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Using Critical Discourse Analysis to Understand Power, Personal Agency and Accountability in the Stanford Rape Case

Sara Potter

Michigan Technological University

The 2015 Stanford sexual assault case of *Emily Doe v. Brock Turner* provides a provocative setting for a Critical Discourse Analysis of courtroom discourse. As with Ehrlich (2001), I examine the linguistic means by which the institutionalized practices of the legal system engender unequal power relations and reframe narratives to construct gendered ideologies that shape our responses to violence against women. For example, in her statement the complainant Doe describes the event 22 times as an *assault* and eleven times as a *sexual assault*, whereas the defendant, Turner, never once refers to his actions as either a *sexual assault* or an *assault*, instead, refers to it as *an event*. A careful comparison of each side's use of TRANSITIVITY, SUPPRESSION, LEXICALIZATION, and SIGNIFICATION demonstrates further how these narratives are used to intentionally influence the social construction and social acceptance of these events, actors, and identities. While the courtroom is framed as a space to allow both sides an equivalent voice, the close analysis of both speech and silence reveal how specific linguistic features operate to shift power, personal agency, and accountability; thus, unsurprisingly, although Turner was found guilty of three felonies, he served just three months in a county jail.

1. Introduction

During the evening of January 18, 2015 Emily Doe was sexually assaulted by Brock Turner. Over a year later in the summer of 2016, Brock Turner's trial began and the mediated storm of information about the case, trial, and personal testimony ensued. Following a lengthy trial, Brock Turner was found guilty of three felonies: felony assault with intent to rape an intoxicated woman, felony sexual assault charge for sexually penetrating an intoxicated person with a foreign object, and felony sexual assault charge for sexually penetrating an unconscious person with a foreign object. While these charges can carry up to fourteen years in prison, Brock Turner served just three months

in a county jail, despite the prosecution's recommendations that he serve at least six years (Carroll 2016).

In the aftermath of the trial, there were many petitions issued to recall the judge in the case, to ban Brock Turner from ever setting foot on any college campus again, and to retry him on two other rape charges that were previously dropped. Since this case's mass public attention, many universities have revised their campus sexual assault policies and many states have either put together proposals to adopt new victims' rights legislation or worked to close loopholes often found in sexual assault cases. California, where the case took place, immediately went into action following Brock Turner's lenient sentence, passing a bill requiring a minimum three-year sentence for anyone convicted of sexual assault, and further preventing judges from granting probation for sex crimes such as those in which Brock Turner was convicted of (Shaw 2016). A quick Google search for the Brock Turner case will yield almost two million results. There are many articles addressing issues dealing with sexual assaults on college campuses. Some of those articles argue for penal code reform and advocate for victims' rights. Other articles construct arguments advocating for health care and legal system reform, asking that those sectors reevaluate their institutionalized practices as those practices often re-victimize victims of sexual assault. Perhaps most importantly, are the many articles addressing the inherent attitudinal issue of accepted rape culture in the United States. This case caused a resurgence of discussions of these issues both nationally and internationally. As such, it is important that we carefully review many elements of the case.

This paper will analyze the different narratives presented by both the victim and the assailant and how their lexical choices contained therein, specifically language and grammatical features, represent an attempt to shift power, personal agency, accountability, and blame. The analysis of these texts will take into account the language choices of the authors (complainant and defendant) and demonstrate how narrative construction intentionally was used to influence the social construction and social acceptance of these events, actors, and identities. While

the courtroom is framed as a space to allow both sides an equivalent voice, the close analysis of both speech and silence reveal how specific linguistic features operate to shift power, personal agency, and accountability.

The two narratives that will be explored include the victim's impact statement by Emily Doe and a sentencing letter to the judge, by Brock Turner the defendant. These texts represent the varying perspectives on the case, from those agents directly involved in the event and in its aftermath. Both sets of texts provide the readers with a story that recounts a sense of what happened from the authors' perspective. The way that the social actors produce, represent, and contextualize their experience and personal knowledge gives us insight into the events and further insight into the broader societal views and implications for these views (Lieblich, Tuval-Mashiach and Zibler 1998). Personal letters and autobiographies can often serve the researcher as data for how they review the protagonists, the events, complications, and consequences of a story (Zilber, Tuval-Mashiach and Lieblich 2008). Both the text of the narrative and the context of the narrative prove important to the holistic understanding of the event and any socio-cultural implications ascertained from it (Lieblich, et al. 1998). To simplify the length of this analysis, the specific case details will be excluded. A lengthier analysis could take into account these details and facts, as they demonstrate important social conditions surrounding the production of these texts.

2. Selected Texts

Turning to the texts themselves, the first text that will be analyzed is the victim impact statement, read in court by Emily Doe to both her assailant, Brock Turner, and the judge on the case, Judge Aaron Persky. Her statement, published by the media on June 3, 2016, is a 7,000+ word essay featuring not only a personal account of the events of the assault, but the emotional and physical aftermath that she experienced (Baker 2016). She adamantly rejects the prevailing narrative by the defense, citing arguments regarding the circumstance with which she was

found: how there were witnesses who identified she was unconscious, how there was medical evidence of bruising and abrasions indicative of violence, and how her body (displayed out behind the dumpster) demonstrated a lack of intimacy and mutual connection. Themes of misogyny, re-victimization, victim-blaming, classism, and rape-apology are a few that emerge just from a simple reading. She writes this statement with the goal of not only shaping the judge's decision for sentencing, but for connecting to the general public (including rape survivors). Given that her narrative would become public record, she also used the opportunity to address issues intently by reframing her story for the defense, asserting through her narrative that the court systems practices continue to perpetuate gendered ideologies about violence against women. Her statement is profoundly different from that of the second text.

The second statement that will be analyzed is the eleven-page statement that Brock Turner gave to the judge in June of 2016. In this statement, he claimed alcohol to be a driving force in his actions and takes little accountability for the events of that night. He recalls the events leading up to the event itself, and the emotional and physical aftermath of the night in terms quite different from that of Emily Doe. He claims that he had the victim's consent and that he had not realized she was completely unconscious (Cleary 2016). His account reads quite differently from hers, with little emotive expression, and he cites themes of general promiscuity and the influence of college partying as a precursor and explanation for his behavior.

3. Theoretical Perspective

To ground this analysis in a theoretical approach, I have chosen to use the research process of Interpretive Interactionism to focus on how the experiences of the social actors within this study help develop our understanding of the social world, especially when the focus is on the critical incidents or turning-point moments that they experience (Denzin 2003). As individuals begin to interpret the interactions that they have during these turning point moments, they begin to create new

images of themselves and of themselves within the social world. Further interactions will continue to cause further shifts (Blumer 1969; Scott and Marshall 2005). Denzin (1989) sets up these turning-moments to include any life-changing event that the participants experience. In line with this project's focus, the theoretical framework can be applied to the victim's experience: her perception of the event shifts as new information about her case becomes available and as the trial and cross-examination are underway. She continues to create and adjust meaning regarding this event even as the sentencing for the assailant is handed down. An additional layer to this process is that this moment is not just an everyday event in her life, but rather a critical incident that leaves her questioning her own self-identity and personal agency. Being assaulted also caused her to question larger issues within her social world: how victims of sexual assault are treated, how privilege and class can be used as a means for skirting accountability, and how the criminal justice system perpetuates an acceptance of rape culture. This constant cycle of interpretation and shifts in perception are not just limited to the victim in this project, but are also experienced by the assailant, both of their families, and the general public that experiences this trial and aftermath alongside many of the players. All agents who are a part of this experience will, through their own processes of interpretation, create layers of meaning (Blumer 1969; Scott and Marshall 2005). These layers can be seen when analyzing the comments made about this case. Both personal and public layers can be seen when analyzing the victim's and assailant's statements.

Adding to this theoretical framework, this research process is a subset of what is known as Symbolic Interactionism. This theory posits that there are common patterns of interaction and common social process that demonstrate larger patterns within our social worlds (Blumer 1969: 64). These interactional patterns and processes, when analyzed, can demonstrate how producers of texts can create and reproduce culture through the meaning making process they go through. Further, people give multiple meanings to their lives, "meaning to their bodies, their feelings, their situations, and they often try to fit their lives

within a social context that they feel a part of” (65). The sum produces symbols that show us the role that these actors play in the construction of our understanding of social interaction. As they construct their message, they intuitively take interpretations of these events and place them into a level of understanding that is more practical for those interpreting the message, influencing the way that a particular audience sees and feels about the events (Denzin 1987: 3). In summary, people include details in their stories because they have significance, for the author and the message that they are intending to share with their audience (4). While the critics of Symbolic Interactionism Theory suggest that when applied, the theory diffuses power of the individual and the power of the texts (Stets and Burke 2003: 120), this paper will demonstrate through the examination of the lexical choices and narrative structure of both the victim’s impact statement and the assailant’s statement to the judge, that there were multiple attempts to regain power and personal agency by the victim and the prosecution. Yet, within the defendant’s text, there is an attempt to diffuse blame and accountability through the negation of the victim’s statement, along with the downplaying of the criminal nature of the crime and the seriousness of the assailant’s actions. Further, the interpretation of the assault and both the victim and assailant’s perception of the effects of the assault demonstrate many concerns with the way our social world views sexual assault and the rape-apologist themes that have emerged throughout our western culture. Added to that are the institutionalized practices, which continue to re-frame these narratives for goals and agendas of conviction or not-guilty verdicts that further influence sentencing recommendations.

To understand how these narratives are used to intentionally influence the social construction and social acceptance of these events, actors, and identities, I undertake a more systematic analysis of the text, applying several aspects of Critical Discourse Analysis (CDA) that allow researchers to analyze “the way a message creates meaning and how that meaning persuades people to view events in a particular way” (Machin and Mayer 2015: 4). Further, “texts can be analyzed for the ways that they categorize people, events, places, and actions” (2). The smallest

details, which might seem insignificant to the audience, can reveal connections to broader societal and cultural issues (4). Through the careful analysis of patterns of transitivity, suppression, lexicalization and significations will provide me with this insight.

4. Method

4.1. Transitivity

When analyzing agency and action, the use of transitivity helps to explicitly identify meaning within discourse. Machin and Mayr (2015: 224) define transitivity as “the study of social action through the analysis of verbs in order to reveal who is represented as the agent or otherwise in texts.” Three primary points of concern are noted when considering agency within a text; the participants, the context, and the circumstances (105). By analyzing verb classifications, we can see how actions of certain groups are characterized (224). In this particular set of texts, the participants include both the victim and the assailant: the victim representing the individual on the receiving end of the action and the assailant representing the doer of the action. Further, these texts are contextualized within the trial and conviction of a sexual assault. Lastly, within this frame of transitivity, the adverbials used by both participants allow us to understand each side’s representations of degree and manner in which this assault occurred. It is important to examine the differences found between these two texts with regards to their lexical choices in reference to framing the participants, the action or received action of participants, and the descriptive choices used to portray the circumstances of the event for two reasons. First, it demonstrates that there is a clear attempt by the victim to draw direct attention to the assailant and to make it clear to the reader both the level of blame and accountability she feels he must accept. Second, it shows the assailant’s attempt to negate the assault and to distance himself from the assault as a way to skirt blame and limit his responsibility. Cavanagh, Dobash, Dobash, and Lewis (2001) found when examining men who had used violence against their women partners, men use a

“range of rhetorical devices to minimize the significance of their violent behavior and thereby define it as ‘not violent’ at all” (as cited in Pilcher and Whelehan 2004: 174). Further, Pilcher and Whelehan (2004: 174-175) assert that because women are often portrayed as being inherently responsible for provoking sexual assault or somehow being responsible for ‘leading’ the assailant on, women find themselves in the position to have to challenge the dominant discourse. The victim makes conscious choices in her writing to take back her personal power and restore her agency yet placing blame and accountability squarely on the assailant. This is a delicate task, as in doing so she could inadvertently implicate herself as a co-agent in the actions that led to the assault. In contrast, the assailant tries within his narrative to defuse the victim’s power, construct her as a co-agent, and therefore negate having to take responsibility for sexually assaulting her.

4.2. Participants

When comparing the two texts through their usage of participant identifiers (first through third person labels), there are some striking differences. In the victim’s statement, there are over 75 references to *he*, as in, *he admitted, he said, he will, he did*, etc. The victim is calling attention to how he and only he was to blame for assaulting her. In doing so, she is sending the message of certainty. While she might have been unconscious during the event, she is certain about his predatory behavior and about his guilt. Two particular examples that demonstrate this, *he said he didn’t know my name, said he wouldn’t be able to identify my face in a lineup* (Baker 2016: 3) and *he has only apologized for drinking and has yet to define what he did to me as sexual assault* (11). Further, by addressing him directly she is also identifying that it was *he* who assaulted her, not alcohol. Nearer the end of her statement, she begins to use indefinite terms referring to him as a ‘someone’, which happens only a few times through her entire statement and is caused by a switch in her description of the assault to the description of the sentencing. As this shift in her narrative begins, she begins to call him by his first name and

then refers to him as *someone*. One example to demonstrate further how this shift affected the lexical choices of her text, *I told the probation officer I do not want **Brock** to rot away in prison. I did not say **he** does not deserve to be behind bars...**someone** who cannot take full accountability for his actions does not deserve a mitigating sentence* (10). In moving from calling him by his first name to referring to him as a *someone* she is distancing herself from him as her frustrations with the injustices grow. Added to that, by referring to him as a *someone* she is also generalizing beyond this case. Her careful construction of her text calls attention to the inaccuracies and injustices within the court system. In order to avoid inadvertently implicating herself in the events that led up to the assault, she carefully constructs all of her arguments to center on his actions and the actions of the defense. She calls attention to how the defense reframed her experience and in doing helps to re-establish her own power as she attempts to regain her sense of agency over an uncertain and unsettling situation. Looking at a specific passage from her narrative we can see how all of these choices come together.

I told the probation officer I do not want **Brock** to rot away in prison. I did not say **he** does not deserve to be behind bars. The probation officer's recommendation of a year or less in county jail is a soft timeout, a mockery of the seriousness of his assaults, an insult to me and all women. It gives the message that a **stranger** can be inside you without proper consent and **he** will receive less than what has been defined as the minimum sentence. Probation should be denied. I also told the probation officer that what I truly wanted was for **Brock** to get it, to understand and admit to his wrongdoing. (Baker 2016:10).

The assailant on the other hand references the victim through the use of *she* only fourteen times, as in, *she agrees, she wanted, she liked it*, etc., but, more often in referencing her he uses the term *someone* over fifteen times and the use of *anyone* six times. As in, *hurt someone, raped someone, harm anyone, rape anyone*, etc. By removing the victim's name, he fails to directly acknowledge her, this deflecting his responsibility to her for his

action, essentially erasing the victim from the description of the event. In moving to a less specific referent he continues to see the victim in the object position.

Table 1. Participant’s Usage of Personal Identifiers: Indefinite and Definite

Victim	Assailant
He admitted to wanting to hook up with someone.	I ask her if she was alright and she tells me that she thought she was.
And I thought finally it is over, finally he will own up to what he did.	She responds to me and acknowledges [implying her consent] what I said with saying, “Yeah.”
Had Brock admitted guilt and remorse and offered to settle early on, I would have considered a lighter sentence, respecting his honesty, grateful to be able to move our lives forward.	Eventually that person [police officer] came and all I could think during that interview was that I never raped someone and would never even think about doing that.
Someone who cannot take full accountability for his actions does not deserve a mitigating sentence.	I naively assumed that is was acceptable to be intimate with someone in a place that wasn’t my room.

Examples of this from his text include, *My poor decision making and excessive drinking hurt someone that night and I wish I could just take it all back* (Cleary 2016: 5) and *I thought that all I had to communicate was the truth—that in no way was I trying to rape anyone, in no way was I trying to harm anyone, and in no way was I trying to take advantage of anyone* (4). If this event is something that can happen to *anyone*, then it negates the significance of it happening specifically to her and thus downplays the significance of the event in general. A side-by-side table shows a few more examples of these issues. Again, the

differences here are quite striking. Dividing the discussion of the assault, she is direct in whom she is addressing and he is quite the opposite, removing her almost completely. She seeks to take back her personal power and control over the narrative by constructing her narrative about him specifically, while he seeks to distance himself from her, thereby distancing himself from responsibility.

4.3. Verbs

When looking directly at the use of quoting verbs within both texts, there are also some major differences. When discussing her recollection of events, she states primarily *I learned*, *I remember*, *he learned*, and *he said*. Her choice of perceptive verbs and quoting verbs doesn't evaluate what is said, as it's identifying the supposed facts in both of their testimony. Stating this information explicitly and leaving the reader to identify whether this information was exaggerated is an attempt by the victim to have the audience see her as affected, but still objective. This passage from page four of her narrative shows this.

And then it came time for him to testify and **I learned** what it meant to be re-victimized. I want to remind you, the night after it happened *he said* he never planned to take me back to his dorm. **He said** he didn't know why we were behind a dumpster. He got up to leave because **he wasn't feeling** well when he was suddenly chased and attacked. Then **he learned I could not remember**. (Baker 2016: 5)

She wants to be seen as accurate in her accusations, strong, but tempered by the facts and evidence on her side, which is denoted by her further use of *He admitted*. An example passage from her text demonstrates her careful use of quoting verbs to implicate a pattern of predatory behavior and to show his intent prior to her assault. **He admitted** to kissing other girls at that party, one of whom was my own sister who pushed him away. **He admitted** to wanting to hook up with someone (3). Lastly, she constructs her narrative to reveal that the defense and the assailant were attempting to negate her statements by using her lack of memory

against her. Acknowledging that she was “told” she would be invalidated allows the audience to see the larger issue at hand, it is because she was unconscious that he thinks he can be in control and it is because she was unconscious that he does not have to take ownership for his crimes. Rather, her careful construction demonstrates that because she was unconscious this crime is even more serious and therefore warrants more serious sentencing. An additional passage taken from her statement demonstrates her attempt to control the prevailing narrative and to call attention to the attempts to undermine her.

I was not only **told** that I was assaulted, **I was told** that because I couldn’t remember, I technically could not prove it was unwanted. And that distorted **me**, damaged me, almost broke me. It is the saddest type of confusion to **be told** I was assaulted and nearly raped, blatantly out in the open, but “we don’t know if it counts as assault yet.” I had to fight for an entire year to make it clear that there was something wrong with this situation. (4)

He, on the other hand, does not address having *learned* anything through the process of this experience. Rather, he uses the perceptive and quoting verbs of *I asked*, *I decided*, *I thought*, and *I said*. He is more certain in the way he portrays information. Since he remembers the account and can provide an extreme amount of information, he states things with more certainty. This is his attempt to override any account of her statement, by letting the audience know that he is more certain of the facts and that his certainty overrides the power of her accusations. Further, by asserting, *I asked her if she was enjoying what I was doing, to which she gave me a positive response*, he attempts to discredit her power assertion that he did not have consent, reasserts his legitimacy of innocence, and projects her as a co-agent in the action. These rhetorical choices projected by the assailant affirm Gavey’s (1999: 60) finding that “women’s signals of resistance of ‘direct negatives’ were transformed into ‘indirect affirmatives’.” This reframing of the event through his account transforms his actions from that of a criminal or a predator to a mutually engage partner in the sexual acts. A side-by-side table

of their perceptive and quoting verbs helps us more closely analyze a few of the issues addressed above.

Table 2. Participant's Usage of Perceptive and Quoting Verbs

Victim	Assailant
When the detective asked if he had planned on taking me back to his dorm, he said no.	After doing so, I began to kiss her again and finger her until I thought she was satisfied with the sexual interaction that had taken place based on her moaning and the way in which she held onto me with her arms on my back.
The night after it happened, he said he thought I liked it because I rubbed his back.	While this was occurring, I asked her if she was enjoying what I was doing, to which she gave me a positive response.
He admitted to wanting to hook up with someone.	I asked her if she wanted to dance, so we began to dance together and eventually started kissing each other .

Overall, despite the fact that he is in control of the discourse due to his memory, she challenges the narrative by using the factive verb *He admitted*. Therefore, while she remains steadfast in her objective representations of the events she wants to make sure the audience is aware of his guilt, his guilt by admission to the facts that gave him motive and opportunity. If he admitted his guilt, then she can reassert her power over him, pulling herself slightly out of the victim role.

4.4. Context

When looking specifically at how the victim and the assailant describe the action/event there are also some striking differences. It is not just what is said in this instance that is important, but rather what is not said; drawing out those representations of power that are implicitly part of a narrative can reveal the motives of the creator of the discourse (Machin and Mayr 2012: 24-25; Van Dijk 1993: 249). With regards to the specific action done to her, the victim's narrative implicitly addresses it as an assault, within the first sentence of the opening paragraph. "***You don't know me, but you've been inside me, and that's why we're here today***" (Baker 2016: 1). She uses the word assault 22 times, sexual assault eleven, and rape eleven times. She is immediate in her classification of the incident as assault and begins immediately within her narrative addressing this. Compare the assailant's text, where it takes him five pages of scene descriptors and stories of his past experiences to get to the point where he discusses the assault (Cleary 2016). What is possibly the most interesting in this discussion though, is that the assailant never refers to the assault as an *assault*. There are no references to assault or sexual assault. He makes limited use of the word *rape*, only using it to state what he is either being accused of or what he has not done. This acknowledgement of it being referred to as a *rape* comes to the audience an additional two pages later. It takes seven pages for the assailant to make only four references to the assault as a rape. It is clear, in the entirety of the ten-page letter, that he does not see this as an *assault* or a *rape*. Rather, he cleverly refers to the assault as an *event* and describes it by its date on the calendar on six occasions.

Table 3. Participant's Usage of Contextual Markers

Victim	Assailant
It is the saddest type of confusion to be told I was assaulted and nearly raped , blatantly out in the open, but	He told me that I was being charged with rape and I immediately responded with complete and utter shock.

we don't know if it counts as assault yet.	
And then, at the bottom of the article, after I learned about the graphic details of my own sexual assault , the article listed his swimming times.	I didn't think what I didn't say would be such a huge deal because I know I never raped anybody that night and that's all that would matter.
I was asked to sign papers that said " Rape Victim " and I thought something has really happened.	There isn't a second that has gone by where I haven't regretted the course of events on January 17th/18th .
It is deeply offensive that he would try and dilute rape with a suggestion of "promiscuity."	If I could go back and change what unfolded on the night of January 17th , I would do it in a heartbeat because I never meant to hurt anyone.

This discord between her letter and his reveals a stark contrast to how each of the participants perceives the weight of the event. Further, his framing of the assault in more generic terms tells the audience how he thinks they should see or view the issue and therefore the victim. Generalizing the action allows for concealment of the action and obscures who did what and to whom. Further, modifying the intended meaning through the generalization allows him to sterilize the story and reduce the negative connotation the phrasing would have on his desire to remain seen as innocent and not responsible for the behavior and in doing so he further negates her as a victim. After all, how can one be a victim if there is no assault or rape, but merely an event that took place on the 17th of January? This is a strategic rhetorical choice to remove her power to frame the case her way and to assert himself as more factual and less guilty. Further, the assailant uses hedging to give the impression that the opposite of what he was accused of took place, as he increases the level

of explanation, over-defines behavior, and quantifies the amount of drinks, people at the party, and time, with precision. While much of his narrative does this, three particular examples from his text show how he attempts to bury the event within a larger context of details.

- (1) a. I had **approximately five beers** while I was in his room. I eventually drank **two swigs** of Fireball **whiskey in addition** to the beer that I had already drank. (Cleary 2016: 1)
- b. We grinded together, **which means that** I was behind her and both our hips were touching in a side to side motion **in accordance with the beat of the song**. (2)
- c. I asked her if she wanted to dance, so we began to dance together and eventually started kissing each other. I bring up the idea of her coming back to my dorm room and she agrees to accompany me back to there. We begin walking back to my room towards the path that would eventually lead up to my house. During this time, we walk down a slope in the direction towards the path that we were heading. The next thing I realize is that we were both on the ground lying next to each other because it seemed as though she lost her footing heading down the slope and I went down with her. (2-3)

4.5. Circumstances

While typically within a critical discourse analysis there would be a larger emphasis on the verb choices within the texts, it is far more interesting to the overall value of the analysis to consider both the adverbial choices and the use of adjectives to describe the situation of the assault. The adverbial choices hold a strong significance as both the adverbs of degree and the adverbs of manner are unique to each text and demonstrate again the divergence between the degree of intensity perceived by both the victim and the assailant, and in how they want their audience to understand the way the event played out. Each of these represents a lexical choice that can be used by the creators of the discourse to modify the circumstances of the event in question

and to further influence an audience's perception of an event (Machin and Mayr 2015). Further, differences in the adjective use by both the victim and the assailant demonstrate for the audience the inner meaning of the events to the individual narrator. First, we will explore the adverbial differences.

4.6. Adverbs of Time

With regard to the adverbs used within the victim's text there's almost twice as many than that of the assailant's narrative. The adverbs used in the victim's statement take on a different tone in all matters of adverbial usage: time/frequency, intensifiers, and manner. There are many uses of time throughout her statement, where she attempts to ground the experience for the audience. One particular example is where she references the first time she made the connection between her experience and the facts of the event, *In it, I read and learned **for the first time** about how I was found unconscious...* (Baker 2016: 2). Throughout much of her narrative, she uses her language to deliberately show her audience how this experience was not just a few minutes of her life, but as something that has taken over a year to gain some resolution and will continue to be effectual for the rest of her life. She addresses this use of time in additional ways as her narrative takes on a chronological approach, stating the facts and addressing the crime through a series of before and after statements. She also uses these statements to establish a context for how and when these events took place: to validate her claims of sexual assault and his guilt and to demonstrate the after-effects of this crime.

Table 4. Participant's Usage of Time/Frequency Adverbial Shifts

Victim	Assailant
I was pummeled with narrowed, pointed questions that dissected my personal life, love life, past life, family	We started talking together since I thought we had hung out for some amount of time before .

life, inane questions, accumulating trivial details to try and find an excuse for this guy who had me half naked before even bothering to ask for my name.	
One year after the incident , he remembered, oh yeah, by the way she actually said yes, to everything, so.	After this happened , we started kissing each other again on the ground on which we fell.
Just like what he did to me doesn't expire, doesn't just go away after a set number of years.	Before I could even think of a response as to what to say to him [the witness] to try and appease whatever his concerns with me were, I find my arms being grabbed by him.
I was too drunk to speak English, too drunk to consent way before I was on the ground.	Before this happened , I never had any trouble with law enforcement and I plan on maintaining that.
And even after that , my family had to listen to your attorney say the pictures were after the fact , we can dismiss them.	I can never go back to being the person I was before that day .

What would have happened to me? That's what you'll never have a good answer for, that's what you can't explain even **after a year**. On top of all this, he claimed that I orgasmed **after one minute** of digital penetration. The nurse said there had been abrasions, lacerations, and dirt in my genitalia. Was that **before or after** I came? (6)

While she only uses these time and frequency markers about two dozen times, she focuses more on the use of *after*. This is in part due to her limited to no recollection of the actual assault, only having the ability to remember and reflect on what happened

after. She does place an importance on the effects of this crime and this can be seen in the two to one ratio found in these word choices.

His statement is once again, vastly different than her statement. In a side-by-side comparison, he uses time and frequency markers less often than the victim and places a stronger emphasis on what happens before.

The intention behind the focus on the time line indicator of *before* is found through the overall analysis of his writing. He spends multiple pages of his narrative discussing events that happened to him prior to the night of the assault and the events that led up to the assault. He then spends only a page discussing the details of the actual assault and the remaining pages on the events following and his life following. He wants to bury the assault under the context of how he was before, so that the reader will view him as an all-American Stanford swimmer and not as the after impression of a rapist. In his narrative, he establishes his wish to be seen as he was before the assault by making several explicit statements such as; *I can never go back to being the person I was before that day. I am no longer a swimmer, a student, a resident of California, or the product of the work that I put in to accomplish the goals that I set out in the first nineteen years of my life* (Cleary 2016: 4).

4.7. Adverbs of Intensity

When looking at victim's use of intensifiers we see the use of more certain terms. Choices such as *absolutely*, *constantly*, *apparently*, *undeniably*, and *completely* are used to give certainty to her statement, to qualify her remarks as unquestionable.

Table 5. Victim's Usage of Adverbial Shifts for Demonstrating Intensity

Victim

I was the wounded antelope of the herd, **completely** alone and vulnerable, physically unable to fend for myself, and he chose me.

And you're right, maybe I was still fluttering my eyes and **wasn't completely** limp yet.

My testimony was weak, was incomplete, and I was made to believe that perhaps, I am not enough to win this. His attorney **constantly** reminded the jury, the only one we can believe is Brock, because she doesn't remember.

One more time, in public news, I learned that my ass and vagina were **completely** exposed outside, my breasts had been groped, fingers had been jabbed inside me along with pine needles and debris, my bare skin and head had been rubbing against the ground behind a dumpster, while an erect freshman was humping my half naked, unconscious body.

This certainty is important. Because there were attempts by the defense and the assailant to negate her story, resulting from her lack of memory of the event, she must make the argument that there is no flexibility in how we view the facts of the case. Simply put, if she is certain that this was a crime, then we will be too.

When looking at the assailant's use of intensifiers we see the use of more flexible terms, choices such as *mostly*, *potentially*, *supposedly*, and *almost* are hedges attempting to indicate uncertainty in the evidence of his crime.

He is avoiding certainty to give himself room to skirt around accepting blame and using alternative issues to explain the cause of his behavior. If we see this event as not certain, rather probable, then there is room for doubt. While there was no doubt for the jury that he was guilty, enough probabilities could create doubt for the judge that a harsher sentence is warranted. Overall, he wants to retain some of his credibility and status and reducing his culpability can help him achieve that.

Table 6. Assailant’s Usage of Adverbial Shifts for Demonstrating Intensity

Assailant
I stopped the fingering and began to move my hips against the upward movement of her hips, while I kissed her neck and ear mostly .
I know I can show people who were like me the dangers of assuming what college life can be like without thinking about the consequences one would potentially have to make if one were to make the same decisions that I made.
I remember attending social gatherings with the swim team where these things were not only accepted but almost encouraged for the freshman to experience.
I was an inexperienced drinker and party-goer, so I just accepted these things that they showed me as normal.

4.8. Adverbs of Manner

Additional adverbs use to demonstrate the manner in which the assault was done are also different when comparing the two texts. The victim uses more impactful words such as; *brutally, deeply, severely, forcefully, forcibly, ruthlessly, inappropriately, and irreversibly*.

She uses these words to establish a tone throughout the narrative of seriousness and to demonstrate the weight of the assault on her physically and emotionally. As the audience reads her statement, they are able to feel and sense this weight and are impacted by the statement in a direct way. Through these descriptors, the audience should have more sympathy and empathy for her; giving them feelings of injustice, contempt, and discontent with the dominant narrative of the assailant and the larger reflection on the other powerful social discourses negating the seriousness of sexual violence.

Table 7. Victim’s Usage of Adverbial Shifts in Describing the Manner of the Event

Victim
You realize, having a drinking problem is different than drinking and then forcefully trying to have sex with someone?
Instead he took the risk of going to trial, added insult to injury and forced me to relive the hurt as details about my personal life and sexual assault were brutally dissected before the public.
It is deeply offensive that he would try and dilute rape with a suggestion of “promiscuity.”
It is another thing to have someone ruthlessly working to diminish the gravity of validity of this suffering.
We were both drunk, the difference is I did not take off your pants and underwear, touch you inappropriately , and run away. That’s the difference.

Adverbs used in the assailant’s statement take on a different tone in terms of the manner in which he discusses the assault and in the impact it has on his life. Some of his lexical choices in adverbs include *naively*, *idiotically*, *quickly*, *easily*, *positively*, *regrettably*, *basically*, and *carelessly*.

These terms are lighter and are an attempt to portray this assault as not as serious and not as impactful, thereby lessening his burden of responsibility and accountability. They are also used to portray him as childish and temporarily idiotic. This is an attempt to persuade the audience into believing that the extent of his actions was not predatory or preconceived, but rather a one-time problem of poor decision-making and behavior based on the pressures of peer influence.

Table 8. Assailant’s Usage of Adverbial Shifts in Describing the Manner of the Event

Assailant
I naively assumed that is was accepted to be intimate with someone in a place that wasn’t my room.
I idiotically rationalized that since we had been making out where each of us fell to the ground, that it would be a good

idea to take things a step further since we were just in the heat of the moment at that location.
Even though I had been charged with a crime, it didn't deter me from still drinking because I carelessly thought that it was at the core essentials of being a college student and I shouldn't let one incident change my idea of what being in college meant.
If I were to be placed on probation, I can positively say, without a single shred of doubt in my mind, that I would never have any problem with law enforcement.
I proceed to get up from laying on the ground with her to all fours at first since my balance was still not easily being maintained .

4.9. Adjectives

The last consideration when looking at how the context is perceived and portrayed by the writer for the audience is to look at the differences in the adjectives used to describe the event. In the victim's statements there are well over forty examples of adjectives whereas the assailants statement uses around twenty. Adjectives used by the victim includes *defenseless, helpless, malicious, serious, forceful, invasive, aggressive, offensive, vulnerable, sickening, and uncomfortable*.

Again, these set the tone for the audience regarding the gravity of the crime and the intensity of the impact on her life. She wants to audience to understand this as she connects her experience to larger societal issues and dangers she confronts in her narrative. Because both her and the assailant represent their narratives quite differently she wants hers to remain as the dominant narrative. She wants the audience to see this event as sickening, as invasive, and as serious.

Table 9. Victim's Usage of Adjectives

Victim
I had no power, I had no voice, I was defenseless .

You were wrong for doing what nobody else was doing, which was pushing your erect dick in your pants against my naked, defenseless body concealed in a dark area, where partygoers could no longer see or protect me, and my own sister could not find me.
You have been convicted of violating me, intentionally, forcibly, sexually, with malicious intent , and all you can admit to is consuming alcohol.
I was the wounded antelope of the herd, completely alone and vulnerable, physically unable to fend for myself, and he chose me.
It is the saddest type of confusion to be told I was assaulted and nearly raped, blatantly out in the open, but we don't know if it counts as assault yet.

Also, because the event impacts her own feelings of safety, privacy, dignity, self-worth, and power, the more powerfully she can portray this, the more control over those feelings she can regain. If the rhetorical approach is successful, the audience will be disgusted by the assailant and he will in turn lose his, safety, privacy, dignity, self-worth, and power as well.

The adjectives used by the assailant take on a different descriptive tone through the use of words such as, *fun*, *normal*, *fine*, *positive*, and *good*.

Ehrlich (2001: 12) describes how language is not neutral and that language can create a 'particular vision of social reality'. In this sense, the assailant desires to use language with more positive connotations to further obscure the weight of the event.

Table 10. Assailant's Usage of Adjectives

Assailant
I want to let young people now, as I did not, that things can go from fun to ruined in just one evening.
Over the course of a couple months at school, I grew more accepting of these characteristics and began to think of it as normal behavior for one to meet people of the opposite sex at parties that involved drinking.

I thought things were going fine and that I just existed in a reality where nothing can go wrong or nobody could think of what I was doing as wrong.

I idiotically rationalized that since we had been making out where each of us fell to the ground, that it would be a good idea to take things a step further since we were just in the heat of the moment at that location.
--

While this was occurring, I asked her if she was enjoying what I was doing, to which she gave me a positive response.
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By embedding a subliminal feeling of ease into his narrative he can construct the event as something that is not worth a criminal indictment. Within the larger societal context, if his crime is seen through the narrative of the victim the impact on his identity as falsely or wrongfully accused cannot remain viable.

5. Discussion

When looking at the statements made by both the victim, Emily Doe and the assailant, Brock Turner, there are several distinct differences. Using several of the tools recommended by Machin and Mayr (2012) to analyze the lexical and rhetorical choices, it was demonstrated that the differences in their narratives reveal direct attempts to shift power, regain personal agency, and place/skirt accountability and blame. Taking into account the language choices of both the victim and the assailant we can see how they used their language to tell the audience how they feel about the event and their interpretation of guilt and innocence, and what the impact will be on their lives presently and in the future. When looking at transitivity, a careful review of the participants, the context, and the circumstances was conducted. From the findings about their use of verbs and the nominal arguments around them regarding the participants, the time, intensity and manner of the event, and the adjectives used to describe the event, a few common themes emerge.

It is interesting to look at one single event from two different perspectives. The way in which each agent represented their

particular experience demonstrates how important personal narratives are for the construction of social worlds. As Machin and Mayr (2012: 33) identifies, [these] “give voice to those [whose] narratives have been excluded from the public domain and civic discourse...we convert private problems into public issues, thereby making collective identity, and collective solutions possible.” Her letter, in particular, attempts to resonate with a larger community of rape survivors and provides the audience with insight into these experiences in a way that is much more visceral and significant. By addressing this so directly, she is hoping to draw attention to the injustice of her experiences, and to allow the audience to see the common patterns of injustice found by others in similar situations. She wants to feel in control of the events by sharing with the audience her experience. In many cases, her bluntness and colorful language demonstrate the significance of this event in her life. This significance, when shared, gives this event new meaning, meaning she can take control over and use to exert herself as no longer *his* victim. She also wants to reframe the overall narrative of sexual assault for her audience so that those reading her story see her not only as a survivor, but also as an agent of change within the justice system. Her final message at the end of her statement attempts to frame assault survivors as more power-assertive, dominating narratives, and to encourage them to take back their rights to assert themselves as legitimate and powerful over the common tropes around sexual assault that often dismiss or deny claims made by women.

When people **doubt you** or **dismiss you**, I am with you. **I fought everyday** for you. So never stop fighting, **I believe you**. As the author Anne Lamott once wrote, “Lighthouses don’t go running all over an island looking for boats to save; they just stand there shining.” Although I can’t save every boat, I hope that by speaking today, you absorbed a small amount of light, a small knowing that **you can’t be silenced**, a small satisfaction that **justice was served**, a small assurance that **we are getting somewhere**, and a big, big knowing that **you are important, unquestionably**, you are untouchable, you are beautiful, **you are to be valued**,

respected, undeniably, every minute of every day, **you are powerful and nobody can take that away from you.**
(Baker 2016: 11)

While she is encouraging others to take back their right to be heard, she is essence giving herself permission to do the same. She uses her agentive position to assert her right to be heard addressing that; *I fought every day for you.*

The assailant constructs his narrative in such a way to attempt to diffuse blame and reject accountability. He attempts to shift the power of characterization away from the victim and establish her as the co-agent. He does this by generalizing the event, almost deleting the victim from his texts, downplaying the seriousness of the crime, and using details and descriptions in an attempt to bury the crime and distance himself from the severity of the crime.

I arrived at that party with **two other friends** of mine that **were also swimmers**. Once I was there, I began consuming alcohol in the form of beer while socializing with the people at the party. I **had approximately five beers** while I was in his room. I eventually drank **two swigs of Fireball** whiskey in addition to the beer that I had already drank... After a period of time of continuing these movements in coordination **with her**, the beer and alcohol that **I** consumed began to unsettle my stomach. **I began** to experience nausea and everything started to spin in my field of vision. **I proceed** to get up from laying on the ground with **her** to all fours at first since **my balance** was still not easily being maintained. Eventually **I get my feet** underneath **me** and start walking down the slope to find an appropriate place to throw up. (Cleary 2016: 7)

He places more emphasis on his actions and what was happening to him, rather than focusing on what was happening to her or how she was feeling. The farther he removes himself from the event, the more likely he will be able to control how others view him, maintaining his all-American image.

Descriptions of the self, the way both the victim and the assailant describe themselves and their lives, both before and

after, demonstrates the roles of the participants and of men's position in sexual assault cases as being more powerful.

The swim team set no limits on partying or drinking and I saw **the guys take full advantage** of these circumstances, while **I was shown to do the same**. I witnessed countless times **the guys that I looked up to** go to parties, meet girls, and take the girl that they had just met back with them. **The guys that I thought highly of** would dance with girls while being intoxicated and **encouraged me to participate** in the party like they were. I was an inexperienced drinker and party-goer, so I just accepted these things that **they showed me as normal**. Living more than two thousand miles away from home, I looked to **the guys** on my swim team as family and **tried to replicate their values** in how they approached college life. (Cleary 2016: 4)

Men's sexual interests and prerogatives are often prioritized through their discourse and further perpetuated by the discourse of the criminal justice system (Ehrlich 2001: 21). In addition, review of the way that gender is constructed within these texts adds a layer towards understanding these male dominate views.

While the micro- analysis reveals only the smallest details, these details are in no way insignificant to establishing a frame for this assault in the minds of the audience. The narratives also reveal, through their distinct differences in the interpretation of the event and in the construction of the meaning of the event, that there are broader societal and cultural issues of concern (Machin and Mayer 2015: 4). Using CDA allowed for a clearer depiction of the "dominant social structures" and reaffirmed that "discursive practices contribute to the production and reproduction of unequal social relations" (Ehrlich 2001: 35).

6. Future Directions

While these findings are important for the discussion regarding victimization, power in sexual assault cases, and accountability shifts, there is much more to be learned from an analysis of these texts. Future research could consider the role of socio-cultural values on how these discourses are produced. Research could

also utilize a feminist critical approach to look at how gender stereotypes affect the biases in the criminal justice system and the rape apologist themes found in western culture. Lastly, the use of CDA could be expanded to discuss the various representations of men and women found through the metaphorical language use of these powerful discourses.

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Sara Potter, M.A.
[Spotter@mtu.edu]