a vehicle of empowerment for those who create and/or access blogs. The photograph and story of the Steubenville survivor was shared on Alexandria Goddard’s crime blog; Goddard displayed screenshots of the attack and the discussion about the attack on her blog. By collecting these screenshots, she was able to bring them to the police, and by sharing them on her blog, she brought national attention to the case. Although Goddard’s blog disabled the comments on all Steubenville related posts, the audience of her blog responded to it through other blog posts, and the large response of the audience was positive, giving support to both Goddard and the Steubenville survivor. It has been suggested by other bloggers that without Goddard’s help, the case would not have been as successful and the attackers would not have received a punishment (Goddard). Blogs like Goddard’s allow women, as audience of the photograph, the opportunity to make meaning of the photograph through more survivor positive outlets.

As both referents of signifieds— of the photograph and the audience of the photograph— survivors must struggle to differentiate their identity, their character, from their signified image in the photograph. Barthes argues that the photograph leads to a painful labor in which one seeks to find someone’s essence of identity in the photograph, but can only find partial truth, and therefore, total falseness (*Camera Lucida* 66). Within a rape culture, viewers of photographs of sexual assault attempt to relate the survivors’ characters with their image in the photograph. The viewers of the photograph of the Steubenville survivor commented that they knew the survivor

and she was often “sloppy” and that she was a slut. The audience, always within rape culture, equates the photographed person to the represented object of the photograph. However, the survivors and their character, although depicted, are not represented or inherently signified by the photograph, but, rather, the photograph of sexual assault represents, signifies, the rapists and the photographers of these photographs. Because photographs—image and caption— are produced and distributed by photographers or creators, not the photographed people, the interpretations made about these photographs are based on the photographers and their interpretations, not the survivor’s testimony and experience.

The bodies depicted in the photograph of sexual assault also do not equate to the character and personal identities of survivors. The depictions of their bodies are used to construct their culturally-created identities. Culturally-created identities are identified and created by culture through an interpretation of the body of an individual, which is then used to define the character of that person. However, just as the photographed person is not defined or identified by the photograph of sexual assault, neither is she defined or identified by her body’s depiction in the photograph. Anne Balsamo argues that the body is a production and a process. As a product, the body is the ““material embodiment of [cultural] identities, as well as a staged performance of personal identity,” and as a process, the body is a “way of knowing and marking the world ... [and also] a ‘self’” (217-8). This distinction between cultural identities and “self” or character is crucial to the understanding of the body depicted and culturally interpreted as not representative of the survivor’s actual identity. Balsamo argues the cultural markings that occur on the body through technology are not new for woman. Invoking Arthur Kroker, she argues that women’s bodies have always been inscribed texts on which masculine culture is written; through this inscription or marking on the body, the cultural identity expected of woman is created and

perpetuated. The cultural identities created through the body, she says, become “signs, and signs become commodities,” a phenomenon she calls “identity semiosis” (225). Identity semiosis, in which the identity is seen as something composed of a signified and signifier (neither of which have an inherent relationship to the other) and becomes something to be bought and sold is a traumatic realization. For survivors depicted in photographs of sexual assault, identity semiosis becomes evident the more the audience attempts to create an identity for them based on the photograph. Their identity is turned into a commodity to be created and recreated by the audience. It is also used for the monetary benefits of news sources and blogs discussing and sharing their photograph and story—without the survivor’s actual testimony.

Just as the survivor’s identity becomes convoluted through the photograph, so, too, does her body. The body is the signified, while the culturally-created identity is the signifier. Rape culture attempts to relate the two by signifying the body of the photographed person to a constructed identity— an identity not inherent to the photographed person. The cultural identity is the label and interpretation that is put onto the physical body through its depiction in the photograph of sexual assault. There is no inherent relationship between the physical body and the cultural identity; the relationship is arbitrary— it is merely culturally created and not naturally occurring. The depicted bodies of the Steubenville survivor and Sulkowicz are used to create their culturally created identities. The culturally created identities for the Steubenville survivor and Sulkowicz include identities of “liar,” “whore,” and drunk; these are put on their bodies, but they are not related to their character in any way— these identities are not even inherently linked to their bodies, they are merely cultural interpretations of the depicted bodies (Goddard “We Didn’t Know...”; “New Details in Columbia University...”). The personal identity is the character of the person; this is who the person is regardless of culture’s interpretation of him or

her. The personal identity and the culturally created identity have no relationship, they are merely characteristic of the same person— of the same body.

Performing Rape: Performance and Identity in Photographs of Sexual Assault

For the identity of survivors who have been depicted in photographs of sexual assault, the identity that they perform and the culturally-created identity are at conflict with each other.

Judith Butler and Erving Goffman argue that any identity is a performance, and that performance requires a body to perform (qtd. in Coonfield and Huxford 463). The actual physical body of the survivor is able to perform her personal identity. However, her depicted body is desired to perform the culturally-created identity; neither the depicted body nor the culturally-created identity equate to the survivor. Gordon Coonfield and John Huxford argue that within every photograph is a performance (465). They argue that the performance in the photograph is performed by the photographed person and the audience. For photographs of sexual assault, can the survivor, who is unwillingly and forcibly depicted in the photograph be the performer? Is the Steubenville survivor performing a specific role in the photograph taken by an attacker? Is Sulkowicz performing in the inappropriately misused photograph in the flyer?

The culturally-created identity, created through the photograph and the photographed depiction of the body, becomes the performance the audience desires the survivor to perform. Through the conflation of the survivor with her depicted image, the performance of the culturally-created identity is expected from her. Although the survivor herself may not perform the culturally-created identity, the photograph of her becomes the performance; the survivor is not performing, but the photograph depicting her is. The photograph performs the culturally-created identity and that performance is reproduced every time the photograph is shared. As the

audience continues to view the photographs and continues to put the cultural identity on them, the culturally-created identity and performance of victim (or “sloppy,” “liar,” “whore,” and all the other identities forced on their bodies) is continually forced on the photographed depictions of the bodies of the Steubenville survivor and Sulkowicz.

The cultural identity placed on survivors’ images through interpretations of their bodies as depicted in photographs of their sexual assault can be damaging. Being given an identity as blamed victim, as many survivors are in rape culture, the survivor must work even harder to heal from her trauma. Judith Herman says, “The study of psychological trauma must constantly contend with this tendency to discredit the victim or to render her invisible” (8). By forcing a culturally-created identity on her image, the audience makes the survivor’s personal identity, her character, invisible, seeing her only through the culturally-created identity constructed through the depiction of her body in the photograph. The Steubenville survivor’s image was labeled with the culturally-created identity of a sloppy slut. By continuing to share that image of her, and through that image the culturally-created identity, her true identity is discarded by the audience. The audience views her through this image only, not knowing her personal identity, and therefore, views her as the embodiment of this image. This is particularly true for the Steubenville survivor because she was a minor and therefore did not speak to the press nor have her real identity exposed; the audience, outside of Steubenville, knows her only as “Jane Doe,” the girl being carried in the picture.

However, not all survivors experience this silencing in the same way:

[A] significant minority, as a result of the trauma, feel called upon to engage in a wider world. These survivors recognize a political or religious dimension in their

misfortune and discover that they can transform the meaning of their personal tragedy by making it the basis for social action. (Herman 207)

Survivors like Sulkowicz use their experience to help other survivors while bringing light to the societal issues of sexual assault in the United States. The culturally-created identity of liar was forced onto her after she reported her assault and her case was dismissed; however, Sulkowicz fought against this cultural-created identity through her thesis, a performance art piece. For her performance art piece, Sulkowicz carried around a campus mattress, the physical representation of her assault which occurred on a different campus mattress. The mattress, carried everywhere with her, is a physical demonstration of the burdens survivor's carry with them. Survivors must go through a long, strenuous journey towards healing from their trauma, and they must also carry with them the doubt, shame, and blame of others' around them (Herman 37). Despite these burdens, however, survivors can still live and perhaps eventually move through and past the assault. The mattress Sulkowicz carries demonstrates that even though the mattress is incredibly heavy, she is still able to go through her life, even if she occasionally gets help from others to carry the weight of it. Her performance used the cultural identity of victim that was forced onto her and questioned it, but demonstrating the struggles and strength that it takes survivors to live their lives after such a traumatic event. Carrying around her mattress, a physical association to her rape, Sulkowicz attempted to rebuild the cultural identity from victim to survivor, an identity of strength and courage. However, Sulkowicz's attempt to fight against the cultural identity of victim forced onto her was challenged by the creator of the flyer who again tried to force the cultural identity of liar and victim onto Sulkowicz.

The individual performs an identity, which is informed by dominant discourse, yet the survivor receives particular pressure from dominant discourse, informed by rape culture, to

perform a culturally-created identity of victim. The real performance in the photograph of sexual assault is performed by the photographer and the attacker. Although the audience attempts to force a culturally-created identity and performance on the survivor through her image, there is no inherent link between the survivor and the culturally-created identity. Rather, the link to the photograph is the performance and actions of the photographer or flyer creator and the attacked. Photographs of sexual assault are performing victimization, dehumanization, and violation— all of the actions of the rapists, actions the survivors were forced to experience. Because the culturally-created identity that is desired to be performed by the depicted survivor is created through the actions of the photographer or flyer creator and the attackers, the performance, being active, is being done by them. The rapists in the Steubenville survivor, present in the photograph and the situation by choice, are performing— they are performing violation of another person. The performers in the photograph of Sulkowicz, although not depicted, are the flyer creator and the rapist. The rapist, not pictured, performs the rape; his actions— that of forced intercourse— are present in the photograph through the associative object that Sulkowicz carries with her. The rapist is referred to in the photograph by the mattress, a university mattress like the one on which he raped her. The flyer creator also performs in the photograph, re-violating her by using her image to question her testimony. The flyer creator also performs in the photograph by constructing an interpretation, a culturally-created identity, for her. The flyer creator, although not pictured, is largely present in the photograph; the flyer creator is present through the caption and the interpretation of the photograph. What the creator of photographs of sexual assault leaves behind is one aspect in the multifarious and contingent processes through which meaning is made, testimonies are constructed, and sexual assault is interpreted.

Although photographic representations of sexual assault are often mistaken for representations of survivors in rape culture, these photographs more clearly signify the sexual assault itself and the actions of the attackers. The characters of survivors, although referents or signifieds of the image, are not represented in the photograph. Because the attackers and their actions are represented in the photograph, the issues of consent and ownership must be discussed further, considering the ethical issues involved in photographic representations of sexual assault.

Chapter Two:

Circulating Others' Stories: Objectifying and Owning the Vision

Photographs of sexual assault raise issues of ownership, ethics, and witnessing that highlight the significance of consent in the taking and circulating of these photographs. Because the survivor does not consent to the act depicted in the photograph, to the photograph representing her, or to the photograph being taken, consent is both a legal and ethical issue. As a result, photographs of sexual assault are non-consensual. I use the term “non-consensual photography” to connote situations in which photographs are taken, in public or in private, without the consent and/or knowledge of the photographed person. Because technology makes it easier than ever to use photographs someone else took and put online, consent is not simply a matter of permission given to the photographer, but also of whether consent was given by the photographed person for reproduction and circulation of the photograph. Photographs of sexual assault that are non-consensual deserve further exploration because there is not yet enough being done to stop the glorification of these images in American culture as they continue to be unethically broadcast by mainstream media. Through non-consensual photography, survivors of sexual assault are not only re-violated but also transformed into objects, used and manipulated by others. Furthermore, American copyright laws are a legal apparatus that works to re-violate survivors, suppressing their narratives.

In order to understand the ethical issues of non-consensual photography, the distinction between representation and objectification is crucial. To represent people is to view those people through those representations, not outside of them; to objectify people is to view them not as people but things— things to be used, abused, controlled, and manipulated. Representation is not

inherently bad. In fact, representation can be effective way to make sure sexual assault is made visible and discussed. Objectification, however, is dangerous because it reduces a person to a thing; objectification is to make a person an object, depriving them of their humanity. When acts are committed non-consensually against a person, the actor objectifies the person, ridding that person of the respect and dignity a person deserves and instead treating the person like an object to be abused and used.

Consent: Legal and Ethical Issues in Photographs of Sexual Assault

There are legal and ethical dimensions of photographs of sexual assault, and both are important because they impact not only the representation of the survivor, or the survivor's own right to her story, but also the meaning making process of these photographs. Anderson and Benson suggest, "the common criteria for informed consent are (1) conditions free of coercion and deception, (2) full knowledge of procedures and anticipated effects, and (3) individual competence to consent" (qtd. in Cohen 324). I term photographs taken without the consent of the photographed person "non-consensual." Non-consensual photography is significant because it betrays the privacy individuals should be entitled to and because it potentially allows others to represent someone by a photograph that person did not know was being taken. In terms of photographs of sexual assault, the lack of consent speaks to the larger cultural issues of the glorification and commodification of these young women's traumas and violations. As the photograph depicts a non-consensual act performed by the rapist, it depicts the view of the survivor through his eyes, through a very particular male-gaze. The meaning making process of the audience, then, is impacted not only by the male-gaze but also by the lack of consent in the

photograph; the audience makes meaning of something of which the survivor did not consent to have meaning made.

Non-consensual photographs of sexual assault, owned by someone other than the survivor, construct third person survivor narratives, another way the law silences the survivor. Third person survivor narratives are narratives about the survivor's experience told by someone other than the survivor; they are created despite the survivor as a means to construct the experience and the story without her. These narratives are supported by copyright laws that perpetuate the idea that people have the right to tell other people's stories. The third person survivor narrative of the Steubenville survivor's non-consensual photograph, created by the photographer, describes her experience as her intoxicated mistake; the third person survivor narrative of the flyer about Sulkowicz describes her experience as a hoax, as a lie. The third person survivor narratives of these photographs are anti-survivor. This narrative, created as a means to suppress the survivor's own narrative, re-violates the survivor by further silencing her, suppressing her testimony.

The laws do not protect survivors from these third person narrations because these narrations are often created through always changing technology. Laws are retroactive, responding to problems created by new technology, rather than proactively anticipating them. Laws cannot keep up with the ever-changing demands of technology and the implications that technology has on people. Therefore, the ethical rights of individuals must be considered in photography. The non-consensual photograph speaks to the ethical issues of photography because consent can never be implied and must instead be given through a continual yes. Non-consensual photographs of sexual assault are ethically disconcerting because the photograph objectifies the photographed person. In the last chapter, I discussed representation in the context

of the photograph, arguing that the photograph, as rhetorical, obscures the survivor's authentic representation of her assault and works to suppress her ability to construct the narrative of her own experience. Paul Frosh argues, "The ethical question raised ... is clearly connected to representational power: the inability of certain groups to control representations of themselves, or even to be represented at all" (206). In the case of non-consensual photographic representations of sexual assault, the ethical concern is that survivors are not representing themselves or representing their own experience. Instead, non-consensual photographic representations of sexual assault attempt to represent the survivor and her experience for her, and this representational power is an ethical concern.

Because of this, the law is unable to always protect people from new issues that can arise through technology. For this reason, the ethical implications of consent through photography must be examined more closely. Although there may not be legal ramifications for photographing someone without consent, there are ethical concerns of privacy. Privacy is an important concern because when photographic representations of an assault are shared publicly, a survivor is less able to process and rebuild her memories privately. She is, instead, pushed to do so in the public eye as her photograph and her assault become part of public discourse.

Privacy in the context of photography has become an important topic as technology has made taking photographs discreetly easier. For this reason, the legal implications of photography on privacy and consent have been explored in depth. According to The Reporters Committee for Freedom of the Press, "the courts have recognized four major branches of privacy law: 1) unreasonable intrusion upon seclusion; 2) unreasonable revelation of private facts; 3) unreasonably placing another person in a false light before the public; and 4) misappropriation of a person's name or likeness" (2). These privacy laws, however, if brought to court, are civil

cases, not criminal cases. As a result, if someone is brought to court for impinging on someone's privacy, they are subject to financial liability rather than a criminal charge that may include jail time.

In Ohio, where the Steubenville rape case occurred, the courts recognize all four of these branches (The Reporters Committee for Freedom of the Press). Had the survivor chosen to do so, she had the recourse of bringing the photographer to civil court on grounds of impinging on the sharing of private facts and misusing someone's name or image. In New York, however, where the Sulkowicz rape case occurred, the state only recognizes the misappropriation branch of privacy laws (The Reporters Committee for Freedom of the Press). Because her name is spelled incorrectly on the flyer, the caption included on the flyer could be argued not to infringe on Sulkowicz's privacy; however, however, because a photograph of her is also used — her “likeness”— the flyer does encroach on her rights to privacy.

It is legal to photograph anyone, including strangers, without consent in public places unless it constitutes harassment (The American Society of Media Photographers). As a result, consent is legally implied in public spaces. Being in public, therefore, implies consent to be photographed. In private spaces, however, permission to photograph is created by the owner of the property (ACLU). Yet, photographs of sexual assault are not only still taken, but they are also still distributed by mainstream media, perpetuating the harassment and violation of survivors. Any person on private property, then, also has given implied consent to be photographed, should the owner permit it. As a result, the Steubenville survivor's consent may be understood as legally obtained because she entered a private space, the home where the party took place, in which the owner was not present to deny permission for the photographs to be taken; the resident who hosted the party presumably allowed her photograph to be taken. There

are arguments by fellow party-goers and lawyers that suggest that the Steubenville survivor implied consent to both the sexual assault and the photograph in previous conversations with the rapists, by attending the party, or by associating with those people. These arguments focus on the fact that she and her friends often partook in heavy drinking and sexual activity.

The legal definition of consent and the idea that consent is legally implied in public and in private do not protect survivors of sexual assault. The legal definition of consent, in the context of photography, makes taking photographs of sexual assault legally permissible, though they contribute to the violation of survivors. Photographic representations of sexual assault re-violate survivors. Because these are violations, the law should do more to legally protect survivors. If there were more effective and protective laws against non-consensual photography, cases like the Steubenville rape case and Emma Sulkowicz's case would result in harsher punishments for the photographer and flyer creator, leading to greater justice for these young women. Consent differs between the Steubenville rape case and Emma Sulkowicz's case. The Steubenville survivor did not give consent for the photograph to be taken and was unaware that the photograph was being taken; Sulkowicz gave consent to the original photograph being taken for a *New York Magazine* story about her, but she did not consent to the photograph being used by the flyer creator. Despite these differences, the Steubenville survivor and Sulkowicz, just as all survivors depicted in non-consensual photographs of sexual assault, are re-violated as their lack of consent is once again ignored.

The violation of survivors, however, is not committed by the camera; it is always committed by the person behind it. The camera itself does not commit the non-consensual act; rather the camera is one tool that aids the photographer in the non-consensual taking of the photograph. Susan Sontag argues, "Armed with their machines, photographers are to make an

assault on reality” (121). It is with the camera and the tools of the camera that the photographer violates, assaults, the survivor in the photographic representation of sexual assault. Sontag suggests, “The camera doesn’t rape, or even possess, though it may presume, intrude, trespass, distort, exploit, and, at the farthest reach of metaphor, assassinate—all activities that, unlike the sexual push and shove, can be conducted from a distance, and with some detachment” (13). The camera becomes a weapon used by the photographer. The photographer, taking the non-consensual photograph, relies of tools like the camera. The photographer’s “finger ... is linked to the trigger of the lens” (Barthes, *Camera Lucida* 15). As a weapon, the camera assaults the survivor through the non-consensual photograph of their sexual assault. The photographer uses the viewfinder to see the target; the finger presses the button, which triggers the camera to take the non-consensual photograph. Without the photographer, without the intent of taking a non-consensual photograph, the camera and its tools are not inherently dangerous.

The photographer, by intending to take the non-consensual photograph, objectifies the person photographed. The photograph, scholars have argued, becomes a kind of death for the photographed person, turning him or her into an object of that photograph (*Camera Lucida* 14; Sontag 15). In the case of the non-consensual photograph, the photographed person is objectified through the non-consensual assault and photograph. The photographed person is also not given the respect and dignity that a human being deserves, turned into the object of the photograph. Objectification is not a new phenomenon for women. Berger argues that woman is an object for male pleasure; she is “an object of vision” (Berger 47). This idea that woman is an object of vision for male pleasure is demonstrated through the non-consensual photographic representation of sexual assault. In these photographs, the survivor becomes an object of vision.

The survivor is re-violated, re-objectified, by the non-consensual photograph. The survivor becomes the object of the photograph. Sontag says, "Still there is something predatory in the act of taking a picture. To photograph people is to violate them, by seeing them as they never see themselves, by having knowledge of them they can never have; it turns people into objects that can be symbolically possessed" (14). The non-consensual photograph can see people as they never see themselves because it can capture an objective glimpse of that person, but it can also capture moments the person cannot remember. For the Steubenville survivor, the non-consensual photograph captured a moment she cannot remember, and therefore, the photographer has knowledge that she cannot have because she was unconscious (Belko). Because the photograph is, as Barthes suggests, immortal through its ability to be reproduced forever, the survivor is captured in the photograph for eternity as its object. The photograph of sexual assault, being immortal, serves as a continual reminder that the survivor "has-been" the object of both the photograph, the photographer, the distributor, and the attacker (Barthes, *Camera Lucida* 91). The photograph, continually shared, serves as a means to continually objectify the survivor.

Although non-consensual photographs taken in public are an ethical concern worthy of further exploration, in the case of sexual assault, non-consensual photographs are more often taken in private places. The ethical impact of non-consensually taken photographs of sexual assault in private warrant further discussion because, for survivors, private spaces that may have once felt safe can, after their trauma, feel dangerous. Although private spaces are not inherently safe, as traumatic events can often occur there, the assaults in these two cases took place where the Steubenville survivor and Sulkowicz believed they were safe. The Steubenville survivor was with friends whom she believed she could trust, and Sulkowicz was in her dorm room with a

person she, too, believed she could trust. Judith Herman argues, “Thus, even normally safe environments may come to feel dangerous, for the survivor can never be assured that she will not encounter some reminder of the trauma” (37). Non-consensual photographs taken in private spaces are ethically questionable because they can greatly impact the feeling of safety survivors feel in what may have been places they originally felt safe. Not only is she violated in a space she once felt safe, and not only is re-violated every time she questions that safety, but she is also re-violated by having the photographic representation made public—her private space becoming public.

What constitutes public and private spaces continues to change with the influx of technology. With computers, smartphones, and cameras, what was once completely private space can now be infiltrated by the public. Not only can the public be invited into the private space by communicating with others through the internet while in private spaces, but people can share photographs and videos taken in private spaces with the public through social media. The photograph of Sulkowicz was originally taken with consent, demonstrating a private moment—her assault—in a public space—*New York Magazine*. In the original photograph, Sulkowicz knew how and where the photograph would be used, and therefore, the photograph was neither used in an objectifying way nor wrongly publicizing the private. Sulkowicz’s original photographic representation of sexual assault (not as it was used in the flyer) provided an outlet for Sulkowicz to help share her story. This photograph, however, does not address the publicness of the private when it is used in the flyer.

Non-consensual photographs taken in private spaces can become public by being posted on platforms like Twitter, Instagram, and Facebook; these private moments, moments captured without consent, become publicized. The private moment of the survivor, a moment of privacy in

her life, is circulated publicly, making the private public. Barthes says, “Each photograph is read as the private appearance of its referent: the age of Photography corresponds precisely to the explosion of the private into the public, or rather into the creation of a new social value, which is the publicity of the private: the private is consumed as such, publicly” (*Camera Lucida* 98). The ethical implications of non-consensually taken photographs becomes magnified when those images are non-consensually shared through social media. The Steubenville survivor had her picture both non-consensually taken and shared. Having her non-consensually photographic representation of her sexual assault shared with the public online, she could not privately deal with her assault and heal from her trauma; she, instead, became a public spectacle, with people continuously commenting on and sharing the photograph. For Sulkowicz, however, the publicizing of the private is different because she originally brought public attention to a private space— her bed. By carrying her mattress with her, she publicizes the private space in which her assault took place. The publicizing of her private space, however, was non-consensually appropriated by the creator of the flyer. The flyer creator publicized the private in a way to which Sulkowicz not only did not consent but of which she had no knowledge.

The ethical implications of the objectification of survivors through the non-consensual photograph becomes especially evident when the survivor is posed in the photographed because they are manipulated like actual objects. Barthes says, “special importance must be accorded to what could be called the posing of objects” (*Image, Music, Text* 22). He argues that when people know they are being photographed, they pose themselves. By posing themselves, they turn themselves into a photographic object, presenting themselves as they wish others to see them. Sulkowicz posed herself, with guided direction from the photographer, for the original photograph. By posing herself, she determines how others will see her in the original

photograph. She, according to Barthes' model, makes herself a photographic object, an object presented as she wants, an object telling her experience through her image. However, when the photograph is used by the flyer creator, her pose in the photograph is used to tell a different story. In the flyer, her pose is appropriated to make her the object of anti-survivor propaganda. However, further investigation and ethical consideration must be given to the non-consensual posing in non-consensual photographs. Survivors are further objectified and violated when they are non-consensually posed. To pose someone without their permission or knowledge is to treat that person like an object, to violate her.

The photographer is able to manipulate the non-consensual, un-knowing body of the photographed person to portray whatever he or she wants. The Steubenville survivor was posed by her attackers. Unconscious at time, the posing of her was non-consensual and without her knowledge. The photograph was deemed an inside joke by the attackers, and they said her body (through they claim consensually) was posed in a specific way to make the joke. The attackers and the photographer used the Steubenville survivor's body like a prop, an object to be manipulated in order to create the photograph—the inside joke. The Steubenville survivor is made an object through this photograph. She, as Barthes and Sontag suggest, dies a certain kind of death; several party-goers referred to the Steubenville survivor as “the dead body,” which is suggestive of what Barthes and Sontag discuss (Marcur). The Steubenville survivor is used as a prop, an object, by her attacker and the photographers, metaphorically killing her by denying her the dignity human beings deserve.

Ownership: Who Owns the Photograph and the Photographed Object?

Ownership of the non-consensual photographs creates an issue in which someone other than the survivor not only owns the image of her body but also owns the circulated narrative of her experience. The photograph, as I have discussed, attempts to narrate the survivors' experience for her, and this particularly dangerous because this photographic narration is even owned by someone other than the survivor. Not only does the narrative told in the photograph attempt to silence and misappropriate the narrative of the survivor, but this misappropriation of her narrative is owned by someone else, potentially giving the impression that her experiences are also owned by someone else. Legally, photographs are owned by the photographer or the business for whom the photographer works⁵ (Gross et al. 10). Copyright Law, in the United States, was created in order to protect individual property—like photographs. As technology changes, so too does copyright law.⁶ The Digital Millennium Copyright Act of 1998 was created as a way to deal with the increasing ability to copy work that arose with digital technologies. However, in the same way that privacy laws are unable to keep up with the always changing technology, intellectual property or copyright laws, are always catching up to the issues that new technology creates. The laws will need to continually change with technology. Moreover, copyright laws perpetuate the silencing of survivors by allowing photographic representations of their assaults to be legally owned by someone else; the law does not prevent someone else from owning this representation and thereby using that representation to suppress the survivor. Thereby, copyright laws re-violate survivors by perpetuating the silencing of them.

The internet makes ownership more difficult to recognize and makes it easier for the image to be stolen. The viral image, including the non-consensual photograph, is forever on the internet for anyone to access, as it is difficult to truly remove someone from the internet. And the non-consensual photograph, as viral image, is always owned by the original photographer.⁷ The

photograph of Sulkowicz, owned by *New York Magazine*, was easily stolen by the flyer creator because it was posted online, and images posted online are able to be saved by anyone on their computer and then reused. The photograph of the Steubenville survivor was shared on the photographer's personal Instagram account. The non-consensual photograph of her is thereby owned by both the photographer and Instagram. Instagram, according to its terms and policies, owns photographs once they are posted and is allowed to sell and use photographs posted by anyone on their site. All Instagram users give permission to Instagram to use their photographs upon creating their account and can only revoke this permission by not posting pictures on the site and/or by deleting their account before pictures are posted.

The photographer of the non-consensual photograph, however, did not get permission from the survivor to take her picture. Yet, (s)he still legally owns the non-consensual photograph of her. Copyright laws do not protect individuals from having their image taken and shared without their permission. They protect only the photographer and the business for whom the photograph is taken. Although this is legally permitted, it warrants further ethical consideration, particularly in the case of photographs of sexual assault because it threatens the possibility of the image of survivors' bodies being owned and manipulated, re-violated, by someone else.

The survivors depicted in these photographs legally have no rights over their own images. The non-consensual photograph, owned by someone other than the survivor, further objectifies the survivor because it legally allows someone else to own and distribute her image without her permission. For someone besides the survivor to own a photographic representation of her sexual assault is for someone else to take ownership of her experience, through its photographic representative. By owning her experience, the photographer constructs the experience and the testimony for the survivor and shares that with others, speaking for the survivor, silencing her.

Because the non-consensual photograph is owned by someone else, the survivor's image and body are manipulated, abused, and consumed through the constructed story of the photograph's owner rather than her image and body being explained and shared through the survivor's choice and voice. Taking and sharing the non-consensual photograph of the Steubenville survivor, the photographer constructs her experience and testimony as an intoxicated joke, as a mistake made by the survivor rather than an attack by these young men. The photograph of Sulkowicz is owned by *New York Magazine*; however, it is illegally used by the flyer creator. When the flyer creator steals the photograph of Sulkowicz, thereby taking ownership of it, (s)he constructs the experience and testimony of Sulkowicz as representative of "rape hoaxes."

The construction of survivors' testimonies and experiences through the non-consensual photograph, owned by someone other than the survivor, cannot understand nor explain the intricacies of survivor testimonies. The ability for survivors to speak up for themselves and share their testimonies for themselves is helpful both in personal healing and cultural understanding of sexual assault. Carine Mardorossian suggests that what is powerful about speakouts—safe environments in which survivors can share their experiences with others—is not 'revealing some hidden truth' or "reclaimed a unified self" but the "production of narrative itself" (765). Speaking out, she argues, produces the narrative of the survivor's experience. However, Mardorossian argues that antirape politics today exclude victims' participation. Quoting Linda Alcoff, she says, "how an utterance 'gets heard depends on who says it, and who says it will affect the style and language in which it is stated, which will in turn affect its perceived significance (for specific hearers)'" (770). Always within rape culture, the discourse surrounding rape cases are often discussed by people unsupportive of survivors; the survivor is rarely allowed to speak for herself, seen as a liar by rape culture. The owner of the non-consensual photograph

constructs what is said about the survivor and her experience. For the Steubenville survivor and Sulkowicz, the stories constructed by the owners of their non-consensual photographs are not supportive and counter the testimonies of these young women.

The narrative construction of the owners of photographs of sexual assault demonstrate a power dynamic between victimizer and victimized. Sexual assault and photography invoke a specific power dynamic in which one person has power over another. Herman says, "Trauma robs the victim of a sense of power and control..." (159). Trauma, both trauma of sexual assault and trauma of the non-consensual photograph, takes power from the survivor; the power and control of the survivor's body and her photographic image are taken by the attacker and the photographer. Sontag argues, "To photograph ... means putting oneself into a certain relation to the world that feels like knowledge—and, therefore, like power" (4). The photographer is in a position of power over the photographed person. With non-consensual photographs, the power the photographer holds is even greater because (s)he sees the survivor in a way she does not see herself. Photographers not only assert their power over the survivor by taking the non-consensual photograph, but they also assert their power by allowing the photograph to construct the experience and narrative of the survivor, re-violating her. The photographer asserts power over the survivor because he owns a non-consensual photograph of her. The photographer of the Steubenville photograph asserts his power over her by taking the photograph while she is unconscious and then sharing it without people they both know without her permission, sharing a traumatic, private moment without consideration of how it will affect her. The flyer creator asserts his power over Sulkowicz by stealing her photograph and misappropriating it into his rape hoax discourse.

The power relation between photographer and survivor is supported by rape culture. Rape culture promotes the idea that survivors should be suppressed and silenced. By constructing the story of the survivor through the non-consensual photograph, the photographer silences and suppresses the survivor just as a rape culture desires. The silencing and suppressing of the survivor that occurs through the non-consensual photograph is amplified when the photograph is shared by news outlets. News outlets are legally permitted to share copyrighted photographs without permission under fair use laws (Copyright Law). Fair use states that a copyrighted photograph may be used without permission if it is for the benefit of the public.⁸ However, these photographs, though perhaps a means to describe the dangers women face today, do not benefit the survivor; rather, these photographs harm the survivor, a part of the public, by non-consensually sharing her image.

Because photographs of sexual assault involve a crime, they are shared with the public by news outlets as a means to protect the public from future similar crimes. However, the news outlets, sharing the photographs, own the photographs in a certain way—they own the photograph as it is used in their content. To own this photograph is to own the image of the survivor and the false construction of her story, and problematically, news outlets benefit monetarily by owning and sharing these photographs with their audience. Sontag argues:

To take a picture is to have an interest in things as they are, in the status quo remaining unchanged (at least for as long as it takes to get a 'good' picture), to be in complicity with whatever makes a subject interesting, worth photographing—including, when that is the interest, another person's pain or misfortune. (12)

I would argue that to share the non-consensual photograph is also to have an interest in the way things are: to promote rape culture and anti-survivor discourse.

By sharing the photographic representation of sexual assault, news outlets are perpetuating the violation and ownership of the survivors depicted. Maggie Wykes says that the news' central goal is to produce and reproduce the power relations of its culture. The power relations the news is trying to produce and reproduce in the sharing of non-consensual photographic representations of sexual assault are the power relations of rape culture, which suggest that the survivor is inferior to all others. The common response from television news outlets is to uphold the power dynamic of survivor and attacker by questioning the survivor while supporting the rapist. When the Steubenville photograph was shared on television news outlets like NBC, CNN, and ABC, the most common response was an outpouring of support and sympathy for the rapists (Allen; Ortberg; Lombardi et al.). Responses like these from news outlets further construct a story about the survivor's experience without her, sharing this false, third person survivor narrative with a large audience.

Furthermore, news outlets have the ethical issue of making money from sharing these non-consensual photographs. By sharing stories of public interest, like sexual assault cases, news outlets increase their viewership, and therefore increase their monetary gains. It is through the fascination with the Steubenville and Sulkowicz cases that news outlets grasp their audience's attention. As scholars like Wykes have argued, sex is so potent in the news because it sells well. Wykes goes on to argue that by adding violence to sex stories, the news "normalizes and promotes 'normal' sex" (145). By discussing sexual assault in the news as crimes, by suggesting that women should protect themselves from assault, by describing sexual encounters that are wrong, the news thereby describes what is okay and normal. By describing the wrong, the news outlets explain what is considered normal, healthy, sexual experiences in the culture. The traumatic experiences of survivors are used as examples of what not to experience in sexual

relationships; their experiences are owned and constructed by the news in order to promote mainstream culture's ideas about "normal" sex.

Called to Action: Witnessing the Non-Consensually Circulated Photograph of Sexual Assault

By sharing non-consensual photographs, photographers and news outlets create witnesses, and witnesses must decide how to process and what to do with the photographs they see. Witnesses, in the legal sense of the word, is seen as a passive action. Legally, to witness a crime is not to partake in the crime or be responsible for what occurred.⁹ However, the witnessing of sexual assaults that result in photographs, although may not be legally a crime, are ethically concerning. To witness a sexual assault and not only not try to stop the assault or help the survivor but then to also take a picture of the assault is to act in the assault, to be complicit in the assault. When I say that photographing is to act in the assault, I do not suggest that the photographer sexual assaults the survivor, but the photographer does assault the survivor through his camera, through the non-consensual photograph. As Sontag says, the camera does not rape; it is the photographer who partakes in the rape of survivors when he photographs them.

The photographer of the non-consensual photographic representation of sexual assault not only witnesses the sexual assault, but he also photographically assaults the survivor. By taking her picture without her consent, by non-consensually becoming the owner of the photograph, the photographer violates the survivor and is, therefore, an active participant. As an active participant, the photographer is responsible, albeit not solely, for the sexual and photographic assault of the survivor. Sontag argues, "Photographing is essentially an act of non-intervention ...using a camera is still a form of participation. Although the camera is an observation station,

the act of photographing is more than passive observing” (11-2). The photographer who took the non-consensual photograph of the Steubenville survivor is an active participant in her violation. Sontag also says that one of the “earliest popular uses of photography” was to “[memorialize] the achievements of individuals” (8). For sexual assault, then the photograph taken serves as a means to remember the “achievement,” being the assault of a young woman, of these young men. The photographer of the Steubenville photograph takes the picture as a kind of trophy he owns to share with his followers and friends on Instagram as a means to brag about what he and his friends did or witnessed done to the Steubenville survivor.

The photographer, an active witness and participant of the assault, invokes more witnesses when he shares the photograph. By sharing the photograph, particularly online—which was done in both the Steubenville and Sulkowicz cases—the photographer both allows people to seek out the photograph and forces people to witness the photograph. When people witness the photograph, they then become a partial owner of it. Whether they share the photograph, and thereby claim ownership of it through their post online or they just witness the photograph and own a mental copy of the photograph, all witnesses, in some way, own the non-consensual photograph. The law does not prevent others from sharing and thereby owning the representation of the survivor’s sexual assault. Once the photograph of sexual assault is online, it can be found by anyone, often through a simple Google search; this allows people interested in the photograph and the case surrounding it to search for the photograph. People who seek out the photograph are willing, active witnesses. Within this group of willing, active witnesses who seek out the photographic representations of sexual assault are those who seek out the photograph for voyeuristic purposes. The violation and objectification done to the survivor by the voyeuristic active witness is significant. Not only does the active witness own the image once (s)he seeks it

out, but by seeking the picture of sexual trauma out for sexual excitement, the voyeuristic active witness uses the image of the survivor and her traumatic experience, an experience constructed through someone other than the survivor, like an object for sexual pleasure.

The witness who is forced to view the photograph, however, can be broken up into two subgroups: the forced active witness and the forced passive witness. Both of these forced witnesses, when scrolling through their newsfeeds, may come across a photographic representation of sexual assault. They see the photograph without their consent; they do not choose to see or experience the photograph. Herman says, "But when the traumatic events are of human design, those who bear witness are caught in the conflict between victim and perpetrator" (7). The forced witnesses of the photograph find themselves placed between the victim and the perpetrator; they are victim of being forced to view the photograph, but they have not yet decided whether they will also be a perpetrator.

The forced witnesses have a crucial decision to make, a decision that will determine whether they are a forced active witness or a forced passive witness: the forced witnesses must decide what to do with the photograph after they view it. They can choose to continue past the photographic representation of sexual assault and not share it, owning only the mental image of it, making them a forced passive witness. Or they can choose to share the photograph, owning (not legally) the photograph through their post, making them a forced active witness. The forced passive witness is a victim of the photographer and the person who shared the photograph with them; whereas, the forced active witness becomes a fellow perpetrator, continuing the violation of the survivor.

With the increase in sharing non-consensual photographs on social media and more traditional media, it is more and more difficult not to be a witness at all. So most people are

forced to witness and therefore forced to make the choice to continue to share, and participate in the violation, or to stop sharing, and attempt to stop the spectacle. Sontag argues, “To suffer is one thing; another thing is living with the photographed images of suffering, which does not necessarily strengthen conscience and the ability to be compassionate. It can also corrupt them” (20). To witness the suffering of survivors in these photographs is traumatic, especially when the witness is forced to view them. As a forced witness, people may experience empathy and compassion for the photographed survivor. However, people may also, particularly when forced to witness photographs of sexual assault regularly as is the case in American media, become numb to the suffering of the survivor; people may see the photograph as another event in American culture that is fine to share. This becomes dangerous because the photograph is non-consensually taken and through the photograph, the photographer and the witness own not only the photograph but also the experience. By sharing the photograph, the forced active witness is able to further construct the experience and story of the photograph without the survivor, further silencing her.

Although the photographer (of flyer creator) may be able to reach a large audience, their audience is still limited to their followers, and therefore the forced witnesses are not tremendous; however, when the photographs of sexual assault are shared through television news outlets, the audience, and thereby the forced witnesses, become much larger. The news outlets sharing these photographs force their audience to witness the photographic representation of these young women’s sexual assaults. Barthes says, “News photographs are very often unary (the unary photograph is not necessarily tranquil). In these images, no *punctum*: a certain shock—the literal can traumatize—but no disturbance; the photograph can ‘shout,’ not wound” (*Camera Lucida* 41). The photographs of sexual assault not only shock by depicting such a traumatic event, but they

do, despite Barthes' claim, wound. The non-consensual photograph wounds the survivor whose image is taken without her consent and shared and owned without any power and control from her. It further dehumanizes and objectifies the survivor, making her an object of a photograph to be owned and used by others. The non-consensual photograph also wounds the witnesses who are forced to view it. To be forced to witness such a traumatic photograph is emotionally wounding for an individual. Herman argues, "Witnesses as well as victims are subject to the dialectic of trauma" (2). Forced to view the photograph, the witness is violated, and as a victim of that violation, the forced witness must choose to either continue the violation of the survivor or fight against the violation by not sharing it.

The issue of consent in sexual assault and photography warrants in-depth examination as these issues continue to be prevalent in American culture. Laws cannot keep up with the issues technology raises, and therefore, ethical considerations must be made in photography in order to ensure the safety of people. Copyright laws are a legal body that perpetuates and allows for the silencing of survivors. Copyright laws and property laws must not be the only contemplation in photography because they undermine the non-consensually photographed person whose image is thereby owned by someone without permission or knowledge. Just as it has been journey to change the definition of consent (both legally and culturally) in sexual assault, that same journey must be made to change the definition of consent in photography. Because the law cannot protect the individual from the issues the always-changing technology brings up, we must consider the ethical implications of photography in our culture not only as photographers and photographed people but also as witnesses of shared photographs.

Conclusion:

Danger in Sight: The Risks of Photographs of Sexual Assault

Sexual assault should not go unrepresented in American culture. However, it is important to think critically about how it is represented and who represents it. Photographic representations of sexual assault impact how American culture not only sees but also treats survivors of sexual assault. Yet, as I have argued, it is crucial to remember that these photographs represent sexual assault, not survivors, because it prevents a dangerous transference from interpretation about the photographs to interpretation about the photographed person. As viewers make meaning of these photographs, they are influenced by dominant discourse about sexual assault and survivors, discourse which is, itself, influenced by rape culture. Moreover, the audience must also think critically about whether or not photographs are taken and distributed consensually as they interpret and make meaning of the photograph. Thinking critically about the consent of the representation of sexual assault, the audience may allow the survivor a better chance of speaking for herself, rather than being silenced and objectified by the photograph and the circulator of the photograph. I argue that representations of sexual assault are most survivor-positive when they are created and distributed by the survivor herself and that any representations created and circulated by someone other than the survivor risk silencing and suppressing the survivor and her process of dealing with and healing from her trauma.¹⁰

The photographic representations of sexual assault discussed are taken and distributed by someone other than the survivor, and as a result, survivors depicted in these non-consensual photographs do not own the public representation of their experience. Not owning these representations, survivors' voices and experiences are not in the photograph, lost in the rhetoric

of the photograph creator and circulator and the interpretations of the audience. Yet, the survivor is not only the referent of these photographs; not owning or circulating the photograph herself, she is also the audience. Survivors of sexual assault, neither addressed nor invoked audience, are the accidental audience, the unthought-of-audience. They are at once interpreted by the rest of the audience of the photograph, while also interpreting the photograph themselves, and their interpretation of this photograph is shaped by their very personal experience. Survivors see their image in the photograph, and yet, they may not see themselves. They are not to be defined or categorized by their depiction in the non-consensual representation; they are more than this photograph and more than their assault. As this photograph and the interpretations of it become public discussion, the survivor likely becomes aware of how the rest of the audience views and interprets her and her assault. Yet, she is also able to interpret the photograph herself, through her own experience of the assault. The survivor, as audience, has a very different contextual knowledge than the rest of the audience. Her interpretation of the photograph is created through her experience of the assault, and is therefore, influenced by the trauma she experienced. Although the photograph may be useful in helping the survivor remember her assault, ultimately, there are greater risks that come with the circulation of these photographs, risks including suppressing the survivor's own voice or shaping her memories through the lens of her attacker or through rape culture, which even further suppresses her.

Though the survivor has a different contextual knowledge, building her understanding of the photograph through her experience, she may still struggle with her identity. In the digital age, people are reminded that their digital identities must coincide as their "real-life" identity because digital interactions are more and more public and therefore impact people's non-digital interactions. As digital interactions influence non-digital interactions more and more, it is

important to remind people to be cautious with what to do and say online. Yet, this reminder and this fear undermines the issue of consent in the digital world. If people are held accountable for what people post about them, then there is a risk that people will be held accountable for non-consensually shared digital material. Just as I have argued that the non-consensual photograph cannot be representative of the person depicted, neither should non-consensually shared digital material be seen as representative of the non-consenting individual. Just as it is important to remind people that their digital activity can influence and impact their non-digital interactions, it is also important to remind people that digitally sharing something about someone else can be dangerous as it might negatively and wrongly represent and impact the other person's non-digital interactions.

This idea of a digital identity is frightening for survivors of sexual assault whose non-consensual photographic representations of sexual assault are shared online because it suggests that they might be held accountable for it and interpreted through it. This idea scapegoats the violator by telling the survivor to constantly survey all digital interactions to ensure no one ever depicts her in a way with which she is not comfortable. This suggests that if women fail to survey their digital activity well, and someone posts something horrific and violating about them online, that the women are still viewed through it and because of this, they are accountable for it. It suggests that women somehow see themselves as represented by this digital material and therefore want others to see them as represented by it. The digital responsibility of being careful about one's digital identity risks becoming another means of victim blaming. Furthermore, the digital identity created by others for and about the survivor makes finding and building her identity an even more difficult journey for survivors.

The more someone is told something about themselves, whether true or not, the more likely they are to internalize it.¹¹ For the survivor, the audience continually equates her non-consensual photographed image to her character. And through this equating, they continually suggest that the photographed person as they interpret her— a slut, a liar, a whore— is representative of the survivor’s character or personhood. The more the survivor hears this, the more she is told she is a slut, a liar, or a whore, the more likely it is that she will begin to believe it. If, however, she continues to fight against this conflating of the photographed image and her character, her struggle may be arduous. Further, even if she does fight against it and never believe the identity roles culture attempts to put on her, she may only convince herself that she is not defined by the photograph. That the survivor must convince others that she is more than the non-consensual photograph of her assault is not necessary. However, to live forever—as the photograph, particularly the digital photograph is immortal— as someone wrongly defined by that photograph and that experience is another burden, another violation, with which survivors are forced to live.

Burdened to endure the interpretations of the audience, the survivor is also encouraged, nearly forced, by dominant culture to perform either the identity or victim or the identity of survivor. As victim, she is consumed by the assault; the assault prevents her from moving forward in her life. The victim who self-identifies as with the “victim identity” accepts what a rape culture tells her about herself and internalizes it. The victim identity is one that is centered around the moment of victimization, the sexual assault. The “survivor identity,” however, focuses on the experiences after the assault, when the survivor attempts to move forward in her life. Although the survivor may go through a stage of identifying with the victim, she may be able to move past this identity to the survivor identity. The survivor who self-identifies with the

survivor identity, although greatly affected by her assault, works towards healing, even if she never truly reaches it; however, this journey that self-identified survivors go through is personal and is not the same for all. The survivor fights against what a rape culture tells her about herself, fights against the victim-blaming and shaming. Those who continue living and continue trying to heal from their trauma despite how unsupportive culture can be are survivors. For example, Sulkowicz performs the identity of the survivor. By performing the survivor identity, Sulkowicz demonstrates the power and strength women who are sexually assaulted can have; she demonstrates the alternative identity to the victim, which a rape culture perpetuates. As survivors, women can fight against sexual assault and a rape culture, trying to provide more cultural and communal support for women who are sexually assaulted.

Performing the identity of survivor, however, is not easy to do when a rape culture is consistently fighting against them. To feel secure and like one's self after a traumatic event is an arduous journey (Herman 37). Struggling with their identities after their assault, survivors may also struggle to heal from their trauma. In the case of photographs of sexual assault, a survivor who cannot remember any of the assault is presented with photographic evidence of an experience she cannot remember, and her memories, then are built around and through that photograph. Caruth says, "The historical power of the trauma is not just that the experience is repeated after its forgetting, but that it is only in and through its inherent forgetting that it is first experienced at all" (17). For example, the Steubenville survivor was unconscious at the time that the photograph was taken and her assault occurred. Her memories of that night are created through and around the photograph of her sexual assault. Her first experience with the trauma is when she sees the photograph taken of her, and therefore, her memory is built around a

photograph taken and circulated by someone implicit in her assault, something I have previously suggested risks suppressing her own experience.

These photographs, through which memories may be built, are dangerous for survivors. Therefore, any rebuilding of memories through this photograph risks building memories through the violator's voice and not the survivor's. Barthes says, "Not only is the Photograph never, in essence, a memory ... but it actually blocks memory, quickly becomes a counter-memory" (*Camera Lucida* 91). The photograph prevents someone from remembering the past as it actually was because it requires memories around it, memories, that Barthes suggests, may or may not be real. For survivors to build memories around a photograph of their sexual assault is dangerous because they may have no other memories of their assault to base the built memories around, and therefore, the built memories may only be made through the photograph taken by the violator. For instance, the Steubenville survivor has no memories from the night to build upon, and therefore, any memories built through the photograph are counter-memories; they are built through someone else's voice. The photograph simply proves that she was present in the photograph, but it cannot factually build memories of what happened in the assault; it may trigger memories that she otherwise would not remember, but even these triggered memories may be created through the lens of the photograph and the photographer. Furthermore, the memories built through the photograph are impacted by the caption and the comments, which, as discussed, provides the interpretation of the photographer, not facts.

Because photographs of sexual assault taken and circulated by someone other than the survivor can be so dangerous, the survivor should be the only person to share her experience. Only she can truly share the assault; only her representation can truly represent her experience. Dominant discourse about sexual assault would greatly benefit from listening to the survivor's

voice because she is able to give a perspective that no one else can. In order to create change in how sexual assault is represented in American culture, it is imperative to allow survivors to narrate and represent their own assaults. As photographic representations of sexual assault continue to be examined, it is important to continue to provide survivors with the opportunity to speak for and about their own experiences. If survivors are encouraged to share and represent their sexual trauma for themselves, American culture will better understand the complexities of sexual assault for women.

Judith Herman says, "The first principle of recovery is the empowerment of the survivors" (133). Because empowerment of the survivor is so critical to her ability to recover from trauma, she must be entitled to tell her own story, to represent her own experience. To represent her experience for her is to further disempower her, and therefore, continue her violation. The photographs of Emma Sulkowicz and the Steubenville survivor demonstrate the rape phenomenon in which sexual violence of women has been normalized in American culture. Through these cases and the publicity of them, I have suggested that photographic representations of sexual assault, non-consensually circulated by someone other than the survivor, are dangerous to her ability to narrate her own experience. These cases serve as an example of the risks that come with representing sexual assault without the survivor's consent and voice, and should lead to the continued skepticism and exploration of representations of sexual assault in American culture.

Notes

¹ The photograph as depicted here is a screen shot of the original posting to Instagram by Cody Saltsman.

² I will use the term survivor rather than victim throughout this thesis. The term victim encompasses the moment of victimization and defines the individual through that moment. The term survivor, however, connotes the individual's ability to survive the victimization, to move past it (this should not be confused with the ability to heal, something not all survivors are able to do). Yet to use either term is to risk defining these women by those terms, which is not my intention. These terms are not encompassing of these women; these women are much more than simply a victim or a survivor. Furthermore, because the survivors of the cases discussed are women, I will use the feminine pronoun to describe survivors. It should be noted, however, that the use of the feminine pronoun is in no way a suggestion that only women experience sexual assault nor is it in any way an attempt to underplay the trauma men also experience through sexual assault. My argument is best representative of photographic representations of sexual assault of cis-gender women.

³ Prinniefied, Alexandria Goddard's crime blog: <http://prinniefied.com/wp/>

⁴ Examining issues with photographic representations of sexual assault through these two cases raises the ethical dilemma of including the photographs here. While their inclusion is connected to the issue of circulated representations of sexual assault, these are the cases through which I argue that we must think critically about who represents sexual assault, how they represent sexual assault, and why they represent sexual assault through the photograph.

⁵ Unless the photograph is deemed public domain by the photographer or the business for whom the photograph is taken.

⁶ Viral images or photographs on the internet are increasingly the subject of copyright infringement discussions. Viral images, including memes and photographs, are images that are shared an incredible number of times on the internet. Although viral images are shared by hundreds of thousands of people to millions of people, it should be remembered that many viral images have an owner. Typically there are no legal ramifications for sharing a viral image on social media. However, when the image is shared without credit or appropriated for monetary gain without the permission of the original owner and creator, it is a copyright infringement. The original owner and creator of the viral image must give permission for the image to be shared if the sharer receives any monetary benefits from sharing it (Bailey). Without permission, anyone who shares the viral image can face legal issues.

⁷ This is not true of photographs shared on Instagram. Photos shared on Instagram become also owned by the company.

⁸ There is much more to fair use laws; however, this part of fair use is most applicable to the situation described here.

⁹ There are, however, caveats to this. To witness a crime and not report it is a crime and can result in the witness being legally seen as an accomplice.

¹⁰ The claims I made in the conclusion are unsubstantiated; however, I believe, as unsubstantiated and generalized as they may be, these claims can serve as avenues for future explorations and scholarship in the risks of representations of sexual assault through photographs taken and circulated by someone other than the survivor.

¹¹ Robert K. Merton introduced the concept “self-fulfilling prophecy,” which is being invoked here. The self-fulfilling prophecy is the idea that someone meets the expectations that someone else has for them. For example, if someone believes a person will fail at mathematics,

and that person internalizes this belief, then there is a greater chance of that person actually failing.

Works Cited

- “A Very Different Kind of Sexual Revolution on Campus (front cover).” *New York Magazine*. 22 Sept. 2014. Print.
- American Civil Liberties Union (ACLU). “Know Your Rights: Photographers.” *ACLU*. July 2014. Web. 19 Oct. 2015.
- Bailey, Jonathan. “Copyright, Memes and the Perils of Viral Content.” *Plagiarism Today*. 7 May 2013. Web. 16 Oct. 2015.
- Balsamo, Anne. “Forms of Technological Embodiment: Reading the Body in Contemporary Culture.” *Cyberspace/Cyberbodies/Cyberpunk: Cultures of Technological Embodiment*. eds. Mike Featherstone and Roger Burrows. Thousand Oaks: Sage, 1995. Print.
- Barthes, Roland. *Image, Music, Text*. New York: Hill and Wang, 1977. Print.
- . *Camera Lucia: Reflections on Photography*. New York: Hill and Wang, 1980. Print.
- Belko, Mark. “Alleged Steubenville Rape Victim: ‘I Couldn’t Remember Anything.’” *Pittsburgh Post-Gazette*. 17 March 2013. Web. 17 June 2015.
- Berger, John. *Ways of Seeing*. London: Penguin, 1972. Print.
- Caruth, Cathy. *Unclaimed Experience: Trauma, Narratives, and History*. Baltimore: John Hopkins, 1996. Print.
- Cuklanz, Lisa. *Rape on Trial: How the Mass Media Construct Legal Reform and Social Change*. Philadelphia: U Pennsylvania, 1996. Print.
- Cohen, Hart. “‘Moral Copyright’: Indigenous People and Contemporary Film.” *Image Ethics in the Digital Age*. Ed. Larry Gross, John Stuart Katz, and Jay Ruby. Minneapolis: U of Minnesota, 2003. 313- 26. Print.

- Coonfield, Gordon, and John Huxford. "News Images As Lived Images: Media Ritual, Cultural Performance, And Public Trauma." *Critical Studies In Media Communication* 26.5 (2009): 457-479. *E-Journals*. Web. 1 June 2015.
- "Copyright Law of the United States." *United States Law*, December 2011. Web. 19 Oct, 2015.
- Ede, Lisa and Andrea Lunsford. "Audience Addressed/Audience Invoked: The Role of Audience in Composition Theory and Pedagogy." *College Composition and Communication* 35.2 (1984): 155-71. Web. 9 Aug. 2014.
- Felman, Shoshana and Dori Laub, M.D. *Testimony: Crises of Witnessing in Literature, Psychoanalysis, and History*. New York: Routledge, 1992.
- Frosh, Paul. "Digital Technology and Stock Photography: And God Created Photoshop." *Image Ethics in the Digital Age*. Ed. Larry Gross, John Stuart Katz, and Jay Ruby. Minneapolis: U of Minnesota, 2003. 183-216. Print.
- Goddard, Alexandria. *Prinniefield.com: Just another blog*. n.d. Web. 15 May 2015.
- . "We Didn't Know What Rape Was." *Prinniefield.com: Just another blog*. 3 Sept. 2012. Web. 14 June 2015.
- Gray, Eliza. "My Rapist Is Still on Campus." *Time*. 15 May 2014. Web. 10 June 2015.
- Gross, Larry, John Stuart Katz, and Jay Ruby. "Introduction: A Moral Pause." *Image Ethics: The Moral Rights of Subjects in Photographs, Film, and Television*. Ed. Larry Gross, John Stuart Katz, and Jay Ruby. New York: Oxford, 1998. 3-33. Print.
- Herman, Judith. *Trauma and Recovery*. New York: Basic Books, 1992.
- Hill, Charles A. and Marguerite Helmers. *Defining Visual Rhetorics*. Mahwah: Lawrence Erlbaum, 2004. Print.
- Marcur, Juliet. "Hackers of Football Team's Web Site Demand Apology in Rape Case." *New*

- York Times*. 24 Dec. 2012. Web. 12 June 2015.
- Mardorossian, Carine M. "Toward a New Feminist Theory of Rape." *Signs* 27.3 (2002): 743-775. Web. 2 July 2015.
- Merton, Robert K. "The Self-Fulfilling Prophecy." *The Antioch Review* 8.2 (1948): 193-210. Web. 23 Oct. 2015.
- Miller, Franklin and Alan Wertheimer. "The Ethics of Consent: Theory and Practice." *Oxford Scholarship Online*. 3 Feb. 2014: 1-33. Web. 5 Oct. 2015.
- Mitchell, WJT. *Picture Theory: Essays on Verbal and Visual Representation*. Chicago: U of Chicago, 1994. Print.
- Mulvey, Laura. "Visual Pleasure and Narrative Cinema." *The Norton Anthology of Theory and Criticism*. 2nd ed. Ed. Vincent B. Leitch et al. New York: Norton, 2010. 2084-95. Print.
- "New Details in Columbia University 'Mattress Girl' Rape Hoax Shows Emma Sulkowicz Is Lying Skank." *USBACKLASH.ORG: Stand Up Against Government Corruption & Hypocrisy*. 5 June 2015. Web. 17 Sept. 2015.
- Pretty Little Liars*. ABC Family. Warner Brothers, Los Angeles. 2010-present. Television.
- Projansky, Sarah. *Watching Rape: Film and Television in Postfeminist Culture*. New York: New York U, 2001. Print.
- Rentschler, Carrie A. "Rape Culture and the Feminist Politics of Social Media." *Girlhood Studies* 7.1 (2014): 65-82.
- Saltsman, Cody (codysaltsman). n.d. Instagram.
- Saussure, Ferdinand de. "Course in General Linguistics." *Literary Theory: An Anthology*. 2nd ed. Ed. Julie Rivkin and Michael Ryan. Malden: Blackwell, 2004. 59-71. Print.
- Sontag, Susan. *On Photography*. New York: Dell, 1977. Print.

- The American Society of Media Photographers. "Frequently Asked Questions About Privacy and Libel." *Business Resources: Property and Model Releases*. n.d. Web. 19 October 2015.
- "The Offenders." *Rape, Abuse & Incest National Network*. RAINN, n.d. Web. 13 Sept. 2015.
- The Reporters Committee for Freedom of the Press. *Photographers' Guide to Privacy*, Fall 2007. Web. 15 Oct. 2015.
- Unknown (fakerape). n.d. Twitter.
- Valenti, Jessica. "The Blame (and Shame) Game." *Full Frontal Feminism: A Young Woman's Guide to Why Feminism Matters*. Berkley: Seal, 2014. Print.
- "Was I Raped?" *Rape, Abuse & Incest National Network*. RAINN, n.d. Web. 13 Sept. 2015.
- Wykes, Maggie. "Journalism, Justice, Gender and Violence." *News, Crime and Culture*. Sterling: Pluto, 2001. 138-63. Print.