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# **Misogyny, Rape Culture and the Role of Media in the Criminal Justice**

## **Procedure -- A Study**

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### **Abstract**

*With versatile potential, social media has become a platform, where it is easy to voice opinions and indulge in arguments, which brings out the flavor of the society. It is often seen that people take to social media to respond to rape culture and assign responsibility to the spreaders of the thought-process. Normalizing rape via victim blaming is becoming part of everyday discourse. An ancient thought-process, victim blaming goes back to Freud's 1924 theory that masochistic feeling is an integral part of femininity that encourages the false idea that women enjoy being raped (Allison and Wrightsman, 1993). Such ideology, often times, has a strong effect on the criminal justice system as public opinion is created about how rape victims should be treated and how the trial should take course and sometimes, also influences the outcome of the trial. Hence, a study of the role of media in shaping opinion about a crime that not just affects a gender, but threatens the general social fabric might help identify the solution that could be applied for a better social condition. Social media's stand on rape can be found from discussions that take place between strangers and friends and the videos and photos posted by them. An analysis of the available text can perhaps help with recognizing and determining the complicated links between misogyny, rape culture, criminal justice procedure and the role of media, thereafter discussing some probable solutions to the problem at hand. This paper also focuses on the role of social media in shaping, spreading or hindering the rape culture mentality and how it responded to recent brutal sexual assaults that has threatened the existence of the law and order situation of a society.*

**Key Words:** *Misogyny, Rape Culture, Media, Society, Feminism*

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**Introduction:** Media's power to create public opinion is not a matter of debate anymore. The world has realized its potential and hence it has become a platform which gives voice to the otherwise unheard crowd. With the boom in social media and increase in internet usage, the world has re-connected itself with its lost domain and has also found a platform to share knowledge and have discussions with strangers. The purpose of this research paper is to find out how or whether the constructs of victim blaming and rape culture form any connection with the criminal judicial proceedings and what role the media, specifically social media, plays in such situations. Now-a-days, social media is a place where digital feminist activism takes place and women put forth their views which might give us some idea about the situation that clarifies rape culture and how it might manipulate the minds of people. Starting from the Nirbhaya Case of 2012 to Dr. Priyanka Reddy's case of 2019, internet has gone on a rampage with people writing against the prevalent mindset of women should not roam around in the nights. The accused of Nirbhaya Rape case can be seen saying that "good women do not roam around at night". The narrative of "women should not roam around at night" can be taken up as an examination point from where the supporters of rape culture can be found. It is since time immemorial that women have been blamed for their rape and eventual social denial towards their innocence. Sometimes the society's way of

justice if to get the victim and the perpetrator married but this is probably legalizing a crime and does not address rape as a crime. But, with media's support, women can now voice their opinions and try to curb the narratives that make rape seem acceptable. The researcher is focused at finding answers connected to rape culture and criminal judicial proceedings, if any, and also seeks to find whether the media plays any role in creating a narrative against rape culture.

**Rationale:** "In order to escape accountability for his crimes, the perpetrator does everything in his power to promote forgetting. If secrecy fails, the perpetrator attacks the credibility of his victim. If he cannot silence her absolutely, he tries to make sure no one listens." (Herman, 1992)

Sexual violence has unfortunately become an everyday affair and with easy access to pornography, the numbers and brutality are on a rise. In India, kids as young as 9 months to women of all age groups, have been subjected to brutal rapes and subsequent murder. It is a grave social concern and serious thought needs to be put through such cases, where a society that claims to be modernizing itself is somehow trying to hide the misogyny within. The most recent case, among innumerable others, was that of the 27 year old veterinary doctor Priyanka Reddy of Hyderabad, where the victim was torched after gang rape by the perpetrators. The thought-provoking event that followed was the eventual encounter of the criminals that resulted in killing all the four accused by the police. Social media was ablaze with opinions, firstly, about the rape and after the encounter, about the safety of the suspects in police custody. There were mixed reactions, some stating about human rights, some defending the encounter while others engaged at feminist discourse at large. One thing evident was that social media provided a platform that brought out the voice that was otherwise unheard. However, amidst all the reflections on how the society should actually react, there were also voices of victim-blaming and supportive rape culture stands. As it happened in the Nirbhaya case of 2012, where people ultimately blamed the victim for her share in the tragedy stating that she was out late in the night, with her boyfriend, same could not be said in the case of the veterinary doctor's case yet there were misogynist discourses stating that she should have just given in and why did she accept help from strangers. "The same kind of callous statements are made by people whose job it is to fight for the victim — when a cop says, if Priyanka found herself in danger why did she call her sister and not the cops; when a CBI chief comments that if rape is inevitable, why not enjoy it; if a Chief Justice thinks it is a good idea to get the rapist to marry the victim, there's a long way to go for women to win this battle." (Gahlot, 2019)

Most of the times, such thought process also affects the criminal justice system by trivializing the sexual assault and blaming the victim for the tragedy. As could be seen in Leslie Udwin's documentary "India's Daughter", where accused Mukesh Singh can be found making the following statements; "A decent girl won't roam around at 9 o' clock at night"; "You can't clap with one hand, it takes two hands to clap"; "She should just be silent and allow the rape"; "A girl is far more responsible for rape than a boy". In the same documentary, M. L. Sharma, a defence lawyer could be seen making the following arguments; "We have the best culture. In our culture there is no place for a woman"; "The flower always needs protection". "A. P. Singh, a defence lawyer in the case, was shown saying, 'If my daughter or sister engaged in pre-marital activities and disgraced herself and allowed herself to lose face and character by doing such things, I would most certainly take this sort of sister or daughter to my farmhouse, and in front of my entire family, I would put petrol on her and set her alight.' Asked later if he stood by those comments, he insisted that he did" (Withnall; 2015). These statements created a public outcry and even though there were protests and marches, yet fact remains, that the misogynist mentality is very much established in our day to day discourse. Most of the times, feminists take to their social media accounts to blog about the incidents and opine about the statements made on women. It is interesting that even though the media coverage was completely in sympathy for the victim, yet a certain segment of people made their own theories about the situation and ultimately blamed the victim stating why she was out late at night. This

prevalent link between rape culture and victim blaming goes beyond every established feminist thought process and destroys the rights of a human being irrespective of gender.

Research indicates that between 5 and 31% of rape survivors report rape to authorities (Fisher, Daigle, Cullen, & Turner, 2003; Heath, Lynch, Fritch, & Wong, 2013). Since rape survivors are most of the time held responsible for their own abuse, they are less likely to report the abuse due to feelings of shame but also because they fear authority figures will not believe them (Weiss, 2010). Page (2008) opined that legal systems did not believe victims were raped when they do not fit the conventional image of a rape victim (e.g. had a past relationship with the offender). The existence of a rape culture makes rape less likely to be reported and is also a form of victimization that stigmatizes and blames rape survivors for their victimization (Lea, 2007; Ryan, 2011). Thus, when a case is reported, it creates a tension between the media users and the administration as people want immediate justice whereas judiciary works at its own pace. Thus, the question still remains as to whether there is any link between the media, rape culture and the criminal judicial proceedings and is societal justice and thought process completely in defiance with the administrative one.

**Aim of the Study:** The topic of prevalent rape culture, feminist activism over internet and criminal justice proceedings have been taken up by many researchers. (Stubbs-Richardson et al 2018; Rentschler 2014; Thacker, 2017; Davis, 2018) These studies have helped identify problems within the societal construct of rape and hidden misogyny thereby helping researchers understand the popular narrative that the media supports and upholds. Since it has been seen, many a times that the media has helped divert attention to otherwise unnoticed cases, it is also important to study the media's role in creating or barring rape culture and thereby aiding in the justice procedure.

Therefore the aim of the study is to examine the connection between misogyny, rape culture and the role of media in the criminal justice procedure.

**Methodology:** The researcher has taken up content analyses as the methodology for conducting research on the aforesaid topic. Two most controversial rape cases that gained nation-wide publicity and shook the internet with rage because of their brutality, were taken up and the justice procedure studied. Twitter conversations related to these two rape cases were studied selecting the words "rape and victim's (read name) fault" and "Judiciary and media".

**Operational Definitions:** Most Controversial Rape cases: 2012 Nirbhaya Rape case where, according to popular narrative, justice is yet to be delivered. 2019 Priyanka Reddy Case where the accused were shot dead during an encounter and according to popular narrative, instant justice was delivered.

The study pertains to the time-period 2010 to 2020.

**Misogyny, Rape Culture and Feminist Activism on Twitter:** In both Nirbhaya case and Priyanka Reddy Case, people wanted to know what the women were doing out at night in the first place. While Priyanka Reddy was excused by many as she was a doctor, internet was not kind to Nirbhaya. Many were of the opinion that Nirbhaya should not have boarded the bus with her friend and by so doing, she could have avoided the fate. However, saying that "it was Nirbhaya's fault to be out beyond 9" is normalizing a very heinous crime. Contrasting comments were also made saying if it was Nirbhaya's fault, then "what must have 5 year old done to ask for rape!" thus, building a very basic question as to whether after any rape incident, there is the need to ask where the woman was, what she was wearing and if such questions are asked, then it does reflect a certain kind of misogyny. However, once such statements were made, many people came up in support of the victim saying that crime cannot be justified with such comments. Most of the times, it can be seen that rape and rape culture are interconnected with gender inequality in a society. Hence women, it seems get accused of their own rape because they express "non-feminine behavior" which does not sit well with the power relations that the society approves of. Excuses such as "he would not have done so had she not provoked him" bring out the

inherent prejudice against women and direct that the concept of rape culture is beyond any individuals' understanding and is most of the time a social construct. Also, women who are sexually objectified also more likely to be blamed and are believed to experience less injury or harm from rape than women who are not sexually objectified (Loughnan, Pina, Vasquez, & Puvia, 2013). Here, it will be apt to quote the perpetrator of Nirbhaya case who said that "she should not have fought" has also based his argument on this ground saying that "she asked for it" as good girls don't stay out late. This seems justified from his perspective as it seems standardised to his sex category membership (West & Zimmerman, 1987) This idea propounds that it is ultimately the victim who will be scrutinized and not the perpetrator because it is easier to shift the blame elsewhere and it also helps in promoting the idea that women belong to their homes and have a very specific role to play, the only one that the misogynistic impression accepts. However, in the Priyanka Reddy case, people have come up with questions such as 'this one could have been avoided.', had she been a little more vigilant and asked questions such as "Why did she allow herself to be held in that area hidden by the lorries parked there?". This ultimately brings us to the situation where we can say that most of the times; it is the women who are accused of letting what happened to them and by saying that had they adhered to the norms, they could have avoided the fate.

However, feminists have always tried to nullify such thought process and have been active in social media discourse related to the rape and rape culture. "Why are girls targeted all the time It was not Nirbhaya's fault that she went for a movie with a guy frnd at 8or 9". "Nirbhaya's fault was she was a woman. She didn't do any harm So please stop the comparison." Such statements bring out how feminists have been actively participating in breaking rape myths and the just world beliefs that suggest that criminals are not responsible for sexual assault or rape as propagated by rape culture that normalizes rape with the same argument.

**Criminal Judicial Proceeding and the Role of Social Media:** In the Priyanka Reddy Case, the succeeding encounter after the brutal rape and murder, killed the accused and people have been accusing the government and multiple levels of discussions have emerged. Some hailing the police officers involved, some saying that administrative machinery is completely handicapped in handling culprits, while others accusing of violation of human rights of the accused who could not get a chance to defend themselves. A large section is rejoicing saying that this is exactly how justice should be served, "The reason why people celebrated Priyanka Reddy case's end was because this society has had enough of crimes against women & the current situation of judiciary in Nirbhaya case highlights the apathy & delayed justice." It has been 7 years and yet the culprits of Nirbhaya's case have not yet been brought to book and according to popular narrative, if the culprits are not hanged, it will be justice denied to the deceased victim. "But that's not anyone's fault except India's laws. Who are painstakingly slow. Hell, Nirbhaya's fast track court proceeding took 4 years". Also, because the judicial proceedings take their own course, there is generally delay in giving judgements and this sometimes clashes with the popular thought process of justice which dictates that justice should be immediate. Media has been a catalyst when trying to create a public opinion or when being a platform where people can discuss about the judiciary without actually disturbing the course of the proceedings. Legal affairs do take their own course. A case may come to light because of media's intervention as it happened in the case of Jessica Lal but media has often been accused of media trial which goes beyond creating awareness and tries to crown someone with the blame of being a culprit when in reality, there may be a dearth of proof for the same as happened in the case of Aarushi Talwar murder case of 2008. However, in rape cases, most legal proceedings keep pending for years. This brings out the frustration amongst the citizens which ultimately creates narratives that say that culprits should be handed down to the crowd and public justice should be served.

**Conclusion:** In a patriarchal society, men are able to trust the court system to defend them because it speaks in their dominant language (Burnett, 2009). Women, however, do not enjoy this same freedom - they may not report to male dominant structures like the court system because they feel the dominant language therein does

not provide the best vocalization of their experiences (Burnett, 2009). Perhaps the Indian society should put a more critical thought forward in order to check whether the interests of the perpetrators of rape are being given more importance and in so doing, whether the interests of the victim are being compromised. As could be seen from the study, the perpetrators are at full liberty to share what they feel like about the victim and the lawyers have also been making statements that do not sit well with the feminist thought process. However, the role of the media is limited to that of a promoter of an opinion or at best at creating a popular narrative that might affect the thought process but does not really effect the judicial proceedings. The researcher has found problematic links between misogyny, rape culture and the whole process of accepting rape as nothing but something that “could have been avoided” in the form of victim-blaming and somehow trying to protect the perpetrator by saying “men will be men” or “he was provoked”

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