

Running Head: NAMING RAPE VICTIMS

Survivor Identification: The Ethical Debate on Naming Rape Victims

Kenna Griffin

University of Oklahoma

Abstract

The debate regarding whether rape victims should be named in print media has been ongoing for decades, despite the majority of newspapers having clear policies against publishing victims' names. Legally, rape victims' names are part of public records, specifically those dealing with law enforcement and the court system. However, journalists typically avoid naming them in stories. Proponents of naming rape victims in newspapers, including some victims, say the names will help eliminate the stigma that the victims should be ashamed or have done something wrong. Opponents of naming rape victims in print say it is the newspaper's duty to report the news while minimizing harm to those who have been victimized. They also argue that rape victims (or any other victim) cannot necessarily give consent during traumatic times. The first portion of this paper is a review of the relevant research literature. The second portion describes an ethical case in which a rape victim is named. The final portion outlines the ethical and journalistic models that should be considered when deciding whether to name rape victims. This paper is not meant to report about the victimization of women as a whole or lump the media's naming of rape victims into a single category. Instead, it is meant to focus specifically on print media, i.e., newspapers. Although the naming of rape victims is an important topic of discussion into today's media environment, no previous review of literature on the topic was found.

Survivor Identification: The Ethical Debate on Naming Rape Victims

Most of the available literature on the topic of naming rape victims is informal debates or opinions published in trade journals, although academic research papers and scholarly books are available on the subject. The majority of the informal literature revolves around a select few scenarios and the implications of the decisions made in those cases. The academic literature discusses how identifying rape victims might alter readers' perceptions, the arguments on both side of the issue and what editors consider when making these decisions. A review of the literature associated with naming rape victims in print media will give a foundation for the ethical argument of whether the victims should be named.

The effort to locate relevant literature on the topic began with a database search. Articles located through the online search were then scanned for additional citations and citations were compared. The process continued until no new relevant articles appeared on the specific topic. It is important to note that a myriad of research, including much peer-reviewed research, exists on related topics including reporting about victims and trauma, naming victims in the media and general methods used for coverage of rape across the media spectrum. Because this paper focuses specifically on naming rape victims in print media, i.e., newspapers, those articles were not included in the review. The resulting 16 articles, which include a single chapter in a book, are organized based on the positive and negative aspects of naming rape victims in print media. Despite the rigor of the search for articles, it is possible that some applicable works still could be identified and that additional study could be done, specifically involving the naming of victims in general or the treatment of rape victims on television.

The Argument for Naming Rape Victims

Journalists pride themselves on being as objective as possible; on treating all people equally. The concept of equality is just one of the reasons editors think rape victims should be named. Advocates of naming rape victims say public information central to the reporting of a crime should be disclosed, according to Roger Simpson and William Cote' (2006). This theory supports the traditional idea of journalists as truth seekers and reporters, not information suppressors. Advocates also believe that not naming rape victims reinforces the stigma against those who are raped and who need to be noticed and accepted in their communities, according to the authors. Advocates also believe rape victims should be treated equally and given the same treatment of other types of victims who are named, according to the authors. Finally, advocates understand that false rape charges are made and those who make false charges should not be protected while their accused suffers, according to Simpson and Cote'.

Few editors argue that naming rape victims is acceptable in all circumstances. Instead, they argue that the decision to name the victim depends on the case. Tommy Thomason, Paul LaRocque and Maggie Thomas (1995) found that the majority of newspaper editors would name a sex-crime victim if the victim also was murdered, asked to be identified or went public by revealing his or her identity in some way. Andsager (1992) found that men are more likely to support the naming of rape victims than women. She also found that educated people are in greater support of a free gamut of press rights, but still generally don't agree with naming rape victims or juveniles.

Johnson (1999) said some people think journalists should publish sex-crime victims' names because it promotes truth and helps reduce the stigma associated with the

crime. She also wrote that a small number of journalists say sex-crime victims should be named because it is a journalists' obligation to put all available facts before the public so people can make an informed decision. Proponents, according to Johnson, say that readers also identify more with named victims because it makes them seem more like a person instead of a statistic.

Kate Robinson (2007) gave a gripping first-person narrative of the night she lost her virginity to a rape. In the article, published in *The Oklahoma Daily* - the student newspaper at the University of Oklahoma in Norman, Robinson described in vivid detail the night she was raped by a friend's husband while her friend and the couple's children slept upstairs. Robinson ended the column by confessing that she can tell people feel uncomfortable about discussing rape around her, and them not doing so leaves her feeling more alone. She also discussed the feelings of shame, guilt, fault, and damage. Robinson wrote that she hoped that someone who read the column would discover that she was not alone in her pain. Erasing the stigma associated with rape and reaching out to others with similar experiences is a common reason cited in support of releasing victims' names.

Dick Haws and Melody Ramsey (1996) found that the *Winston-Salem Journal* has a strict policy for naming both adult victims and assailants when an arrest is made in a rape case. The newspaper's editors say the policy promotes objectivity and both sides of rape stories. They say they want to be fair to the accuser and the accused, and that both people are stigmatized as a result of a rape complaint. The policy has put the paper in the limelight and made rape victims and their advocates critical of the newsroom management's decision-making skills.

Kelly McBride (2002) wrote that critics of the guidelines against naming rape victims say withholding the information violates the principles of fairness and balance because the names of those who are accused of the rape are almost always divulged. She also told the story of a decision at *The Des Moines Register* to name the victim in a five-part series that later won a Pulitzer Prize for public service. McBride wrote: “the paper’s switchboard lit up. Rape survivors across the country called in, thanking the paper for giving voice to their agony” (p.10). She suggested that most journalists agree with the criticism supporting why rape victims should be named, but justify not naming the victims because of the harm that can be caused.

“Readers and viewers appreciate a story they don’t always hear. Victims feel empowered when they can share their experiences. Yet, those facts cannot be reconciled with the research numbers, particularly the one in which rape victims say they worry other people will find out” (p.11).

The Argument Against Naming Rape Victims

There are three standard reasons that journalists do not name rape victims, according to Kelly McBride (2002). First, rape is different from other crimes because society often blames the victims, according to McBride. There is a negative stigma attached to being a rape victim. Second, rape victims are less likely to report the crime if they know their names will appear in the newspaper. This is a problem, according to McBride, because rape already is the most underreported crime in the country. Third, rape victims are treated poorly by society and, therefore, deserve a level of privacy not afforded to other crime victims, McBride wrote.

Migael Scherer (2003) wrote that there is one reason not to name rape victims - “it hurts.” Scherer, a rape victim herself, wrote that naming rape victims hurts them by

forcing them to relive the trauma. Naming rape victims also hurts the community, according to Scherer. She wrote that this harm occurs as a result of victims not wanting to report rape because they don't want their suffering to become public. Scherer applauded reporters for attempting to change the stigma surrounding rape, but wrote that instead they should consider educating themselves and the public, and empowering the victims. She wrote that more victims will speak out if they believe they will be treated with respect by the media.

There is little doubt that naming rape victims is an ethical dilemma for journalists. Marlyss Schwengels and James B. Lemert (1986) found that the field was equally divided between editors who thought it was "right" to print the names and cover rape as fully as any other news and those who thought the victims should be protected. Michelle Johnson (1999) wrote about how public interest demands full coverage of the criminal justice system, but reporting certain aspects of rape can be traumatizing to victims. Johnson maintained that rape victims overwhelmingly object to the reporting of their names because it might result in public humiliation, ostracism and even retaliation. In a perfect world, Johnson wrote, sex-crime victims would not be stigmatized, but, because our world is not perfect, journalists shouldn't make victims' ordeals worse. She also suggests that the knowledge of their name being printed may dissuade rape victims from reporting the crime.

Michelle Johnson (1999) identified an important area of research not discussed among the other academicians. She sought to study whether printing the rape victims' names had an impact on the audience's understanding of the story or changed their perceptions of the issue. To do this, she considered three issues. First, how victim

identification affects the story's educational value. In other words, did readers feel more informed by news stories (one of the primary roles of journalism) when the victim's name was included? Second, the amount of sympathy readers expressed for victims. With this area Johnson wanted to measure how difficult the reader thought the victim's recovery would be based on the story. Third, the assignment of responsibility for the crime. In other words, were victims being blamed for the crime?

Johnson (1999) completed her research by surveying 232 students in an introductory mass communications class at a public university. The survey had a 97 percent response rate, with the majority of respondents being between the ages of 18 and 22. More than half of the respondents were female. What Johnson found was that the majority of respondents did not think it was appropriate to name rape victims in stories. The report was interesting because, although Johnson found that most of the respondents entered the study with an opinion on whether or not the names should be used, when they were presented with a series of articles in which some victims were named and others were not it had no impact on how they felt about the stories or the victims.

Therefore, Johnson (1999) concluded that people have strong feelings about privacy and rape but do not pay enough attention to news stories about rape to notice when victims' names are printed. Johnson's research essentially found that, overall, there is no effect from identification of rape victims in the news. People do not sympathize more with victims when they are named, but they do not blame them more either. However, Johnson noted that naming the victims does affect the victims. She concluded that, because of the lack of evidence that naming reduces the stigma by educating the public about rape, journalists should refrain from using victims' names. In other words,

why harm or re-tramatize the victim when it's simply not necessary for the story to be profound?

A study by Dick Haws and Melody Ramsey (1996) found that 18 rape victims named by the *Winston-Salem Journal* were angry about being identified and said they had suffered as a result of their names being printed in the paper. Most of the women said they did not know when they reported the crime that they would be identified in the paper, according to the study. Some of the women also said they would not have reported the crime if they had known they would be named. Three women surveyed said, if they had known they would be named, they definitely would not have reported the rape. Most of the women agreed that, as a result of being named in the paper, they experienced emotional trauma, embarrassment, shame, and problems with relationships. Ten of the 18 women surveyed said they felt more as if they were to blame for the rape as a result of the publishing policy.

One Victim's Story

On June 21, 2002, Bridget Kelly became a rape victim and her father, Michael Kelly, became an expert on the subject. Michael Kelly is a columnist for the *Omaha World-Herald*, a more than 200,000 circulation newspaper in Omaha, Nebraska. After his daughter's rape, Kelly won a variety of awards, including the 2003 Distinguished Writing Award for Commentary/Column Writing from the American Society of Newspaper Editors, for a series of columns he wrote on his daughter's ordeal. He also became a key resource in the debate about whether newspapers should name rape victims.

According to Kelly's series (2002), Bridget Kelly, then a 24-year-old first grade teacher in Texas, had just returned home from taking a friend to the airport when 18-year-

old Jamaal Adrian Turner kicked in the door of her apartment and kidnapped her at gunpoint. Turner, a stranger, forced Kelly into her 1993 Nissan Maxima and drove her to an ATM where he made her withdrawal \$200. Turner then drove Kelly to a field at the edge of a housing development, raped her, forced her to turn around, and then shot her three times. Turner, who later admitted he thought Kelly was dead, drove away, leaving the woman in the field. Kelly ran 200 yards to a new subdivision where she pounded on a door and a woman called 9-1-1 for her. A family wrapped her in a blanket and waited for an ambulance to arrive. After repeated surgeries, including one that lasted more than six hours the same day as the shooting, Kelly survived. She returned to teaching, but suffers from post-traumatic stress disorder and juvenile diabetes, which doctors said was induced by the stress of her attack.

Turner returned to the scene with two friends to gloat about his escapade and show off the body. When he got near the crime scene, he saw emergency vehicles and ran. Six hours later, a Killeen Texas Police Department SWAT team arrested him at his house. He was charged in Bell County, Texas, with five counts including attempted murder and aggravated sexual assault. He later pleaded guilty and was sentenced to life plus forty years in prison. He'll be eligible for parole on June 21, 2052.

Michael Kelly chronicled his daughter's ordeal in a set of columns printed between June 30 and November 28, 2002. In the first report, Kelly told the story of the day he found out what happened to his daughter, never mentioning the rape. Although names of rape victims are public records, most newspapers have policies against printing them. These policies are based at least in part on the Society of Professional Journalists' code of ethics and its call to "minimize harm" to those who are covered in the news. In

the second column, Kelly admitted to readers that his daughter was raped, writing that he printed the crime with her permission. He wrote that his daughter being raped created a “policy dilemma” for his editors because his daughter’s name already had been reported on national news (and in their newspaper) in relation to the brutal shooting. The charges then were filed and included the sexual assault. Kelly wrote that his editors made a “rare exception” and reported the rape, despite a “long-standing policy not to name rape victims.” Kelly wrote that he agrees with the policy because it is grounded in the idea that society still attaches a stigma to rape victims and printing their names might discourage them from going to the police.

On August 11, 2002, Kelly wrote a column furthering information about the stigma of rape victims. He wrote about being angry because Ted Kavanau, a former CNN vice president, said to him on national television that the stigma of rape victims will never go away. Kavanau said: “Women who are raped, in almost every single culture, are considered damaged goods,” according to Kelly. In the article, Kelly wrote about other scenarios where crimes were reported originally with victims’ names to have the names withdrawn after a rape accusation was made. He likened this to attempting to put “toothpaste back in the tube.” In the same article, Kelly admitted that there are arguments on both sides of the issue but “social stigmas can be changed.”

Applying Journalism Ethics

Journalism ethics support the argument to name rape victims in stories as well as the argument not to, depending on which ethical model is applied. Deontological ethics supports editors’ decisions to withhold the names of rape victims. Specifically, the Society of Professional Journalists’ code of ethics, which falls under this ethical model,

addresses the journalists' responsibility to minimize harm to those they cover. The code says journalists should treat people like human beings deserving of respect, not as words in print or "just another source." The code specifically addresses showing compassion to people who might be negatively affected by news coverage and that the pursuit of news is not a "license for arrogance." In addition, the code directly addresses that newspaper editors should be cautious when identifying victims of sex crimes. A contingency of rape victims reported in the research that seeing their name in the newspaper further victimized them by making them feel guilty, embarrassed and ashamed.

Social responsibility theory supports editors' decisions to print the names of rape victims. The theory suggests that the media has an obligation to attempt to better society by keeping them well informed and allowing them to make their own decisions for the betterment of society as a unit. Several pieces of the reviewed literature reported that some rape victims themselves believe that printing their names helps society by making them more informed on the topic and helps alleviate the stigma attached with being a victim of sexual assault.

Perhaps the best decision for editors to make in regards to whether they should print the names of rape victims is one that falls between the policies of always or never. Instead, it seems that it would be more beneficial to all parties involved if editors applied consequentialist ethics, considering both the positive and negative outcomes of their decisions. The purpose of consequentialist ethics is to find the greatest balance of good over harm. The ethical model also does not assume that what is good for one person might be beneficial for another. The ideal can be accomplished simply by having a policy that allows editors to consider their options and the opinions of each individual victim

before making a decision whether to use the names. If the victim consents to having his or her name printed in the newspaper and adopts the social responsibility perspective, then the editor should support that decision. If the victim does not consent or is unable to be reached for a comment regarding the decision, the editor should air on the side of caution and not allow the name to be printed. Consequentialist ethics were the basis for Michael Kelly's decision on printing his daughter's name and details about her rape. He made the decision with his daughter's permission.

The Kelly case is unique in that the victim's father writes for a newspaper as a columnist, and, therefore, has at least some level of freedom and control regarding the topics he addresses. It is a solid example because, despite his personal involvement, Michael Kelly received his daughter's consent before running her name in association with her rape. Roger Simpson and William Cote' (2006) wrote that rape victims can be harmed when their name is printed against their will. The authors wrote that rape victims are becoming an honored group of survivors with the strength to speak publicly about their experiences and use this social responsibility to help others. The authors suggest, however, that journalists protect rape survivors until they are ready to speak out. This is a good policy for newspapers to adopt that is steeped in consequentialist ethics.

Conclusion

The question of whether newspapers should print the names of rape victims is not a new one. A review of the relevant literature on the topic shows that those who think the media should name rape victims believe this should be done because it is the journalist's role to report all of the news and reporting the names could result in a social responsibility effort to make people more knowledgeable and engaged in the topic. Those

who disagree do so on the foundation that the potential harm it could cause to those people who already are victims is not worth the risk. Applying the consequentialist and deontological ethics to the Kelly case suggests that whether victims will be further traumatized as a result of their name being printed in association with their rape is highly dependent on the victim and their willingness and ability to consent. However, social responsibility theory suggests that journalists must proceed with extreme caution when attempting to make that distinction.

Kim Karloff (1997) took an altogether different approach to the rape victim issue that is worthy of consideration and future discussion. Instead of debating the merits of whether victims' names should be printed, she researched the opinions of journalism students in the late '90s in an attempt to measure how the policy debate might transpire. Karloff asked students whether sexual assault/rape victims should be named and asked them to respond to a hypothetical situation where they were an editor who had to make that decision. The research was performed over three years and six courses of journalism students at the University of Iowa's School of Journalism and Mass Communications. Of the 89 students surveyed, Karloff found that the male students were more likely to name the victim and the accused in rape stories. Nearly 70 percent of those surveyed said it was acceptable to identify rape and sexual assault victims if the victim asked to be named, consented to the naming, is well-known, or is murdered. The students in Karloff's study could be the newsroom managers of today. Perhaps it's time to revisit the problem of whether to name rape victims and attempt to determine how the next generation of newsroom managers will solve it.

References

- Andsager, J. (1992) Differentiating media practices: how demographic variables relate to support for freedom of the press. Dissertation presented in part at the annual convention of the Association for Education in Journalism and Mass Communications, Montreal.
- Haws, D. & Ramsey, M. (1996). The Winston-Salem Journal and the Identification of Sexual Assault Victims. *Newspaper Research Journal*, 100.
- Johnson, M. (1999). How identifying rape victims affects readers' perceptions. *Newspaper Research Journal*, 64-80.
- Karloff, K. (1997). You be the editor: a three-year study of student journalists and the rape victim identification debate. Unpublished doctoral dissertation, University of Iowa.
- Kelly, M. (2002, June 30). Family's tragedy becomes a miracle. *Omaha World-Herald*.
- Kelly, M. (2002, July 25). A plea for more openness on rape. *Omaha World-Herald*.
- Kelly, M. (2002, August 11). Rape survivors deserve no stigma. *Omaha World-Herald*.
- Kelly, M. (2002, September 1). Less than a man. *Omaha World-Herald*.
- Kelly, M. (2002, September 1). Michael Kelly's victim impact statement. *Omaha World-Herald*.
- Kelly, M. (2002, November 28). An extra reason to give thanks. *Omaha World-Herald*.
- McBride, K. (2002). Rethinking rape coverage. *Quill*, 8-11.
- Robinson, K. (2007, November 13). Endless nightmare. *The Oklahoma Daily*, 1-2.
- Scherer, M. (2003, July 28). Naming the Victims of Rape. *Dart Center for Journalism and Trauma*. Retrieved November 9, 2007, from <http://www.dartcenter.org>.
- Schwengels, M. & Lemert, J. (1986). Fair warning: a comparison of police and newspaper reports about rape. *Newspaper Research Journal*, 35-42.

Simpson, R. & Cote, W. (2006). *Covering violence* (2nd ed.). New York: Columbia University Press.

Thomason, T., LaRocque, P. & Thomas, M. (1995). Editors still reluctant to name rape victims. *Newspaper Research Journal*, 44-45.