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# Media Messages and Same-Sex Sexual Consent

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# MEDIA MESSAGES AND SAME-SEX SEXUAL CONSENT

RYANN ROONEY

89 Pages

There is a difference between narrative and the quality of representation when discussing topics in mass media. However, the difference between narrative and the quality of representation is often ignored when same-sex sex is portrayed in media. Missing from a significant amount of the literature on same-sex sexual behavior is how mass media discuss sexual consent. To fill the gap in the literature, I will examine the following: 1) how mainstream media's discourse on same-sex sexual consent (SSSC) is similar to queer media's discourse on same-sex sexual consent, and 2) how media messages define sexual consent between same-sex individuals. To examine these questions, I analyzed 15 texts from English-language mainstream media and queer media outlets. My analysis found that mainstream media's discourse on same-sex sexual consent is similar to queer media's discourse on same-sex sexual consent due to the language used, the emotions conveyed, the definitions provided, the types of sexual assault discussed, and reader reaction. Additionally, my analysis found that mainstream and queer media messages use the cultural understanding of different-sex sexual consent (DSSC) and assault to define same-sex sexual consent. This research moves U.S. society towards a more accepting and tolerating society towards individuals who engage in same-sex sexual activity.

**KEYWORDS:** Sexual Consent, Homosexuality, Same-Sex, Media Discourse, Gay

MEDIA MESSAGES AND SAME-SEX SEXUAL CONSENT

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MEDIA MESSAGES AND SAME-SEX SEXUAL CONSENT

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## CHAPTER I: BACKGROUND

According to sexual assault statistics, there has been an increase in the number of women in college who experience sexual assault (Jozkowski and Peterson 2013). “Sexual assault is often defined as sex in the absence of consent” (Jozkowski and Peterson 2013:517). Sexual assault occurs when sexual consent is not obtained and an individual uses force or verbal coercion on another individual in order to engage in sexual activity (Jozkowski and Peterson 2014). Previous research has examined how heterosexual partners communicate sexual consent with one another (Beres, Herold, and Maitland 2004). Consequently, given the topic of this thesis, it would be remiss not to discuss the legal definition of sexual consent before diving into the subject and literature of sexual consent and sexual assault.

The legal definition of sexual consent states that sexual consent is freely agreeing to engage in sexual activity with an individual (*RAINN* 2018). However, the legal definition of sexual consent differs in each state, thus creating unclear expectations and popular misconceptions. For example, most legal definitions do not state how an individual gives or receives sexual consent. Legal definitions do not capture if sexual consent is a “yes,” or a head nod, or a handshake, which results in portions of the legal definition being unclear. Further, many legal definitions of consent discuss what sexual consent is not. Arizona’s and Arkansas’s definition of sexual consent addresses what sexual activity is without sexual consent. For example, Arizona defines sexual consent as a victim not being incapacitated. Moreover, many state’s legal definitions that define consent use language that involves a victim and does not discuss a perpetrator or another party/individual. The lack of information on the act of perpetrating sexual assault in the legal definition of consent leads to the popular misconception that sexual assault or rape cannot happen when both individuals are incapacitated. As a

consequence, legal definitions of sexual consent can be problematic, which increases the need for continued research.

While the literature on sexual consent is sparse, there is an abundance of qualitative research studies on sexual assault among heterosexual individuals on college campuses (Jozkowski et al. 2014). Many previous studies use sexual script theory and socialization theory in an attempt to understand how sexual consent is communicated (Beres et al. 2004). There are two theoretical perspectives synonymous with research on sexual assault: socialization and sexual script (Humphreys 2000). “Socialization theory suggests that beginning at birth we continuously undergo a process which socializes us to our environment” (Humphreys 2000:11). According to Humphreys (2000), “Males in our society are socialized to be aggressive and dominant” (13). “When partners communicate consent to engage in a sexual encounter, their communication often follows a sexual script” (Jozkowski et al. 2014:905). “Sexual scripts, learned through socialization, delineate how people are expected to behave in sexual situations” (Humphreys 2000:15; Byers 1996). The fact that men and women are socialized differently can provide an understanding as to why men and women have opposing views of sexual activity (Jozkowski and Peterson 2013). Research on sexual script theory implies that men are more likely than women to be the individual who will be interpreting sexual consent (Jozkowski et al. 2014). Furthermore, previous studies that use sexual script theory and socialization theory “have focused exclusively on heterosexual couples, ignoring whether or not the process operates similarly in same-sex couples” (Beres et al. 2004:477).

As Jozkowski et al. (2014) previously stated, there is a lack of research on how gay men and women communicate, define, and experience sexual consent. Due to the fact that sexual consent is socialized, it is imperative to understand how individuals who engage in same-sex

sexual activity learn about and experience sexual consent. One entity that is present in almost every human being's life is media. Mass media have a significant influence on how the public views everyday life. Even though media play an essential role in daily life, not all topics concerning same-sex sexual activity and behaviors receive the same amount of media coverage. For example, there is usually more media coverage surrounding topics of gay rights legislation than there is of topics surrounding same-sex sexual consent. This is especially true if one compares mass media narratives of heterosexual consent to media narratives of same-sex sexual consent. To illustrate media coverage of gay rights legislation, Hitlin, Jurkowitz, and Mitchell's (2013) conducted a study that found 91% of "the news media coverage provided a strong sense of momentum towards legalizing same-sex marriage" (para. 1). As previously stated, while media coverage related to gay rights legislation has been extensively researched, research on media coverage of same-sex sexual activity is lacking.

To help fill the gap, there is a need for research to investigate how media messages provide a sexual consent narrative to same-sex partners, specifically by mainstream and queer media outlets. Based on the gap in the literature, the key objective of this study is to analyze how English-language mainstream and queer media create a similar discourse on SSSC, and how media messages define SSSC. Due to the impact that media have on the way people understand sexual consent, media thus impact the way people discuss and even approach sexual consent. I will show how rhetorical discourse analysis, along with a Burkean lens, narrative theory, and the theory of intertextuality, offer an understanding of how media messages provide specific and influential information to an audience. My findings will show how the discourse on SSSC is similar between mainstream and queer media messages, and how heteronormativity plays a part in the definition of SSSC.

Studying how English-language mainstream and queer media messages provide a similar narrative on SSSC and how SSSC is defined within media messages has the potential to yield several outcomes. The progressive rise in legal cases of male same-sex sexual assault cases shines a light on why research on SSSC is so important. Examining the similarity of discourses on SSSC can raise awareness of the sexual assault that happens to LGBTQ individuals, while setting a standard of how to create safe sex within same-sex sexual activity. Research on SSSC can also help set a standard for how gay men approach sexual consent, which can, in turn, lead to less sexual assault.

In the chapters that follow, I will begin by discussing and examining topics of homosexuality (i.e. gay, lesbian, bisexual, etc.), heterosexuality, media messages, and sexual consent in the literature review. In the design and methods chapter, I will discuss my rhetorical discourse analysis approach, what sources I analyzed, why I chose those sources, and how I analyzed the sources. In the ethical consideration chapter, I will briefly discuss the ethics I followed while researching a sensitive topic. In the findings chapter, I will examine each source very thoroughly. Then, I will present and discuss the major findings from my analysis, how my findings relate to literature, and the significance of my findings in the results chapter. I argue that there is a large gap in the literature on how mainstream and queer media define same-sex sexual consent. I will close my thesis with my conclusion chapter that offers a summary of the literature on the topic, my findings, and the implications of my findings. I suggest that English-language mainstream and queer media have a similar discourse on same-sex sexual consent, and that media messages use the cultural and legal understanding of different-sex sexual consent to define same-sex sexual consent.

## CHAPTER II: OVERVIEW OF SEXUAL CONSENT AND MASS MEDIA LITERATURE

The following literature review discusses sexual consent research between heterosexual individuals and gay individuals. There is an extensive amount of research on how heterosexual individuals communicate, define, and experience sexual consent. It explores sexual script theory, scripted refusal, and different modes of communication. However, when it comes to the heterosexual individuals' counterpart, gay and lesbian individuals, there is little to no research on how sexual consent is communicated or even defined. This is especially true for the narrative of same-sex sexual consent that mass media generate. Simply put, there is a research gap in how media provide a sexual consent narrative to same-sex sexual behavior.

### **Overview of Heterosexual Sexual Consent**

“Despite copious research examining sexual assault, sexual consent research is quite limited” (Jozkowski and Peterson 2013:517). This is especially true when examining the statistics of sexual assault on college campuses. A model used to measure and understand how college students communicate and negotiate sexual consent is the Consent to Sex Scale (CSS). The CSS is a quantitative assessment on how specifically college students on college campuses verbally or non-verbally initiate sexual behavior (Jozkowski and Peterson 2014). Current research on sexual consent provides knowledge as to how college students, specifically men and women, use socialization and sexual scripts to communicate sexual consent. Society has created a picture of sexual consent that involves a man asking a woman if he can engage in sexual activity. In turn, within society, sexual consent is often addressed and discussed using a male point of view (Jozkowski 2011). This “conceptualization of consent” perceives men as “perpetrators” and women as “victims” (Jozkowski 2011:7).

It is hard to study sexual consent because most disciplines have their own ideas about how sexual consent is communicated and negotiated. Most of the literature on sexual consent is based on how a man and a woman might engage in sexual activity, thus sexual consent. According to Beres (2007), “Sexual consent is an understudied and undertheorized concept despite its importance to feminist researchers and activists interested in sexual violence” (93). Many definitions of sexual consent are described using examples of what sexual consent is not. These definitions use force and coercion to illustrate what the negotiation of sexual consent does not include. Furthermore, most examples and definitions of sexual consent have a “gendered nature” (Beres 2007:96). Men are seen as the “directors and indicators” when engaging in sexual activity with women (Sanchez, Fetterolf, and Rudman 2012:169). Women are often seen as “taking on the less powerful role” of being submissive (Sanchez, Fetterolf, and Rudman 2012:169). This relates back to the idea that sexual consent is often viewed from a man’s perspective, where they are seeking permission and women are accepting it. It has become a well-known “belief that men ought to push for sexual intimacy and that women must set the limits” (Humphreys 2000:13; Allgeier and Allgeier 1995; Hite 1994).

Feminist theory heavily emphasizes the differences between genders, which makes it a useful research tool when examining how men and women consent to sexual activity (Okigbo Whittington 2011). Feminist theory examines how social norms, sexual scripts, and inequality lead men and women to consent to sex differently. Society has encouraged masculine aggression and assertiveness (Okigbo Whittington 2011; Humphreys 2000). According to Rubin and Rubin (2012) when feminist scholars research sexual consent, there is an emphasis put on the “issue of dominance and submission” (21). The relationships of submission and dominance that are always at play during sexual behavior perpetuates what Okigbo Whittington (2011) has called

“rape culture” (36). Some feminist theory argues that sexual consent is not an act individuals who are engaging in sexual activity negotiate (Okigbo Whittington 2011; McCormick 1994). Instead, some frame it as a power struggle of a man over a woman (Okigbo Whittington 2011; McCormick 1994). However, many feminist researchers argue that men and women have sexual agency – women feel desire for men, enjoy sex with men, and initiate it. However, women also have times where they do not want to engage in sex, with a particular man, and actively say “no.” For this reason, rape or sexual assault is not just a misunderstanding between two people, as some rape myths might suggest, – it is a power struggle. If men are seen as dominant because they are aggressive and seek sex, then it can be hypothesized that initiating sex is a form of power. Women claim that power for themselves by denying social/cultural scripts and initiating sexual activity themselves.

A number of researchers have studied the intricate modes of communication that men and women have used to communicate, thus negotiate, sexual consent. For example, Hall (1998) examined how male and female college students consented to sexual activity. His study showed that non-verbal communication is used more often than verbal (Beres 2007). A study done by Hickman and Muehlenhard (1999) added to Hall’s research on college student’s sexual consent. According to Jozkowski et al (2014), “Hickman and Muehlenhard (1999) found gender differences in the use of verbal and nonverbal indicators of consent” (906). Additionally, Jozkowski and Peterson (2013) studied sexual consent by recruiting college students for a survey that reported on how each participant communicated, verbally or non-verbally, to sexual activity. This study also reported on how each participant understood their partner’s sexual consent. Similar to previous research, their study found that men are more inclined to use nonverbal cues as sexual consent, while women use verbal cues (Jozkowski and Peterson 2013).

Humphreys (2000) argues that the sexual consent is a social concept created by individuals in society who are governed by social norms that dictate a topic's level of appropriateness. "Men and women receive different information in relation to 'appropriate' sexual conduct" (Hallal 2004:10). Unfortunately, due to the fact that men and women are socialized differently, using verbal or nonverbal communication, without discussion, allows for the possibility of a misunderstanding. Many scholars, that research sexual consent, claim that miscommunication from the use of verbal/nonverbal communication can lead to unwanted sexual contact. Abbey (1982) conducted research that found men were more likely than women to interpret an individual's cordial behavior as sexual assertiveness. According to Sanchez, Fetterolf, and Rudman (2012), "Sexual script theory suggests that the majority of sexual behaviors in heterosexual relationships tend to follow a prescribed social script that reflects the cultural norm" (169). With that said, men and women are aware that each gender is socialized to act a specific way when communicating about and engaging in sexual activity. This might make "males and females skeptical of direct refusals to engage in sexual activity" (Hallal 2004:13). It would be remiss not to mention that all of the studies mentioned above used heterosexual men and women. With that said, researchers have not studied how or if sexual script theory and scripted refusal play a part in gay men and lesbian women lives.

### **Overview of Homosexuality in the United States**

Although a long history of research exists on gay individuals and related topics, the literature on same-sex sexual consent in the United States is modest. In fact, Tattelman (1999) makes a claim that same-sex sexual consent, between two men, might be different than sexual consent between heterosexual individuals. Sexual consent between two men might be different



than consent between a man and a woman because same-sex sexual activity has a different historical footprint than different-sex sexual consent. It would be remiss not to mention that centuries of hatred and disapproval have had a significant impact on how individuals who engage in same-sex sexual activity communicate about sex. For example, same-sex sexual activity used to be illegal and taboo. However, when a man and woman engaged in sexual activity they were not facing public condemnation.

With the passage of time we can see how homosexuality is approached as a social, cultural, and mainly political issue. Some of the most notable changes have occurred during the last sixty years. For example, in the 1950's homosexuality was considered illegal and viewed as a developmental disability that an individual could be cured of. However, in the late 1990's, gay rights activism started having an impact on the way U.S. society viewed homosexuality. Within the last few decades, U.S. society's enlightened view on homosexuality has started to reshape homosexual norms and institutions. Further, the idea that same-sex sexual activity is bad and evil is quickly becoming much less prevalent. However, there has been a need for things like "codes" for consent with same-sex partners, in contrast to the very different heterosexual approach to consent.

### **Coming Out and Sexual Experience Related**

Coming out and the coming out process is relevant in the discussion of sexual consent due to how the experience of coming out can lead to an individual accepting homosexuality and advocating for what they do and do not want. There is no scientific evidence that claims coming out to family, friends, and society is going to be more prevalent because being gay, lesbian, bisexual, etc. is actively becoming more accepted by society. However, there is a correlation

between a rise in a progressive United States society accepting same-sex behavior and more individuals coming out to their friends and family (Twenge, Sherman, and Wells 2016). In other words, due to gay and lesbian sexual identities becoming more accepted by society, coming out to family, friends, and society is more common. Nonetheless, coming out as a gay, lesbian, bisexual, etc. man or woman is a very personal process that looks and feels different to each individual coming out. When an individual comes out to friends, family, and even society it is a long process (LeVay and Nonas 1995).

Due to society's "stigmatization of anyone who does not comply with heterosexual norms," (Hunter 2012:119) there is a high rate of heterosexism in homosexuals. "High levels of internalized heterosexism have negative effects on gay men and lesbian sexual experiences" (Hunter 2012:119). Further, heterosexism can take shape in the form of either covert or overt heterosexism (Hunter 2012). Due to the dangers that internalized heterosexism poses, the experience of coming out is crucial to sexual consent. If an individual feels overt or covert heterosexism their sexual consent might be different than a gay man or woman who does not feel internalized heterosexism. As I will discuss, heterosexism has the ability to affect sexual activity both before and after an individual comes out. According to Hunter (2012), "overt expression [of internalized heterosexism] expression includes depreciating oneself as inferior" (120). Individuals who feel covert heterosexism "accept one's same-sex sexual identity but act in ways that sabotage oneself" (Hunter 2012:120). In relation to sexual consent, this means engaging in risky sexual behaviors where sexual consent might not be negotiated. Simply put, coming out and either not accepting oneself or not having others accept one can lead to negative outcomes that can impact an individual's sexual autonomy.

As previously stated, coming out as a gay man can result in several emotions, some are even conflicting. If an individual comes out as homosexual and they are not accepted, they can experience severe stress. “In a national survey, 34 percent of lesbians and gay men reported that their family or a family member had refused to accept them because of their sexual identity” (Hunter 2012:xiv; Kaiser Family Foundation 2001). Furthermore, in the same survey, “only 34 percent believed their family to be accepting or supportive of their sexual identity” (Hunter 2012:xvi). However, many factors related to coming out, like being accepted by peers and family or accepting himself or herself, can have an effect on a gay man or woman’s sexual life, thus their sexual consent.

### **Gay Sexual Identity and Sexual Behavior**

Coming out is seen as an incredibly important moment in a gay man or woman’s life because it usually means they are developing a significant part of their identity. However, not everyone who engages in sex with someone of the same sex identifies himself or herself as gay or lesbian. In other words, not all men who engage in sexual activity with other men consider themselves to be gay. This is most commonly epitomized by Laud Humphreys ([1970] 2009) famous “tearoom trade” study during the 1960s. Although Humphrey’s research is considered unethical, it is a groundbreaking study on how gay men communicate about sex in public. The most important thesis of the *Tearoom Trade* illustrated the disparities between the private self and the public self for men who engage in same-sex sexual activity in public. “Many of the participants in tearoom sexual encounters were married (54%), were Roman Catholic (42%), and were politically and socially conservative (32%)” (Nardi 1999:25). When Humphrey’s revealed himself as a researcher to his subjects many acted dismissive to avoid being identified as

deviating from social norms. His research did not aim to find out if someone is gay or ought to come out. Humphrey's research illustrates that sexuality is fluid and cannot be solely understood by analyzing an individual's sexual activity.

As an illustration, bathhouses have played an important role in gay sexuality, sexual behavior, and sexual communication. A bathhouse is a public space where men can engage in sexual behaviors in a non-oppressive environment (Tattelman 1999). Bathhouses have created an area for men who engage in sexual activity with other men to take risks and experiment with same-sex activity. Consequently, and most importantly, taking risks and sexually experimenting offers opportunities to communicate and negotiate sexual consent through verbal and non-verbal cues. With that said, the very essence of sexual consent is communication. To illustrate, communication to inform a partner of what one does and does not like, what one is willing and is not willing to engage in, and even how nervous a person is.

When discussing sexual behavior, gay men are sometimes confronted with the heteronormative question of who is the female and who is the male during sex. This heteronormative idea that there is a male role (the penetrator) and a female role (the penetrated) when two men are engaging in sexual activity comes from modern U.S. culture. Interestingly, this is the opposite of how queer anthropology indicates queerness as being very sexual-object choice focused in the U.S. Additionally, the idea that there always has to be a male and female role in sexual activity perpetuates homophobia. In other words, gay sexual behavior is "shaped by the lack of sanctioned institutional framework for intimate relationships in the non-heterosexual world" (Weeks, Heaphy, and Donovan 2001:107). The idea that there has to be a female role when two gay men engage in sexual activity perpetuates what Warner (1993) calls "heteronormativity" (Weeks et al. 2001:41). Gay sexual behavior consists of the same things as

heterosexual sexual behavior; there is the negotiating of sexual consent, then the sexual behavior. Sexual behavior and the act of negotiating sexual behavior do not only happen between a male and a female. Sex and sexual consent happen outside of the heteronormative context and it does not follow heteronormative scripts.

### **Negotiating Consent among Gay Men**

Although research has provided a good amount of information on sexual behavior and sexual identity relating to homosexuality this cannot be said for the research on sexual consent. For example, the research on DSSC using sexual script theory has not been conducted on same-sex sexual activity. As previously stated, according to sexual script theory, women are passive when engaging in sexual activity, while men seek it out (Humphreys 2000). Consequently, SSSC might differ from DSSC because gay men might be more likely than straight men to abstain from verbally negotiating consent. This might be due to the decades of nonverbal negotiation of sexual consent done in public spaces and bathhouses because of the forbidden nature of same-sex sex. Moreover, DSSC was never remotely treated as taboo of a topic as SSSC has been. SSSC has been shaped by thousands of years of social oppression. Gay men and women were forced to keep their sexual identity and preferences a secret. As I will discuss below, they had to discreetly find another individual to willingly engage in sexual activity with them. Simply put, DSSC and SSSC might be different due to the fact that, the forbidden nature of same-sex sex meant that sexual consent had an additional layer of complexity.

Most of the research on how gay men and women negotiate sexual consent has been in bathhouses (Tattelman 1999). Communication of sexual consent is most often related to the space and the type of relations that can take place in that space. When in private spaces, like a

bathroom, communication methods are less discreet since most gay men are aware of who is interested and available. However, when in public spaces, “a system of codes and behaviors” is how men communicate their sexuality and ability to engage in sexual activity (Tattelman 1999:71). These codes and specific body language are imperative to learn in order for a man to communicate nonverbally with another man who is seeking sexual activity. These nonverbal codes served as a protection for the man propositioning (Tattelman 1999). Only men who know the codes and body language would be able to understand what the man was propositioning. With that said, men seeking sexual activity with other men in public spaces did not put themselves in danger of physical violence. Gay men communicate their sexuality and sexual consent through the way they engage with their environment in public spaces (Hollister 1999).

As previously stated, codes, signals, and body language allow men to engage in same-sex sexual activity in public spaces. In public spaces, the placement of a hand could serve as a code for sexual activity (Hollister 1999). Communication of sexual consent through codes, signals, and gestures is especially prominent in sexually charged spaces like bathhouses and sex clubs. Men who use bathhouses as a place to engage in same-sex sexual activity juggle sending codes and responding to body language and codes at the same time. In a bathhouse setting, some men forgo the codes and advertise what they are interested in by simulating it on themselves (Tattelman 1999). For example, “Those who want anal intercourse will lie on their stomach, displaying their ass” (Tattelman 1999:84). Additionally, “A desire to receive fellatio involves lying on one’s back, spreading one’s legs and, possibly, fondling one’s penis” (Tattelman 1999:84). However, any man using codes or body language has the ability to reject another man’s sexual invitation. Although the AIDS crisis shut down a majority of U.S. bathhouses, well known cities like Chicago, Boston, San Francisco, and New Orleans quickly moved to an

upgraded version of a bathhouse called a “sex club.” Sex clubs, like FLEX Spas in Arizona, and Club Dallas in Texas, advertise rejuvenation in the form of a “Cowboy” whirlpool, dark rooms, and gang showers.

The disapproving stigma of same-sex sex in our society is rapidly changing and becoming much less taboo. However, there are still areas in the United States where same-sex sexual activity is not accepted (e.g. much of rural America). In places where gay and lesbian sex is hidden, public space communication of sexual consent is rarely obvious. Direct communication of sexual consent in public places is rare in order to not alert individuals who might react violently (Tattelman 1999). Based on the research done on same-sex sexual communication in public and private spaces, it can be hypothesized that gay men and women communicate sexual consent differently in hook-up situations than relationships. However, there is not an abundance of research done on the different ways same-sex sexual consent is communicated in relationships. Therefore, the research that has been conducted on the negotiation of sexual consent between two men (majority being in bathhouses) is important to research on same-sex sexual consent.

### **Past Media Coverage of Same-Sex Sexual Behavior**

Social and emotional support that gay men and women receive can come in the form of media outlets and media messages. “Starting in the late 1960s, lesbian and gay activists began confronting repressive laws, police harassment, and discrimination” (Fejes and Petrich 1993:402). Further, these activists tirelessly advocated that the way gay men and women were being treated needed to be shared with society (Fejes and Petrich 1993). During this time, media messages in the form of television, film, and newspapers did not portray gay men and women in

a truthful manner. Notably, media messages used to paint homosexual men as evil or dangerous. Well-known newspapers used derogatory and homophobic slurs like “semi-males” and “drag-darlings” (Fejes and Petrich 1993:402). However, a few years later, major news outlets moved away from using demeaning and derogatory terms by limiting their media messages concerning same-sex sexual activity (Tattelman 1993). When media messages did discuss same-sex sexual activity, or homosexuality, it was referred to “as a lifestyle” (Fejes and Petrich 1993:403). It is important to mention that during this time, and for several decades before the 1960’s, gay men and women were producing queer media (Fejes and Petrich 1993). According to Fejes and Petrich (1993), “By 1976 there were 262 gay or lesbian periodicals in the U.S.” followed by, “By 1987 there were 1,924 gay and lesbian magazines” (Fejes and Petrich 1993:403).

By the 1980’s, media started to reintroduce same-sex sexual activity and homosexuality back into their topic of discussion. At first, media messages centered around the idea of “AIDS as a disease reflecting gay men’s ‘promiscuous and abnormal’ sexual behavior and lifestyle” (Fejes and Petrich 1993:403). Additionally, media messages consistently created a divide between the “‘innocent’” victims of AIDS and the “‘guilty’” victims of AIDS (Fejes and Petrich 1993:404). Individuals who contracted AIDS through “gay sexual contact” were labeled as “‘guilty,’” while individuals “who did not acquire the virus from gay sexual contact” were labeled as “‘innocent’” (Fejes and Petrich 1993:404). It was not long after this when gay men and women pushed back against the way media was discussing individuals who engage in same-sex sexual activity. Producers of mainstream media slowly became aware of the false negative connotation that went along with homosexuality after they took the time to learn about gay men and women (Fejes and Petrich 1993). Shortly after, media outlets started reporting on the biased



coverage of the AIDS epidemic (Fejes and Petrich 1993). Due to this, present day media messages look drastically different than they did 20 years ago.

### **Present Media Coverage of Same-Sex Sexual Behavior**

Fortunately, most media outlets and their messages have a neutral and/or positive coverage on the topic of same-sex sexual activity. According to David Folkenflik (2013), “cultural conservatives who oppose same-sex marriage believe recent coverage of the issue has not fairly reflected their views” (para. 2). When reporting on same-sex sexual behavior, media outlets are tasked with the complex job of reporting on historic moments. This is especially true for the last ten years. Journalists, authors, and bloggers have an obligation to report facts and events to their readers, but they also have an obligation to their employers. Owners, editors, and supervisors of media outlets have a large say in the content that journalists, authors, and bloggers write. If a media outlet’s viewership is primarily a specific political party that media’s messages are going to be written in a way so that their viewership will continue to subscribe. A study done by the Pew Research Center shows that viewers, subscribers, and readers of *The New York Times*, *BuzzFeed*, *The Huffington Post*, *The Washington Post*, *USA Today*, and *The New Yorker* are consistently liberal (Mitchell, Gottfried, Kiley, and Masta 2014). A mainstream media outlet, like *The Huffington Post*, that has liberal subscribers is most likely going to produce media messages that line up with their readers’ values and morals. Additionally, media outlets, like *The Washington Times*, that are commonly known as conservative magazines are likely to produce media messages that are in line with conservative political values. More and more people believe that gay, lesbian, and bisexual individuals should be afforded basic human rights.

Much like media coverage of heterosexual sexual consent, coverage of same-sex sex is only center stage when a public event brings attention to the issue. This is evidenced by the specific stories that the news covers. Notably, everyday discrimination that gays and lesbians face is ignored. A report of a lesbian couple being harassed on the street isn't going to bring in as many readers or viewers as a report on gay rights legislation. However, an exception to this would be the immense news coverage of the terrorist attack on the Orlando, Florida Pulse Nightclub. At the time, it was one of the United State's deadliest mass shootings in history. When gay rights legislation is introduced to any branch of the United States government there is heavy media coverage. Civil rights and gay rights activists have worked tirelessly to educate media outlets on the concerns that gay individuals have, thus using the media to set an agenda. "Agenda setting is the process in which the media influence which issues are seen as most pressing by the public and politicians alike" (Studley 2013, para. 5). While media offers more positive coverage of LGBTQ news, said coverage is specific to same-sex marriage and civil rights.

As stated earlier, in recent years most media messages surrounding gay rights, like marriage equality and discrimination, are talked about as basic human rights for every individual. For example, *The New York Times* described the Obergefell v. Hodges Supreme Court decision as "a long-sought victory for the gay rights movement" (Liptak 2015, para. 1). *The Washington Post* described the decision as "a historic victory for gay rights" (Barnes 2015, para.1). Another piece of legislation that received a lot of media coverage in the past few years is Indiana's Religious Freedom Restoration Act. Under this law, corporations are able to deny service to people for religious purposes without the ability to be sued (Terkel 2015).

As progressive and positive as the media messages have been about the gay rights movement, there is still a disconnect in the conversation and narrative of same-sex sexual consent in the media. Recently, heterosexual sexual consent has received copious amounts of much needed coverage within the media. Brock Turner, a man convicted of raping a woman behind a dumpster, and Donald Trump, a man accused of sexually assaulting numerous women, are at the forefront of sexual consent narratives in the media. However, there is very little mainstream media attention on same-sex sexual consent and the sexual assault survivors of sexual violence among men.

### **Same-Sex Oriented Media**

As previously stated, media serve as a vital component in most individuals' everyday lives. Mainstream media, which is advertised to readers of all demographics (e.g. gender, race, ethnicity), includes outlets like *Time*, the *Huffington Post*, and the *Chicago Tribune*. In contrast, queer media, which is produced and advertised towards specific demographics, includes outlets like *PinkNews*, *Out*, and *The Advocate*. In other words, queer media can be same-sex orientated media, which is advertised towards LGBTQIA individuals. Similar to English-language mainstream media outlets, queer media outlets are influenced by their owner's, editor's, and supervisor's political and social values. As a result, same-sex orientated media messages are likely to reflect their subscriber's views of progressiveness and advocating for same-sex rights and information. Considering the targeted demographic and nature of same-sex orientated media, there might be a difference in the messages produce by queer and mainstream outlets.

Within the last decade, queer media outlets has greatly expanded and solidified its relevancy with "growing visibility" (Bond 2015:37). Queer media has gone from handwritten

flyers and newsletters during the gay rights movement in the 1960's to national magazines, online sites, and newspapers currently. Queer media outlets provide news about sexual consent, sexual assault, gay rights, and a slew of other information (Bond 2015).

### **Current Gap in the Literature and Projected Contribution of Research**

There is a gap in how media provides a sexual consent narrative in same-sex sexual behavior. Furthermore, there is not a single sociological study done on media messages in same-sex partners. The primary objective of this study is to fill in the current literature gap by investigating how media messages define and communicate sexual consent between people of the same sex. The research questions are:

R1: How is the mainstream media's discourse on same-sex sexual consent similar to queer media's discourse on same-sex sexual consent?

R2: How do media messages define sexual consent between same-sex individuals?

## CHAPTER III: DESIGN AND METHODS

### **Overview of Design and Methods**

In order to pursue this research question extensive research needs to be done. Due to their status as a minority, research on media messages of sexual consent in the same-sex partners has been neglected. To illustrate, English-language mainstream media's discourse might be similar or different than queer media's discourse on same-sex sexual consent. Moreover, media messages on sexual consent for individuals who engage in same-sex sexual activity might be different than media messages on sexual consent for individuals who engage in different-sex sexual activity, which denotes this topic is of sociological significance.

### **Design**

#### **What is Discourse?**

Defining 'discourse' is difficult due to numerous definitions created by researchers from fields like sociology to communication. For the purpose of this study, Maarten Hajer (2006) defines discourse as "an ensemble of ideas, concepts, and categories through which meaning is given to social and physical phenomena, and which is produced and reproduced through an identifiable set of practices" (67). Simply put, "every text must be read in connection with other texts" (Lehtonen 2000:126). This is also known as the theory of intertextuality. Texts are interconnected because "texts are inevitably filled with references to other texts, as well as quotations and the influences of other texts" (Lehtonen 2000:126). Analyzing several texts at a time allows a researcher to examine texts that link to other texts and examine texts that refer, unconsciously or indirectly, to other texts. In other words, intertextuality is used to understand how discourse is created and works. According to Jorgensen and Phillips (2002),

“discourse’ is the general idea that language is structured according to different patterns that people’s utterances follow when they take part in different domains of social life” (1). The discourse on SSSC offers an in-depth understanding of what the concept of sexual consent means to individuals who consume media.

### **Why Rhetorical Analysis of the Discourse?**

Analysis of the discourse is used as a methodology when the purpose of a piece of work is to analyze texts on a specific topic (Bardici 2012). This type of analysis was used to examine the messages that a small number of texts implied to their audience. Rhetorical analysis of the discourse allows the researcher to deeply analyze a small number of texts on a specific topic. Analysis of the discourse on sexual consent allows the researcher to focus on the language being used in media, and how the meaning(s) of consent are defined and negotiated through an ongoing discourse in those media. Additionally, analyzing the discourse allowed me to examine texts that were intertextual.

### **Research Method**

In order to answer my research questions, I conducted an analysis of the discourse of media messages on sexual consent in English-language mainstream media and queer media outlets. Discourse from a sociological perspective uses ongoing discourse to examine what U.S. society says about SSSC and what U.S. society is being told about SSSC. It is important to note that I will examine an English-language media text from a single U.K. publication; however, I will be focusing on U.S. culture due to the number of sources that I analyze from U.S. publications. Due to this study using textual analysis to analyze written content within media,

symbolic interaction theory compliments the research questions by emphasizing how the media and individuals are connected (Croteau and Hoynes 2014).

In order to understand how media and society affect each other it is important to acknowledge that both have influence on society. According to Croteau and Hoynes (2014), “Social structures shape—and are in turn shaped by—human behavior” (32). This is especially true when media messages discuss taboo concepts, such as sexual consent. Due to the fact that audiences like, share, and comment on media messages, they have become “the medium through which media messages and technology affect each other” (Croteau and Hoynes 2014:27). When an individual uses media, that individual is interpreting the messages that come with that media. Every individual is different and has his or her own bias. This means that a single media message has the opportunity to be interpreted differently by each person that accesses it. For example, a person who was raised in a strict conservative structure might not interpret a same-sex sexual assault case the same way as person who was raised in a progressive family. Additionally, it is crucial to understand that audiences are very much a part of the ongoing discourse about consent. Individuals “may be literally producing and consuming media at the same time” (Croteau and Hoynes 2014:292). Comment sections, blogs, and several other social media tools allow audiences to interact with media messages. Audiences can message an author directly or comment on a text to share their thoughts with the text’s audience. As an example, until very recently it was considered socially acceptable for a writer or author to use media messages to blame a sexual assault survivor for being assaulted. It can be hypothesized that that it was not until sexual assault survivors and/or feminist scholarship started producing their own media messages that victim blaming was seen as negative and oppressive. This change in the way

victim blaming is interpreted perfectly exemplifies the always-changing relationship between media and the larger societies in which media are embedded.

The audience for my study was very general; it compared the general public and queer media publics. As previously stated, English-language general-purpose media, or mainstream media, outlets like *Time*, *The Washington Post*, *Buzzfeed*, *USA Today*, and queer media such *Curve* and *Instinct* target a wide audience. General-purpose media advertise to readers of all demographics. Queer media, such as *PinkNews*, *Outsports*, *Curve*, *Instinct*, Grindr, Scruff, and Moovz, are not considered mainstream media and advertise to a specific demographic. *Curve* advertises itself as a national gay and lesbian magazine. Thus, their main demographic of readers and subscribers are gay men and lesbians. Social media applications, such as Grindr and Scruff, are advertised towards gay men. Their main demographic of users and viewers are gay men. The social media application Moovz markets itself towards lesbian, gay, bisexual, and transgender individuals. In contrast, Twitter is a general-purpose social media application. Its only target demographic is an individual who has access to the Internet. Additionally, the reader comment section of online articles does not have a target demographic besides individuals who have access to the Internet. Straight and queer people of all demographics are readers, watchers, users, and subscribers to mainstream media outlets.

### **Media Sources**

The media outlets I analyzed were popular newspapers, blogs, magazines, new story sites, and reader responses attached to articles. I analyzed a total of 15 media texts: articles in five newspapers, six blogs or online news sites articles, two magazines articles. My analysis included newspaper, blogs, online news sites, and that have a ranging spectrum of circulation in



the United States and the United Kingdom. Specifically, 14 media texts were published in the United States, and one media text was published in the United Kingdom. Some of the articles cross-reference media in the U.S. and the U.K.. Moreover, the use of 14 U.S. based English-language media texts lends applicability to the use of cultural and legal understanding/knowledge language throughout this thesis.

The first media source I analyzed was newspapers. This included *USA Today*, *The Stranger*, *PinkNews*, the *Washington Times*, and *The Washington Post*. Four of the above five newspapers report on politics, sports, world, national, business, tech, lifestyle, and entertainment news. While most of the sources I analyzed produce texts on a wide range of topics, it is important to mention the political and cultural ideals the producer of each text operates within. According to Mitchell et al. (2014), the average reader of *The Washington Post* is liberal, which implies that this outlet produces liberal valued texts. However, *USA Today* is a centrist paper with conservative readership (Mitchell et al. 2014). *PinkNews* advertises itself as a gay, lesbian, and transgender newspaper, which suggest that it will produce texts that advocate and support LGBTQ issues. *The Stranger* is a Seattle, Oregon based newspaper that has a popular column called Savage Love, which is written by an openly gay man, Dan Savage. Also, *The Washington Times* is commonly understood to be leaning toward conservative values. Incidentally, all of the newspapers listed above produce content on a daily basis that is able to reach individuals all over the Internet.

Additionally, I analyzed six well-known blogs and online news sites. *National Public Radio* (NPR), *Outsports*, *The College Fix*, *LifeSiteNews*, *The Tab*, and *Instinct* are blogs and online news sites that were analyzed. According to Mitchell et al. (2014), NPR has a large amount of liberal viewers, which indicates that it produces content in line with liberal values.

What can be hypothesized as similar to NPR values, *Outsports* advertises itself for gay athletes and *Instinct* advertises itself as online news for the “LGTBQ community.” Thus their political and cultural ideals most likely support and advocate for homosexuality and queer issues.

Conversely, *The College Fix* and *LifeSiteNews* advertise themselves as rightwing, pro-life, or conservative affiliates. It can be hypothesized that *The College Fix* and *LifeSiteNews* support a political agenda and cultural ideals that align with conservative ideals. All of the above blogs and online news sites produce content several times a day. Additionally, the above blogs, and online news sites produce content on politics, entertainment, world, national, sports, and lifestyle news.

The third media source I analyzed was magazines. The two magazines I examined were *Curve* and *Time*. I chose *Curve* because it is a very well-known national gay and lesbian news magazine. Based on the fact that *Curve* advertises itself as a gay and lesbian news outlet, it can be hypothesized that it has a political agenda and cultural beliefs that align with the advocacy and support of homosexuality and same-sex sexual activity. *Curve* circulates every month, and covers topics such as news, entertainment, travel, and health. *Curve* is a magazine that is based in the United Kingdom, while *Time* is a magazine that is based in the United States. *Time* is also a well-known magazine that covers some of the same topics as *Curve*. However, *Time* has a wider audience than *Curve* because it is seen as general-media, it has been in circulation longer, and advertises to all demographics. *Time* covers political, business, tech, health, sports, world, and national news topics. *Time* publishes on a weekly basis, and is a general-purpose media outlet that commonly reports on both liberal and conservative information.

The fourth and final source I analyzed was the reader comment section to online articles. Reader comment sections allow readers to communicate with other readers and the author. I analyzed the reader comment section from online texts in magazines, newspaper, blog posts, and

online news sites. Twelve of the 15 articles used in my analysis had a reader comment section available to the text. However, only nine of the 12 articles had a reader comment section that was utilized. Furthermore, the sexual orientation of commenters was not always available.

Commenters did not consistently share their gender identity and/or their sexual orientation.

Furthermore, I planned on analyzing social media applications, like Grindr, Scruff, Moovz, and Twitter. All of the above social media applications allow users to communicate with other users either through private messages or public posts/content. However, analyzing social media applications did not yield fruitful results. In order to analyze the information shared on these social media applications I would have had to create a profile and engage in conversations with users. Consequently, social media applications were not used as a source.

### **Method Procedures**

While using analysis of the discourse as my methodology, I analyzed texts that the above sources produced. I examined articles that discussed SSSC and assault. Most of my sources are from the Internet, and they are a wide range of sources. Newspapers, blogs, magazines, and online news sites were used as my sources because online content is easy to distribute, easily accessible, and able to reach a large audience. As with the other sources analyzed, reader comment sections are easily accessible and are able to reach a large audience. Additionally, reader comment sections allow audiences to make their own comments or comment on posts left by other audience members and authors. Furthermore, the comment section was analyzed as a way to understand the negotiation of meaning between authors and readers.

Due to most of my sources being from the Internet I used specific search strategies in order to select articles and texts. When I searched for newspaper, blog, and online new site texts

I used well-known search engines like Google. Also, I used Illinois State University's (ISU) online library search engine. I used terms like "Homosexuality," "Same-Sex," "Sexual Consent," and "Sexual Assault." When I used ISU's online library search engine and well-known search engines I searched dual terms using quotation marks and qualifying terms (e.g. "Homosexuality" AND "Sexual consent"). The use of well-known search engines yielded more results than ISU's online library search engine. Using quotation marks when searching specific terms created an advanced search that search the Internet for texts that used those direct terms. Also, using qualifying terms (e.g. "and") created an advanced search that searched the Internet for texts that used both specific terms. I selected articles and texts that highlighted issues surrounding same-sex sexual activity between individuals in relationships. I selected articles and texts through ISU's online library and well-known search engines because the results at the top of each search are articles and texts that are most frequently cited or viewed. Articles or texts that are frequently cited or viewed are reaching large viewership, thus having an impact on society. Also, I utilized the reader comment section of newspapers, blogs, magazines, and online new sites that had one. The reader comment section was analyzed after I selected an online text that discussed SSSC or assault. When looking for articles and texts in magazines I used the same search engines as I did for newspaper, blogs, and online new site texts. However, *Curve* and *Time* circulate on a monthly basis. Thus, the stories that are presented in *Curve* and *Time* are usually nationally known news, rather than local stories. I hypothesized this applied to sexual consent or assault cases that drew large media attention.

I analyzed a plethora of sources because as I began to search for texts I did not find very many texts on SSSC. Casting as wide of a net as possible, source wise, allowed me to analyze as many sources as I could that might mention SSSC. In an effort to collect as many texts as

possible, I compiled a table of texts using specific terms. To illustrate, I searched for texts that mentioned any one of the following terms: “Homosexual,” “Same-sex,” “Queer,” “LGBTQ,” in an article that also mentioned either “Sexual consent” or “Sexual assault.” The supplementary material consists of around 150 texts from the date range of January 1, 2012 to May 2017. Creating a specific date range allowed me to analyze texts from the last five years. Five years was chosen as a sample size due to the increasing awareness around LGBTQ issues within that time frame. The supplementary material consists of a table that displays each author’s name, each article title, each article’s URL, a brief summary of each article, the cultural assumptions of each article, and if the article was written for same-sex audiences. The large number of texts that were gathered ranged from articles to tweets to online forum posts to short news “articles.” The articles in this database discuss sexual consent through the topic of sexual assault. The viewership’s of these texts were not taken into consideration nor was the quality of the content. The texts were not compiled to examine how their information contributed to the discourse, rather the texts were compiled to create an awareness as to how many articles contribute to the discourse on SSSC.

As previously stated, I conducted an analysis of the discourse on same-sex sexual consent in English-language mainstream and queer media messages. I analyzed each media message, or text, deeply several times. I also analyzed how media messages define sexual consent between same-sex individuals. In each online text, magazine article, blog post, and social media conversation I analyzed the definition and narrative around the topic of sexual consent. Additionally, I analyzed the themes and recurrently appearing narratives across many texts in order to understand the discourse on SSSC. In order to do this, I first had to analyze explicit links between texts and meanings across all texts. As my analysis will illustrate, explicit links between

texts occur when different media texts directly, or explicitly, refer to one another. This might occur when a text directly cites, mentions, or discusses another text. Further, the interaction between a text, audience, and author is what creates the meanings in texts. Due to the fact that “meanings change as texts meet with other texts and readers, there is a reason to examine all of the parties involved in this process” (Lehtonen 2000:107). The text, or media message, that authors produce attempts to influence each audience member. An audience member can be influenced by a text depending on his or her education level, socio-economic status, or political beliefs (Lehtonen 2000). Using Lehtonen’s (2000) ideas about analyzing text and context together, I analyzed how media messages define and communicate same-sex sexual consent for audiences using a Burkean lens and a narrative theory lens.

The Burkean lens I used to analyze media messages is through his concept of “god” and “devil” terms. Throughout my analysis, I discovered the efforts of various authors and audience members trying to establish the concept of “consent” as either a “god” or “devil” term. According to Kenneth Burke (1966) the concept of “god” and “devil” terms are created by societies over time (Duck and McMahan 2015). “God” and “devil” terms are created by placing specific qualifying terms/concepts that are either seen as “good” or “bad” next to terms/concepts that do not have a specific connotation. A simple way to think about the concept of “god” and “devil” terms is through the idea of guilt by association. For example, if an individual is reading a book about mundane city streets and the street named Dundee is constantly next to terms like “bad,” “dangerous,” or “poor” that individual is going to start thinking of the street Dundee as negative. Consistently placing negative terms around a mundane street name gives that street name a negative connotation. Consequently, if the social discourse about the street Dundee

continues to have negative qualifying terms around it, the street Dundee is developed into a “devil” term. The same construct applies when “god” terms are created.

While I used a Burkean lens during my analysis, I also used a narrative theory lens when analyzing media messages. Walter Fisher’s (1984) narrative theory suggests, “Words [that] have sequence and meaning for those who live, create, or interpret them” (2). Narratives provide a way for individuals to comprehend the idea that they share common experiences with others (Fisher 1984). Using a narrative theory lens, stories provide examples of what sexual consent is, which helps individuals understand and give meaning to the concept of sexual consent. For example, narratives about sexual consent involve some situations in which an individual consented to sex, and some situations when an individual did not consent to sex. Additionally, in narratives when an individual did not consent to sex, the narrative will discuss what happened in the aftermath of a failure to gain sexual consent.

In addition to the Burkean lens and narrative theory lens, I also heavily examined the intertextuality of the 15 texts that I analyzed. I analyzed texts to see if they had the same or similar messages, or meanings, across all texts. I analyzed texts to find the definition of SSSC and how the discourse on SSSC is similar between mainstream and queer media. However, it is important to mention that I analyzed more than one definition of consent. Additionally, I analyzed more than one way the discourse on SSSC is similar between different media outlets. I took into consideration the date a text was published, who the authors are referring to in the text, and the geographical region in which a text was published. I kept track of the date a text was published in order to analyze if the definition of consent changed over time. I kept track of the geographical region a text was published due to the fact that meanings of consent might be different across different regions. Keeping track of the date of a text and the geographical region

it was published is important to my analysis because political agendas ideals affect how an individual interprets meaning from a text (Lehtonen 2000). Also, the language used throughout the article was examined in order to evaluate if texts cited other texts, either directly or indirectly.



## CHAPTER IV: ETHICAL CONSIDERATIONS

Ethical issues will be taken very seriously when conducting this study due to the sensitive nature of the research topic. I will not be conducting interviews or seeking Institutional Review Board (IRB) approval. My research is very unlikely to cause any physical or economic repercussions.

I have given a lot of thought as to how any bias might be introduced into my research. For example, I have several friends who are in same-sex relationships. I have experience with discussing sexual consent with gay men who have and have not been sexually assaulted. Conversely, being a straight female researcher, who is researching SSSC, means that I will be writing about a topic that I have not experienced. This method means that I may be able to avoid bias that comes with researching a topic that an individual finds personal (Hendricks 1996). Further, this allows me to be more sensitive and vigilant to the experiences of gay men.

## CHAPTER V: FINDINGS

The following findings from research on media messages about same-sex partner's sexual consent arise from 15 articles. The articles discuss sexual consent or sexual assault in multiple environments. I analyzed each article using rhetorical analyses with a Burkean lens, narrative theory, and the theory of intertextuality. Both mainstream and queer media messages share a common definition of SSSC. As a result, the analysis of the texts is broken up into themes surrounding specific assumed definitions of same-sex sexual consent. Specifically, I will argue that texts that imply SSSC is necessary share the theme that an individual is not able to consent to sex if that individual is unconscious, drinking, or using drugs, and that an individual did not consent to sexual activity if they are forced. Additionally, two other assumed definitions of SSSC is that sexual consent is implied in relationships and minors cannot consent to sexual activity.

### **Data Sources Analyzed**

In the following paragraphs, I will discuss 15 texts from different authors and publications. Before I begin my analysis, I will discuss the topic of each text and the publication of each text. It is important to mention a quick fact about each publication due to the fact that each publication has a cultural and political agenda and values that impacts each text and definition of SSSC. My first subheading will analyze seven texts that contribute to the assumed definition that an individual cannot consent to sex if that individual is unconscious, drinking, or using drugs. To begin, Nathan Fort's (2016) article on *OutSports* website is a first person story and discussion of a gay man's repression and sexual assault. *OutSports* advertises itself as a voice for LGBTQ athletes. Victoria Brownworth's (2010) text in *Curve* details the sexual assault

of several women and the challenges women who are assaulted by other women face. *Curve* advertises itself as a bestselling lesbian and gay magazine. Joseph Shapiro's (2014) text on *NPR* discusses the change in campus sexual assault language. *NPR*'s mission statement asserts a high affinity for cultural expression through the most politically correct and factual stories. John Kelly's (2014) article in *Time* briefly discusses his two sexual assaults. *Time* is a national magazine that has been in circulation from several decades. Additionally, Nigel Campbell's (2014) text in *Instinct* is copied from an article, authored by Stephen Houston (2014), from *The Irish Mirror Online* and discusses a heterosexual man who was sexually assaulted by another man. *Instinct* is an online publication that advertises itself as a leading gay men's news, lifestyle, and entertainment outlet. *Instinct* also published two other articles that will be analyzed. One is about a heterosexual male who thinks he engaged in sexual activity with another male. All three of the articles from *Instinct* were presentations of texts from other sources on the Internet (*Irish Mirror Online*, *Reddit*, *The Smoking Gun*, *Gay Star News*) that asked *Instinct* readers to comment.

In my second subheading, I will discuss six different texts that contribute to the assumed definition that an individual did not consent to sexual activity if forced. As I did in the previous section, I will briefly discuss the topic of each text and the publication of each text due to the influence of a publisher's agenda and values. To start with, Rowan Scarborough's (2013) article in *The Washington Times* discusses the new "phenomenon" of men reporting sexual assaults in the military. *The Washington Times* is considered to have conservative tendencies (Flock 2012). Dan Savage's (2012) article in *The Stranger* is a journalist response to a 17-year-old woman who was unsure about her first sexual encounter, which was with another woman. *The Stranger's* editorial director is Dan Savage, who is an extremely progressive and an openly gay man. Scott

Robert's (2014) text in *PinkNews* tries to give meaning and understanding to David Starkey's comments about rape and sexual consent. *PinkNews* reports on stories and articles about LGBTQ entertainers, individuals, and youths. Further, Mike Ross's (2015) article in *The Tab* is a sarcastic take on why men do not report their same-sex sexual assault. The articles featured on its United States tab consists of only college and university issues and topics. As previously discussed, John Kelly's (2014) text in *Time* briefly discusses his two sexual assaults and the statistics of sexual assault on different genders and the statistics of at-risk demographics. Additionally, Joseph Shapiro's (2014) text on *NPR* discusses the change in campus sexual assault language.

In my subsequent subheading, I will analyze two texts from different authors and publishers that contribute to the assumed definition that sexual consent is implied in a relationship. Nick Anderson's (2014) article in *The Washington Post* and Matt Lamb's (2015) article in *The College Fix* discuss a same-sex sexual misconduct case at Brandeis University. *The Washington Post* and *The College Fix* advertise themselves differently. *The Washington Post* is a nationally known newspaper and is known for having a liberal audience (Mitchell et al. 2014). *The College Fix* boasts about its affiliation with the Republican Party. Several of their student reporter biographies mention a connection to the Republican Party or a feature on *Fox News*. Due to the fact that *The College Fix* identifies with the Republican Party, it can be implied that Matt Lamb's text will resemble the values and political agenda of that party. While most publication's and author's values and political agenda line up with their audience, this is not true for all, which *The Washington Post* demonstrates.

In my last subheading, I will analyze two texts from different authors that contribute to the assumption that minors cannot consent to sex. Stacey Barchenger's (2013) article in *USA Today* and Lou Iacobelli's (2016) article in *LifeSiteNews* are about different stories. However,

both articles discuss the topic of sexual consent and share the assumed definition that SSSC is not needed. Barchenger discusses two high school women in a relationship that is deemed non-consensual by Florida state law. In contrast, Iacobelli discusses the change of language in Canada's sexual education curriculum, which advertises itself as inclusive and diversity driven. Barchenger's article is published by *USA Today*, which is known to be close to a centrist newspaper (Mitchell et al. 2014). The "About" page on *LifeSiteNews* (n.d.) advertises itself as a place where "traditional Judeo-Christian principles are emphasized" (para. 4). Additionally, *LifeSiteNews* (n.d.) writers believe that respect for life and family are in danger from "radically opposed views," like homosexuality, that are trying to "eliminate Christian morality" (para. 5). Although *USA Today* and *LifeSiteNews* share different political values and agendas, both of these texts produce the same theme of SSSC. These values and agendas will influence the specific discussion around SSSC.

### **Sexual Consent is Necessary**

A very common theme within SSSC discourse is that sexual consent is necessary when engaging in sexual activity. There are two specific assumed aspects of SSSC that arise in these publications: 1) an individual cannot consent to sexual activity if that individual is unconscious, drinking, or using drugs, or 2) if sexual activity is forced. In the following paragraphs, I will analyze eleven texts, three of which are newspapers, six are blogs/online news sites, and two are magazines in order to present evidence for the two specific assumed definitions in the theme that sexual consent is necessary. It is important to note that the definitions of sexual consent are presented as what is not sexual consent. Many of the texts I will analyze do not directly discuss

what sexual consent is, but rather use examples of sexual assault. This implies that the opposite of these themes represent what sexual consent is.

### **An Individual Cannot Consent to Sex if That Individual is Unconscious or Incapacitated By Drinking or Using Drugs**

I will analyze the following seven author's texts: Fort (2016), Brownworth (2010), Shapiro (2014), Kelly (2014), Campbell (2014), *Instinct* Staff's (2015b) "Straight Guy Raises Question Of Consent After 'Gay Party: Was I Raped,'" and *Instinct* Staff's (2015a) "Man Admits to Sexually Assaulting Passed Out Married Man At Vegas Pool Party." I will analyze how the above texts contribute to the assumed definition that sexual consent is not present if an individual is unconscious, drinking, or using drugs through the use of examples of sexual assault where unconsciousness/drinking/drugs is present, the use of specific negative language, and how life is affected by sexual assault. To begin, three of the seven texts I will analyze describe an individual who was drinking when a sexual assault occurred, which implies the assumed definition of SSSC. These texts reinforce each other by continuously influencing an audience with similar content. Thus the discourse on SSSC is being reinforced by the discourses common definition of SSSC.

The majority of articles do not provide a definition of sexual consent. Instead, the texts provide an example of sexual assault that an audience can use to imply what sexual consent is. Thus a definition is created using antonyms of each word of phrase. In contrast to other authors, Shapiro reinforces the discourse on SSSC by addressing the topic of drinking and sexual assault immediately in his text. A man named Dashow "had been drinking, [and] he agreed to go back to the man's dorm room. He told the man he didn't want to engage in sex, but they did" (Shapiro

2014, para. 20). Although Shapiro does not state that an individual cannot consent to sex if an individual has been drinking, he relies on the cultural knowledge of DSSC to insinuate the individual did not consent to sex due to the presence of drinking after discussing that Dashow stated he did not want to have sex. *Instinct* also addresses the topic of drinking and sexual consent in an indirect way like Shapiro.

*The Smoking Gun* (as cited by *Instinct* Staff, 2015a), in the article titled “Man Admits to Sexually Assaulting Passed Out Married Man At Vegas Pool Party,” describes how a man who “knew his actions were wrong” sexually assaulted an inebriated man, by touching his penis, but was “‘turned on’ by the attractive victim and ‘couldn’t help himself’” (para. 5). *The Smoking Gun* (as cited by *Instinct* Staff, 2015a) in the article “Man Admits to Sexually Assaulting Passed Out Married Man At Vegas Pool Party” uses the perpetrator’s own words to imply that what happened in the Vegas bathroom was wrong. In other words, by not contradicting the original article or the perpetrators words, *Instinct* implies that sexually touching an individual under the influence is sexual assault.

Furthermore, similar to Shapiro’s and *Instinct* Staff’s (2015a) “Man Admits To Sexually Assaulting Passed Out Married Man At Vegas Pool Party” text, the text “Straight Guy Raises Question Of Consent After ‘Gay Party.’ Was I Raped,” written by *Instinct* Staff (2015b), alludes to the assumed DSSC definition of sexual assault to give meaning to his story. The text is a first-person narrative copied from a *Reddit* board, authored by Redditor Redthrowaway96, that asks *Instinct* readers to comment on the issues of consent in the account. It discusses how a man went to a house party and subsequently made arrangements to sleep there so that he could continue to drink. Redthrowaway96 (as cited by *Instinct* Staff, 2015b) states, in the text “Straight Guy Raises Question,” “I seem to remember one guy was telling the other guy that he should leave me alone

and that I was too wasted to fuck” (para. 5). The text is implying that a man could have been sexually assaulted if another man did not help him out. The text “Straight Guy Raises Question,” written by *Instinct* Staff (2015b), does not only address the issue of drinking and sexual consent, it also addresses the topic of being under the influence of drugs and being able to sexually consent.

In the text “Straight Guy Raises Question” Redditor Redthrowaway96 (as cited by *Instinct* Staff, 2015b) states, “I remember coming to with several guys in bed with me naked” (para. 4). Using the language “coming to” implies that the man does not remember falling asleep with these men in bed with him and that sexual activity took place. Subsequently, in the text “Straight Guy Raises Question” Redditor Redthrowaway96 (as cited by *Instinct* Staff, 2015b) states, “I distinctly remember the other guy doing something to my ass. I’m honestly not sure if he fucked me, but something definitely happened. I recall liking how it felt, but that might have been the E talking” (para. 5). Similar to drinking, being under the influence of drugs can alter an individual’s state of mind. Legally, although each state has a different definition of sexual consent, most states stipulate that sexual consent cannot be given by an intoxicated individual (*Sexual Trauma Services of the Midlands* 2018). This is why an individual cannot consent to sex while he or she is under the influence.

Similar to Shapiro and *Instinct* Staff’s (2015a) “Man Admits To Sexually Assaulting Passed Out Married Man At Vegas Pool Party,” *Instinct* Staff’s (2015b) “Straight Guy Raises Question Of Consent After ‘Gay Party.’ Was I Raped” relies on the legal and commonly accepted definition of DSSC when describing sexual assault throughout his text. Both mainstream and queer media outlets use the commonly accepted definition of DSSC when discussing sexual assault in text to imply a definition of SSSC. Additionally, in the text “Straight



Guy Raises Question” Redditor Redthrowaway96 (as cited by *Instinct* Staff, 2015b) continues, “I honestly do not remember if I gave consent or not” (para. 6). This is in contrast to how Fort describes his sexual assault that occurred with drugs involved. “He wrestled me out of the car. He sexually abused me. He drugged me. He raped me” (Fort 2016, para. 19). While *Instinct* Staff’s (2015b) “Straight Guy Raises Question” is not sure if the man was sexually assaulted because he cannot remember from being under the influence, Fort directly asserts that he was sexually assaulted due to being drugged and forced to engage in sexual activity. While Fort discusses that he was forced to engage in sexual activity, he specifically states that he was drugged and forced to engage in sex. Legally, according to most states, sexual activity is illegal if any individual is intoxicated or under the influence of drugs (*Sexual Trauma Services of the Midlands* 2018). He is using his own experience with sexual assault to imply that he did not consent to sex, and an individual cannot consent to sex if they are under the influence.

In addition to Fort using a first person narrative to explore the topic of SSSC, Brownworth also uses first person narrative to detail her own experience with sexual assault. She states, “I was awakened in the dark by her kissing and touching me” (Brownworth 2010, para. 12). Although she does not explicitly state being unconscious means that an individual cannot consent to sex, she strongly implies it. She seems to assume that the reader already knows and accepts this definition of sexual assault.

Although “Man Admits To Sexually Assaulting Passed Out Married Man At Vegas Pool Party,” written by *Instinct* Staff (2015a), does not use a first person narrative when discussing sexual assault, the text does allude to the assumed definition of SSSC in a similar way as Brownworth. In the text “Man Admits To Sexually Assaulting” *The Smoking Gun* (as cited by *Instinct* Staff, 2015a) states, “a security guard...found a ‘Hispanic male adult who appeared to be

attempting to have anal sex with an unresponsive white male adult” (para. 3). According to *The Smoking Gun* (as cited by *Instinct* Staff, 2015a), in the text “Man Admits To Sexually Assaulting,” the perpetrator explained that, “he ‘saw the unconscious male’s penis and was immediately turned on so he began to masturbate” (para. 4). Similar to Brownworth, *Instinct* Staff’s (2015a) “Man Admits To Sexually Assaulting” uses an example of sexual assault to imply that the actions taken were without consent and therefore sexual assault. Furthermore, *Instinct* Staff’s (2015a) “Man Admits To Sexually Assaulting” uses the culturally and legally understood idea that an individual who is unconscious cannot consent to sex to impart meaning to this example.

Kelly candidly states that he was sexually assaulted while in college. For example, “I was raped twice while in college. While incapacitated, a male former intimate partner performed oral sex on me” (Kelly 2014, para. 2). Simply, Kelly states that sexual activity with an unconscious person is legally considered sexual assault.

Further, Campbell’s text, copied from *Gay Star News* and the *Irish Mirror Online*, provides a very specific statement about sexual consent. According to Campbell (2014), “A sleeping man (or woman) can’t provide consent for sex—and neither can someone who’s under the influence” (para. 15). Similar to Kelly, Campbell states that sexual consent cannot be given if drinking incapacitates any individual. Thus Kelly and Campbell are providing a clear definition that same-sex sexual consent cannot be given if any individual participating in the activity is unconscious. While several authors use examples of sexual assault that include an individual being unconscious or under the influence, many authors also use negative language associated with sexual assault throughout their text.

Campbell, Kelly, and Brownworth all use very specific negative emotions in their text when describing sexual assault throughout their texts. Mainstream and queer media outlets use similar emotions, specifically negative emotions, when examining sexual assault to imply a definition of SSSC. The similarity of negative emotions used in both outlets reinforces the discourse on SSSC by providing a dialogue for authors to reference when discussing and exploring the topic of sexual consent and sexual assault. According to *Gay Star News* (as cited by Campbell, 2014), the “victim went home in tears and told his father about the incident” (para. 7). Usually when sexual consent is given in sexual activity there is no upset victim. Campbell is using specific negative language in his examples of sexual assault to imply that the opposite of whatever happened during the encounter is what is supposed to happen. This negative emotion elicited from the survivor is echoed in Kelly’s text as well. According to Kelly (2014), “The amount of pain and anguish that rape caused me” followed by, “The confusion, fear, and shame I felt...contributed to an attempted suicide and subsequent hospitalization” (para. 2, 3). Kelly uses negative language to example how being incapacitated and not being able to consent to sexual activity results in negative emotions and trauma to the survivor.

Equally, Brownworth explicitly mentions the trauma sexual assault survivors face while contributing to the assumed definition that an individual cannot consent to sex if that individual is unconscious or under the influence. “Some women may suffer post-traumatic stress disorder. They can feel fear, have trouble sleeping, and experience anxiety” (Brownworth 2010, para. 35). By stating that female same-sex sexual assault survivors can experience PTSD, anxiety, and psychological trauma, she is implying that consent has been taken from these survivors. Brownworth, like Kelly and Campbell, use this negative language to illustrate that something bad or wrong has happened. While Campbell, Kelly, and Brownworth use obvious specific

negative language with an emphasis on emotion, Fort and *Instinct* Staff's (2015b) "Straight Guy Raises Question" use less obvious negative phrases throughout their text.

Fort uses negative language while discussing how his sexual assault affected him. "It's a struggle to just write a few lines about it" (Fort 2016, para. 19). Again, Fort draws on negative language, although less obvious than Kelly, to imply that something bad or wrong happened. In addition to Fort, *Instinct* Staff's (2015b) "Straight Guy Raises Question" utilizes his friend's reaction to allude to wrongdoing. According to Redditor Redthrowaway96 (as cited by *Instinct* Staff, 2015b) in the text "Straight Guy Raises Question," his female friends "completely lost their shit and are saying I was raped" followed by, "I don't think I was actually raped, but I feel for women that have to go through this shit now" (para. 12). Audiences can assume that the man's female friends were worried because he was under the influence and was not able to consent to sexual activity. When the author states that he does not think he was raped but understands how women feel who are raped, he is implying that he really does think he was raped but does not want to admit it. Due to the commonly understood legal definition of DSSC, most women are told that they are unable to consent to sexual activity if they are under the influence or unconscious. However, men are often not constantly faced with that same information due to the fact that sexual assault prevention often falls to women to protect themselves. Thus, when it comes to understanding and defining SSSC, the definition of DSSC is often relied and drawn upon. Moreover, this similar language illustrates that texts and conversations influence each other.

An additional way that a few authors implied the assumed definition of SSSC is through their discussion of how sexual assault affected an individual's life. Campbell and *Instinct* Staff's (2015a) text "Man Admits To Sexually Assaulting" approach the discussion of how sexual

assault affects individuals through the perpetrator's perspective. For example, Campbell (2014) informs the audience "Fisher [the perpetrator] has been added to the sex offender's list" (para. 11). Similarly, *Instinct* Staff (2015a) in the article "Man Admits To Sexually Assaulting" states, "22-year-old Florida man Gustavo Banegas pleaded guilty to felony charges after sexually assaulting a man who was passed out" (para. 1). The authors are telling the audience that the perpetrator is being faced with legal action, which very clearly establishes that the sexual activity they engaged in did not involve consent. Conversely, Fort discusses how sexual assault affects an individual's life through the survivor's perspective. He states, "I went back to dating girls. I wasn't emotionally ready for what 'being gay' suddenly meant in my head after that experience" (Fort 2016, para. 21). Fort is telling his audience that he had to try to alter whom he was in an effort to deal with being sexually assaulted. Fort uses this profound example of his life being altered after his sexual assault to contribute to the assumed definition of SSSC. All of the above authors not only share a consensus on the theme that SSSC is necessary and the assumed definition of SSSC, the reader comment section of each text echoes the same.

Fort, *Instinct* Staff's (2015a) "Man Admits To Sexually Assaulting," *Instinct* Staff's (2015b) "Straight Guy Raises Question," and Campbell have reader comment sections. All four comment sections imply that an individual cannot consent to sexual activity if that individual is unconscious or under the influence, and that sexual consent is important. The commenter JD, on *Instinct* Staff's (2015a) "Man Admits To Sexually Assaulting" text, states, "Shame on you *Instinct Magazine* for sensationalizing this. Rape is rape. The only thought should be this man deserves jail time" (para. 40). JD is arguing that no matter the circumstances or who perpetrated the attack, an individual under the influence cannot consent to sex. A similar claim is made in Campbell's comment section. According to a commenter named Clayton, "If you engage in a sex

act with someone who is asleep or too drunk to give consent, you have committed sexual assault” (Campbell 2014, para. 28). Both commenters are reiterating the assumptions from both *Instinct* Staff’s (2015a) “Man Admits To Sexually Assaulting” text and Campbell’s text. This illustrates how commenters influence, and reinforce, the author and publisher. Additionally, the same message of support is reflected in Fort’s comment section. For example, commenter rko267 states, “Always feel good about yourself my gay brothers and sisters” (Fort 2016, para. 40). This commenter is implying that individuals who engage in same-sex sexual activity are not doing anything wrong and that same-sex sexual activity is accepted. In contrast, commenter Bisexual Prick, on *Instinct* Staff’s (2015b) article “Straight Guy Raises Question,” asserts, “Had you been a heterosexual woman, that would be rape and they’d get arrested” (para. 16). Bisexual Prick is highlighting how the topic of sexual consent is still a very gendered issue. This commenter is using the commonly known definition of DSSC to create a comparison between SSSC and DSSC. Although he does not explicitly state that an individual that is unconscious or under the influence cannot consent to sexual activity, he/she is implying it as did the authors.

### **An Individual Did Not Consent to Sexual Activity if They Were Forced**

In the following subheading, I will analyze texts from the following authors: Sarborough (2013), Savage (2012), Roberts (2014), Ross (2015), Fort (2016), Kelly (2014), and Shapiro (2014). I will analyze how the above texts contribute to the assumed definition that the use of force indicates an individual did not consent to sexual activity through the use of specific language, definitions of sexual assault and consent, and the concept that no means no and yes means yes. This assumed definition of SSSC is not as clear or obvious as it may at first seem. As I will discuss in the subsequent paragraphs, Savage’s assertion that “yes” is pertinent to engaging

in sexual activity implies that sexual consent is not a black and white topic of controversy. Incidentally, the theory of intertextuality provides a way to show how intertextuality is the foundation of discourse, and such discourse on SSSC uses very specific negative language to imply as assumed definition of SSSC.

Kelly, Shapiro, Ross, and Scarborough all use specific language throughout their text to imply that sexual activity is not consensual if that activity is forced. Kelly (2104) discusses and examples his sexual assault by stating, “I was forcibly penetrated” (para. 2). He uses the specific word “forced” to imply that if an individual is not willing to do something but is forced or made to do it then it is sexual assault. However, John Kelly is discussed at length in Shapiro’s article too. Due to the fact that John Kelly has written his own text about sexual assault and if discussed in another text it gives legitimacy to the theme that SSSC is necessary. Further, Kelly has testified before Congress with his sexual assault experiences in order to enact change in federal law, which lends legitimacy to the theme that SSSC is necessary. When Shapiro (2014) discusses sexual assault he uses the language “he didn’t want to engage in sex, but they did” (para. 20). While he did not use the specific language of “being forced” he did greatly imply it by stating that a man engaged in an activity that he did not want to engage in.

While Shapiro states that sexual assault is forced sexual activity, Ross and Fort use specific language like “force” and “stop” throughout his text. Ross (2015) labeled his own sexual assault as “forcible unwanted penetration” (para. 9). He details the sexual assault by saying, “He asked if he should stop, and you said definitely, but...he acted like he hasn’t heard you and kept going” followed by “maybe he didn’t hear you tell him to stop” (Ross 2015, para. 12). Ross is stating that if an individual does not agree to any part of the sexual activity but it happens anyway then it is sexual assault. Fort (2016) uses specific language by stating, “He forced

himself on me and that's rape in my mind" (para. 20). Thus, Ross and Fort are contributing to the assumed legal definition that forced sexual activity is not consensual. Similar to Ross, Scarborough uses specific language like "unwanted sexual contact" to refer to sexual activity that is either forced or coerced (Scarborough 2013, para. 3). Physically forcing an individual to do something is the opposite of treating them with respect and dignity and obtaining sexual consent. Furthermore, some of these authors use this specific language in the definitions of sexual assault and sexual consent in their text.

Authors, like Scarborough, Kelly, and Shapiro, use definitions of sexual assault and sexual consent to allude to the assumed definition that forced sexual activity is not consensual. Scarborough (2013) gives an extensive definition of sexual assault by quoting a report done by the Department of Defense. The Department of Defense and the Sexual Assault Prevention and Response Office (2015) (as cited in Scarborough, 2013) "defines sexual assault as intentional sexual contact characterized by use of force, threats, intimidation, or abuse of authority or when the victim does not or cannot consent" (5). The Department of Defense and the Sexual Assault Prevention and Response Office (2015) (as cited in Scarborough, 2013) continued discussing sexual assault as "the unwanted touching of genitalia and other sexually related areas of the body" (8). This author quotes an incredibly detailed definition of sexual assault to reiterate that sexual assault happens when an activity is unwanted or forced, which happens in the absence of sexual consent. Kelly offers a similar definition of sexual assault, but focused more on men. "Men are victims of rape (forced oral or anal penetration) and...men experience some other form of sexual violence (...men who have been made to penetrate someone else)" (Kelly 2014, para. 6). Similar to Scarborough, Kelly is explicitly stating that forcing an individual to engage in unwanted sexual activity or contact is sexual assault. The discourse on SSSC is constantly being



reinforced by the provided definitions of assault and sexual consent. These examples of sexual assault provide an understanding, based on the culture and legal understanding that touching someone sexually without permission is wrong, and that the opposite of what occurred is correct. However, Shapiro's definition of sexual assault does not include specific language. Rather it discusses the federal regulations of sexual consent changing to allow for the possibility of same-sex rape. According to Shapiro (2014), "College campuses expand the definition of sexual violence to include dating violence and stalking and to clarify that same-sex assaults are covered" (para. 2). Shapiro bases the idea of same-sex rape on the commonly assumed and legal definition of different-sex rape. In other words, he does not have to state what same-sex sexual assault is because he is assuming that the audience has an understanding of what sexual assault is based on different-sex sex.

A colloquial way some individuals discuss the act of sexual consent (i.e. giving or receiving permission to engage in sexual activity) is through the phrase "no means no." Roberts (2014) quotes a Member of Parliament named George Galloway who stated, "Rape does not have to involve violence. No means no, if you proceed it is rape" (para. 10). Roberts states that denying a person's sexual advancements by saying no verbally is the rejection of sexual consent.

Taking this concept to another level, Savage (2012) asserts, "There's a movement in sex-ed circles to replace the old opt-out consent mantra, 'No means no,' with a new opt-in consent mantra, 'Yes means yes'" (para. 3). On one hand, Roberts presents the topic of sexual consent by having two public figures weigh in on a public case. He informs his readers that one of the figures weighing in on sexual consent is "controversial" and "known for his outspoken views" (Roberts 2014, para. 2, 13). On the other hand, Savage approaches sexual consent with the ideology that an individual should not accept that lock of a "no" as consent, but rather only

proceed when there is an enthusiastic “yes.” Savage (2012) continues by stating, “YMY says it’s not good enough to wait for the other person to stop the action with a ‘no.’ You have to get a ‘yes’” (para. 3). As previously stated, Savage is implying that the topic of sexual consent is not as simple as some might make it seem and being passive in giving sexual consent is not good enough. His argument asserts that there can be disagreements on what constitutes as force and what constitutes as sexual consent (e.g. verbal or nonverbal consent). Savage’s claim suggests that, like sexual identity, sexual consent can be fluid. Sexual consent is a negotiation and relies heavily on perspective and communication between the individuals involved. However, it can be assumed that if sexual consent is not gained through a ‘yes’ and is denied with a ‘no’ then that forced or unwanted sexual activity is sexual assault. While both authors discuss the assumed definition that an individual cannot consent to sexual activity if it is forced using a common phrase, both authors use different strategies to accomplish this task. While all of the above authors state the same assumed definition of SSSC, the same cannot be said for their respective reader comment section.

While Scarborough and Savage share the same assumed definition that sexual activity is not consensual if forced, their reader comment sections are vastly different. Even though Scarborough quotes the Pentagon’s definition of sexual assault, he is still sharing that definition in his text, thus contributing to the narrative and assumed definition of what is consensual sexual activity. Scarborough’s text consists of more than 300 comments, a majority of which mentions the Democratic Party. The overwhelming majority of commenters, in this 2013 article, commented about how they are not surprised that male servicemen are getting sexually assaulted now that openly gay men can serve in the military. The context of *The Washington Times*, a conservative newspaper, and the content of the article, that was attempting to draw attention to

the numbers of men raped each year in the military and connecting these numbers with the repeal of the Don't Ask Don't Tell policy, provide an invitation to make these connections. While Scarborough's text aligns with a conservative agenda and values, the reader comment section does as well. For example, a commenter in Scarborough's (2013) comment section named GoneApe claims, "Make it okay to be openly gay in the ranks and voilà, you have male rape by male servicemen" ("Conversation," para. 96). GoneApe is creating a connection between the repeal of Don't Ask Don't Tell and male-on-male sexual assault. By creating a connection between these two, this commenter is implying that either openly gay men are sexually assaulting other men in the military or gay men are now being assaulted because they are openly gay. In an indirect way, this commenter is suggesting that sexual activity is not consensual if it is forced. Nevertheless, GoneApe's comment is not backed by statistics. For example, according to Scarborough (2013), "Roughly 14,000 of the victims were male and 12,000 female" (para. 2). However, women service people do not account for even half the military service. According to a report published by the U.S. Department of Defense and Office of the Deputy Assistant Secretary of Defense for Military Community and Family Policy (2015), "women, who number 201,413, comprise 15.5 percent of the DoD Active Duty force, while 1,100,030 men comprise 84.5 percent of the DoD Active Duty force" (iii). However, if we make the number of active women in the military even to the number of active men in the military, the number of female sexual assaults inflates from 12,000 to around 66,000. The fact that female sexual assault is so high, even though they make up less than half the service members, shows how disproportionate female sexual assault is in the military when compared to male sexual assault. Simply put, allowing openly gay men to enlist and serve in the military does not correlate with a rise in "male-male sexual assault" (Belkin et al. 2012:24).

Moreover, Dan Savage's, who is the editorial director of *The Stranger* and openly gay, comment section has an overall consensus that sexual consent has to be established for sexual activity to take place. Similar to Scarborough's text, the context of Savage's publication has an influence on how he presents issues of SSSC. While Savage is openly gay he is also a fervent progressive activist, and it can be assumed that his text and his reader comment section will reflect an agenda and values similar to his. For example, in Savage's (2012) comment section, a user named Sessie claims, "...The idea is to actually communicate (!!!) about your sexual desires and ideas with your partner" ("Comments," para. 47). The commenter is asserting that communication with a sexual partner is key. Sessie uses gender-neutral language to imply that sexual consent can be given or received by any sex. Further, going forward after an individual has said 'no' to sexual activity results in forced sexual activity and the absence of sexual consent.

Throughout my analysis, it is apparent that Scarborough, Savage, Kelly, Roberts, Shapiro, and Ross use both similar and different techniques when discussing how SSSC is necessary when engaging in sexual activity and the fact that forced sexual activity is not consensual. The authors either contribute to the assumed definition through the use of specific language, definitions of sexual assault and consent, or the concept that no means no. Some authors reference other authors. For example, Shapiro references John Kelly and his sexual assault in his text, while John Kelly wrote about his sexual assault in his own text. Furthermore, Kelly and Shapiro used specific language like "forced" or "unwanted" to discuss the assumed definition. Other authors, like Roberts, used a common phrase to give meaning to the assumed definition. Additionally, Scarborough and Kelly used detailed and specific definitions of sexual assault. Shapiro relies on the commonly understood legal definition of DSSC to give meaning to same-sex sexual assault.

### **Sexual Consent is Implied in A Relationship**

A second theme within SSSC discourse is that sexual consent is implied in a relationship. While this theme is only supported by two of the fifteen articles I analyze, it is still a theme that demands discussion. In the following paragraphs, I will analyze and discuss one newspaper and one blog/online news site in order to present evidence for the specific theme that sexual consent is implied in a relationship.

In the following paragraphs, I will discuss a text authored by Anderson (2014) and a text authored by Lamb (2015). As previously stated, Anderson and Lamb have publishers that do not share similar agendas and values. However, Anderson demonstrates, through the use of specific language, that an author's and publisher's agenda can differ. Anderson and Lamb indirectly refer to one another and rely on previous texts that discuss sexual consent in a relationship. As previously mentioned, intertextuality, and what my analysis looks at, is how authors rely on meanings that other authors put/use in media articles. I will analyze how Anderson's and Lamb's text contribute to the theme that sexual consent is implied in a relationship through the use of specific language used, how the life of the perpetrator was negatively affected, and the discussion of sexual assault.

While Anderson and Lamb discuss the same Brandeis University sexual assault case, Anderson attempts to be as neutral as possible while discussing the assault. However, by presenting the case as neutral, Anderson is actually supporting the idea that the perpetrating student is innocent. Anderson and Lamb use similar specific language when discussing the survivor and perpetrator of the sexual misconduct case to imply sexual consent is implied in a relationship. Anderson (2014) refers to the perpetrator of the sexual misconduct as the "accused," "Student B," and "other" (para. 7, 9). Lamb (2015) refers to the victim as the

“accuser” and the perpetrator as the “accused” (para. 9, 4). In Lamb’s article, although the perpetrator was found guilty of the sexual misconduct by the university, the author does not reflect this verdict. Lamb uses this language to imply that nothing has been proven and the perpetrator can still be a victim. Anderson uses this specific language in an attempt to remain neutral on the topic. The fact that two different authors from different publications use similar language reinforces the idea that sexual assault cannot happen between two individuals who are in a relationship because one consented to have sex with the one when the relationship began. Anderson (2014) consistently reminds the reader that the survivor and the perpetrator had a “relationship” or refers to one partner as the “boyfriend” or “ex-boyfriend” (para. 1, 4). While Lamb (2015) refers to the two men as being in a “two-year consensual relationship,” “21-month relationship,” and “long-term monogamous” relationship (para.18, 1). By reiterating to the reader that these two men were once in a relationship implies that sexual consent was given once the relationship started and so consents to sex throughout. However, similar language used to discuss the survivor and the perpetrator is not the only similarity that Anderson and Lamb’s text share.

Anderson and Lamb both allot a significant amount of text to quotes from the perpetrator, and a majority of that text is dedicated to discussing how the perpetrators life has been negatively affected. Anderson gives a large amount of detail about how the perpetrator claims these allegations are false and how these “false” claims have ruined his life. For example, “It left him in shock. His life on campus, which he described as busy and active, was interrupted by an emergency suspension, which was subsequently lifted” (Anderson 2014, para. 16). Additionally, Anderson (2014) adds, “His life was turned upside down. And he worries about how the sanctions might affect his future” (para. 25). Although Anderson includes several quotes from the survivor and mentions that he is upset, he does not discuss how the survivor’s life might be

affected after the assault. Thus, he implies that sexual assault only affects the perpetrator. This is compounded by the fact that the above quote mentions how the perpetrator's life might be affected after the assault. In an effort to remain as neutral as possible, Anderson spends the majority of the text trying to gain the audience's sympathy for Brandeis University in a complex situation. On the other hand, Lamb does show explicit sympathies with the perpetrator of sexual assault. Lamb's text is devoted to attacking the way Brandeis University handled the sexual assault case and attempting to elicit sympathy for the perpetrator. Lamb (2015) states, "The repercussions for the accused student were immediate and severe," followed by "Doe...had job offers withdrawn" (para. 6, 7). Again, this use of text indicates that sexual assault affects the perpetrators more than the survivors, which can cause doubt in an individual who is thinking of coming forward about being assaulted. Allotting a significant amount of text to the perpetrator and how his life has been affected by "everyday relationship encounters" when discussing sexual consent and assault further implies that sexual consent is implied in a relationship.

Another way Anderson and Lamb discuss the theme that sexual consent is implied in a relationship is through their discussion of the sexual assault. Both authors are shaping the discourse on SSSC through their definitions and examples of both sexual consent and sexual assault. Anderson (2014) refers to the sexual assault charges as "the case" and "various incidents" (para. 6, 16). Most importantly, Anderson not mentioning sexual assault and referring to it as something else implies that the behaviors taken against the victim are not instances of assault. Due to the fact that Anderson does not mention sexual assault, he leaves open the possibility, through the structure of neutrality, that the perpetrator did nothing wrong. Thus, in an indirect way he implies that the victim consented to have sex with the perpetrator when he got into the relationship. Lamb (2015) consistently lessens the charges by referring to them as

“benign, unremarkable, and everyday occurrences” (para. 1). Lamb implies that sexual consent is implied in relationships because sexual activity is an everyday occurrence and not out of the ordinary. He implies that being in a relationship means sexual activity is going to take place and the fact that a person is in a relationship automatically implies sexual consent.

In addition to implying that everyday occurrences cannot be sexual assault, Lamb also contributes to the theme by discrediting the sexual assault charge. According to Lamb (2015) looking at a naked person in a bathroom is not sexual assault because “they were already sexually intimate” (para. 17). Lamb is stating that consenting to have sex when entering a relationship retroactively applies to every sexual encounter. Further, when discussing the sexual assault charges Lamb (2015) states, “A kiss counted as sexual assault because sleep is a ‘state of incapacitation’” (para. 16). By using quotation marks around the words “state of incapacitation” the author is implying falsehood or sarcasm. Lamb is using falsehood and sarcasm to indicate to his readers that a kiss while someone is sleeping is an everyday occurrence and consent is implied because they are in a relationship. Additionally, both media outlets are reinforcing each other by continuously influencing their audiences with similar content.

The reader comment section of Anderson and Lamb’s texts share the idea that SSSC is implied in relationships. Both comment sections include texts that either asserts the victim is making false accusations or approach the topic from a political standpoint. In Lamb’s (2015) comment section, three comments attribute the need for sexual consent in a relationship to liberal or Democratic Party viewpoints. A commenter named Being Paleoconservative stated, “Silly leftists you are only supposed to attempt to criminalize heterosexual sex and relationships,” (Lamb 2015, “Add to the Discussion,” para. 2). Another commenter named Patrick Saunders states, “The left eats itself,” and Danny Mitchell claims, “Expel him immediately say



Democrats” (Lamb 2015, “Add to the Discussion,” para. 6, 8). Commenters are implying that Democrats are going to take the side of the victim because the necessity of sexual consent is a party value. At the same time, these commenters are implying that they are Republicans and support the opposite of what they are saying about Democrats. Furthermore, a commenter on Anderson’s text directly echoes the theme that sexual consent is implied in relationships.

In Anderson’s (2014) comment section, a user named Logan007 states, “You dated for two years. You don’t get to go back and say ‘Oh, he was abusive! Boo-hoo’ just because you got dumped” and “They never mention these guys dated for two years; just says accused got off easy for sexual assault (as if they were strangers)” (“All Comments,” para. 4, 5). Logan007 is implying that sexual consent is implied in relationships because if a person is in a relationship they automatically agreed to engage in sexual activity. Also, he or she implies that sexual activity during a relationship cannot be reported as sexual assault when the relationship ends. The commenters in both texts indicate their agreement with both author’s implication that SSSC is implied in relationships.

### **Minors Cannot Consent to Sex**

A third theme within SSSC discourse is that minors cannot consent to sexual activity. Similar to the theme that sexual consent is implied in a relationship, this theme is only supported by two of the fifteen articles I analyze. In the following paragraphs, I will analyze and discuss one newspaper and one blog/online news site in order to present evidence for the specific theme that minors cannot consent to sex.

While Anderson and Lamb use specific strategies to allude to the theme that sexual consent is implied in relationships, Stacey Barchenger and Lou Iacobelli use similar strategies to

indicate another theme of SSSC— minors cannot consent to sexual activity. In the following paragraphs, I will analyze two different texts, one by Barchenger and one by Iacobelli. Although Barchenger and Iacobelli do not share many similarities in the way they discuss SSSC, both authors do share a similar undertone that age is an important factor in sexual consent. I will analyze how the above texts contribute to the legal definition that same-sex individuals who are minors cannot consent to sexual activity through the discussion of sexual consent, religion, and specific language used throughout the text.

On one hand, Barchenger’s article approaches consent from a legalistic approach by suggesting that sexual consent cannot be given or received from minors or individuals under the legal age of consent. According to Bruce Colton, state attorney, “The statute specifically says that consent is not a defense” (Barchenger 2013, para. 10). She quotes state officials explaining that sexual consent cannot be given when a minor engages in sexual activity with a person over the legal age of consent. This theme of SSSC is supported and/or produced by many state’s laws in an effort to protect minors, who can be considered a vulnerable population. On one hand, according to Barchenger, an 18-year-old woman is able to give consent because she is 18 and considered an adult. On the other hand, a 14-year-old girl is not able to give emotional or physical consent to anyone because under the law she is a minor. Further, Barchenger (2013) states, “Florida’s law says any person who engages in sexual activity with a minor between the ages of 12 and 16 commits the crime lewd and lascivious battery” (para. 9). The author states that individuals who are under the age of 16 cannot consent to sexual activity, and that no one can engage in sexual activity with a minor. She goes on by quoting the state attorney, Bruce Colton, involved in the case, “the idea is to protect people in that vulnerable group from people who are older, 18 and above. The statute specifically says that consent is not a defense”

(Barchenger 2013, para. 10). She continues to quote officials involved in the case that individuals under the legal age of consent are at a vulnerable age and are protected by the law from anyone trying to take advantage. Thus, Barchenger is using the law to state that minors and individuals under the legal age of consent are not able to consent. However, it is unclear if Barchenger is stating that legally no one can have sex with a minor. When legal definitions are unclear it is problematic, which reinforces the idea that continued research needs to be done.

On the other hand, Iacobelli and the accompanying reader comment section utilizes a very political and religious discussion on homosexuality to imply that minors cannot consent to sexual activity. Throughout the article, Iacobelli argues that homosexuality and same-sex sexual activity is wrong, should never happen, and should never be taught to children because they are too young. Iacobelli discusses the topic of sexual consent, let alone SSSC, as a topic that should not be taught to children by a 'progressive, anti-traditional curriculum' due to children being too young. For example, Iacobelli (2016) states "sex talk at an early age is bound to confuse children and corrupt their innocence" (para. 26). Followed by, "There is no need to teach students that biologically two men or two women cannot naturally have a child, nor about the higher risks of anal sex because it's equal to heterosexual sex" (Iacobelli 2016, para. 21). Iacobelli is using DSSC as a disingenuous way of reluctantly including same-sex sexual activity in the discussion of sexual consent. The author is claiming that even though children should not be taught sexual education, if sexual education is going to be taught than it should be taught using different-sex sex examples. Further, the author argues that minors should not be taught about sexual consent because they are too young to be engaging in sex.

Throughout Iacobelli's article he or she implies that education on sexual consent is irresponsible and dangerous to teach. This can lead a reader to assume Iacobelli is implying that

children are too young to understand sexual consent, thus children cannot give it. For example, Iacobelli (2016) refers to the teaching of homosexuality and sexual consent as “distorted,” “irresponsible,” and “can result in dangerous consequences” (para. 4). The author is implying that discussing homosexuality and same-sex sexual consent with children will promote homosexuality because children are impressionable. Additionally, by stating that teaching sexual consent to children “can result in dangerous consequences” implies that children will begin having sexual encounters even though they cannot consent to sexual activity (Iacobelli 2016, para. 4). Although Iacobelli clearly states that he or she is fervently opposed to all things homosexual and progressive, he or she does argue that children are too young to learn about SSSC, let alone the general topic of consent. Since Iacobelli argues that children are too young to learn about sexual consent and too young to engage in sexual activity.

Although the idea that minors cannot legally consent to sexual activity is not mentioned or implied in Iacobelli’s reader comment section, the disdain for homosexuality is echoed throughout the reader comment section. According to commenter eWord, “A new language is created to make a dysfunction or an evil more acceptable. Governments makes policies and laws to turn evil a ‘right’” (Iacobelli 2016, “Comments,” para. 4). This commenter is implying that homosexuality and sexual consent are evil and the government is trying to make them “right.” While this sentiment is not directly in line with the values and political agenda of Barchenger’s text, both authors’ share the same theme of SSSC through their discussion of what sexual consent is.

Barchenger and Iacobelli use different strategies and discussion techniques to imply that minors cannot consent to sexual activity. Barchenger uses Florida state law to example why minors are a vulnerable age group and are not able to consent to sex. As previously stated, she is

claiming that sexual activity with a minor or someone under the legal age of consent is illegal.

Using specific ages and language, Barchenger is employing a legalistic approach to advocate that minors cannot consent to sex with anyone. On one hand, I do not think Barchenger is advocating that all individuals under the legal age of consent cannot consent to sex, since there are legal caveats for individuals who are close in age. On the other hand, I do think she is addressing the complex paradigm of sexual assault in an overly simplistic manner. In a similar simplistic manner, due to the fact that Barchenger qualifies her entire article around the age of the women, she is contributing to the theme of SSSC that minors cannot consent to sex.

Instead of using legal jargon to justify the assumed definition of SSSC, Iacobelli uses religion and homophobia to argue that minors cannot consent to sex. However, like Barchenger, Iacobelli uses specific language and singular quotes to imply meaning when discussing SSSC. Iacobelli addresses the topic of SSSC from a homophobic standpoint that utilizes negative language to advocate for the halt of teaching sexual consent, let alone SSSC. The author's political agenda advocates that SSSC is "devoid of love, marriage, family, and procreation" (Iacobelli 2016, para. 24). Iacobelli's contribution to the discourse of SSSC is influenced by assumption that children are too young to learn about sexual consent and homosexuality, which implies that minors cannot consent to sex. Additionally, Iacobelli asserts that if children have to learn about sexual consent than DSSC is the only sexual consent that children need to know about because of its similarity to SSSC. Through a veil of homophobia and conservative politics, Iacobelli uses the definition of DSSC to address the topic of SSSC. With that said, based on the specific examples and discussion on the topic of SSSC, Barchenger and Iacobelli advocate that minors, gay or straight, cannot consent to sex.

## CHAPTER VI: DISCUSSION

The following section will discuss how the findings from the 15 articles I analyzed answer my two research questions. My two major findings are: 1) English-language mainstream media's discourse on same-sex sexual consent is similar to queer media's discourse on same-sex sexual consent due to the language used, the emotions conveyed, the definitions provided, the types of sexual assaults discussed, and the audience reaction, and 2) mainstream and queer media messages use the cultural and legal understanding of different-sex sexual (DSSC) consent and assault to define same-sex sexual consent. Throughout the discussion section I will explain the study's major findings related to each research question, the meaning of each finding, the importance of each finding, and how major findings relate to literature.

### **RQ1: How is the Mainstream Media's Discourse on Same-Sex Sexual Consent Similar to Queer Media's Discourse on Same-Sex Sexual Consent?**

#### **RQ1 Major Findings and What Was Found in the Discourse**

Throughout the analysis of 15 articles from mainstream and queer media outlets, my finding suggests that English-language mainstream media and queer media outlets share a similar discourse on SSSC. The major finding from my analysis is that the discourse on SSSC across mainstream and queer media texts is similar due to the language used, the emotions conveyed, the definitions provided, the types of sexual assaults discussed, and the audience reaction. Additionally, my analysis suggests that any media publication's cultural and political agenda has an influence on the text it produces, thus affecting the discourse on SSSC. Analyzing and

comparing the intertextuality and discourse of each mainstream and queer media outlet message produced these findings, which is discussed at length in the following paragraphs.

The finding that mainstream and queer media outlets use specific language when discussing same-sex sexual assault can be understood at a deeper level when a Burkean lens is applied to the specific language that is cross-referenced across texts. Some examples of specific language used across texts are “victim,” “perpetrator,” “unwanted,” and “forced.” Throughout my analysis it is clear that the word “victim” has become a “god” term. However, the “god” term “victim” is most often associated with women in media messages. With that said, the “devil” term “victim shaming” has a close relation to the word “victim.” There has been increasing hostility and pushback against individuals who question women who accuse men of sexual assault. Consequently, applying a Burkean lens to the analysis of SSSC results in the word “man,” rather than woman, clustering around the “god” term “victim.” Based on Burke’s concept, since “victim” is a “god” term, “perpetrator” would be deemed a “devil” term. Further, the terms “unwanted” and “forced” are usually clustered around the term “perpetrator.” Thus, the close association to the “devil” term “perpetrator” creates a negative social discourse around the words “forced” and “unwanted.” It would be remiss not to mention that because both mainstream and queer media use the “god” term “victim,” which clusters with “man” in SSSC discourse, men are given the chance to be seen as victims, rather than the perpetual perpetrator. The inter-referencing of “god” and “devil” terms between mainstream media and queer media solidifies my finding that mainstream and queer media have a similar discourse on SSSC.

While it is significant that my findings suggest intertextuality between queer media outlets that mention or discuss SSSC, it is important to understand how and why there is intertextuality and how it affects the discourse. On one hand, queer media messages, which are

outlets advertised for LGBTQIA individuals, create texts that are influenced by culture, politics, and beliefs. Media outlets that publish news stories and articles for LGBTQIA individuals are most often going to be progressive media outlets. The publishers and authors are largely going to share similar values and beliefs as their intended audience. The cultural idea that homosexuality and same-sex sexual activity are typical and acceptable influences how they write texts about SSSC and sexual assault cases. These agendas and ideals influence a publisher's and author's definition of sexual assault to convey to the reader that unwanted sexual activity is sexual assault. This cultural political agenda is echoed in the reader comment section of most queer media outlets. Conversely, the majority of the comments reinforce the author and publication on their stance that sexual consent is necessary when engaging in same-sex sexual activity.

On the other hand, strictly looking at mainstream media outlets, the texts they produce that discuss or mention SSSC cite another mainstream media article that discusses the same topic. Each text analyzed either mentions or discusses SSSC, but each author and publication presents it in a different way. The shared beliefs among authors who implied that same-sex sexual consent is implied in a relationship can be understood by analyzing their cultural and political background. Three articles came from a publisher that was understood to share conservative values and ideals. These publishers, and most likely the people who write for them, are going to have a political agenda that reflects a conservative ideal. Culturally, for conservative viewpoints, homosexuality and same-sex sexual activity is not acceptable and should not be normalized. Oddly, the articles that I analyzed uphold the idea that the relationship between these men was valid, and the claim of sexual assault was invalid. Therefore, these articles legitimized the sexual relationship between the two men. However, looking at the media messages created



by mainstream and queer media outlets together results in my first finding that mainstream media's discourse on SSSC is similar to queer media's discourse on SSSC.

### **What the Findings Mean and Their Importance**

It was necessary to illustrate and discuss the intertextuality between queer and mainstream media texts, due to the fact that their intertextuality shapes the discourse. As previously stated, my findings suggest that the discourse on SSSC is similar between English-language mainstream media outlets and queer media outlets. This means that mainstream media and queer media messages express a similar idea that same-sex sexual consent is necessary when engaging in sexual activity. Further, this finding simply means that there is an ongoing conversation about SSSC between authors of different publications. Plus, the finding that the discourse on SSSC between mainstream media and queer media texts are similar means that media texts link to other texts, both directly and indirectly. The similar discourse between mainstream and queer texts can provide reassurance to individuals who engage in same-sex sexual activity that people of different backgrounds and ways of life care about the challenges they face and are accepting of them. This can give individuals who engage in same-sex sexual activity a sense of understanding, acceptance, and safety.

The meaning of the finding that mainstream and queer media texts express a similar idea that SSSC is necessary when engaging in sexual behavior is important because it produces the idea that individuals who engage in same-sex sexual behavior have rights. This meaning is important because it suggests that homosexuality and same-sex sexual activity is not as looked down upon as it once was. My findings also mean that people are discussing SSSC as a topic of importance, which is socially significant as it creates a sense of acceptance for individuals who

engage in same-sex sexual activity. Also, this finding is even socially significant for individuals who engage in different-sex sexual activity, because it normalizes and promotes acceptance of same-sex sexual activity for individuals who do not engage in it.

My finding that the discourse on SSSC across mainstream and queer media texts is similar is beneficial and relevant in everyday life. This is important to not only individuals who engage in same-sex sexual activity but to all society. My finding shows that there is an ongoing conversation about what same-sex sexual consent means, what it looks like, and other aspects of sexual consent. Similar to what my previous finding suggested, this finding also confirms that media texts link to other texts and even rely on other texts. In other words, my finding implies that media texts use other media texts language, ideas, examples, and stories to create a shared meaning about a topic. This finding reinforces the idea that media texts influence audiences and audiences influence media texts (Lehtonen 2000). Simply put, the accumulation of several articles and texts about the same topic affects society's thinking and behavior around SSSC. For example, continually seeing media texts imply that SSSC is necessary influences audiences that interact with that text. Thus, a reader is likely to be influenced to change their thinking or behavior around the subject, which in turn affects the tone of media producers. Similarly, readers who express their cultural understandings influence commenters who express a different cultural understanding of a topic.

Not only do cultural understandings affect the reader comment section of texts, but it also affects media messages and the discourse it creates. My finding that media publications' agendas and ideas have an influence on the text they produce indicates that media messages can be skewed and bias to accomplish a specific goal. This finding is meaningful to my first research question because it illustrates that even though media messages can have different publications

they can still create a similar discourse on what some would say is a controversial topic. This is important for individuals who engage in same-sex sexual activity because it creates a sense that a majority of individuals from different backgrounds accept and advocate for a similar discourse across mainstream and queer media. Indeed, my analysis resulted in the finding that media from the political left and right assume that their readers think that sexual consent is necessary when engaging in same-sex sexual activity. Furthermore, the importance of the meanings of my finding is echoed in literature on same-sex sexual activity and consent.

### **How the Findings Relate to the Literature on Same-Sex Sexual Consent**

The finding that mainstream and queer media messages on same-sex sexual consent is similar relates to literature that states present day media messages on same-sex sexual activity looks drastically different when compared to media messages from the early 1990's. For example, mainstream media outlets either used derogatory terms toward gays and lesbians or ignored reporting same-sex sexual activity all together (Fejes and Petrich 1993). As my finding illustrates, mainstream media messages are similar to queer media messages where derogatory terms are not commonly used when analyzing the discourse on same-sex sexual consent. Furthermore, literature implies that most current media messages have a neutral and/or positive coverage of same-sex sexual activity. The finding that mainstream and queer media messages are similar supports this claim due to the majority of the 15 articles analyzed remaining neutral about homosexuality when discussing same-sex sexual consent. For example, 11 out of the 15 articles analyzed imply that SSSC is necessary when engaging in sexual activity. Implying or stating in a media message that a human right, which protects individuals from assault, is necessary indicates positive and/or neutral language. Additionally, the majority of media messages using positive

and/or neutral language about homosexuality when discussing same-sex sexual activity adds support to the claim that men and women can receive social support from media messages. Consequently, individuals who engage in same-sex sexual activity have the ability to feel reassured that what they are doing is being more and more accepted in U.S. society. Overall, the major finding of my first research question is mainstream media's discourse on SSSC is similar to queer media's discourse on SSSC due to the language used, the emotions conveyed, the definitions provided, the types of sexual assaults discussed, and the audience reaction.

## **RQ2: How Do Media Messages Define Sexual Consent between Same-Sex Individuals?**

### **RQ2 Major Findings and How They Were Found**

The analysis of 15 articles from mainstream and queer media outlets resulted in several significant findings. It would be remiss not to mention that the similarity in mainstream and queer media outlets discourse on SSSC assisted in finding how media messages define sexual consent between same-sex individuals. My major finding for my second research question is that mainstream and queer media messages use the cultural and legal understandings of different-sex sexual consent and assault to define same-sex sexual consent. Additionally, my analysis also shows that the topic and definition of SSSC is commonly broached through the discussion and example of sexual assault. Another major finding is that both mainstream and queer media messages define SSSC as giving and receiving a "yes" to engaging in sexual activity, either verbally or non-verbally, or engaging in sexual activity that is not forced or unwanted when both parties are conscious and not under the influence of drugs or alcohol. As with my first research

question, the culture and politics of a publication influence the texts it produces, thus affecting its definition of SSSC.

The majority of the 15 articles analyzed do not explicitly provide a definition of sexual consent, let alone same-sex sexual consent. This creates a reliance on the cultural and legal understandings of what DSSC and assault is to define SSSC. Although the majority of articles analyzed included examples of sexual assault to illustrate the concept, most texts also seem to assume that readers already have some understanding of sexual consent. The predominant use of same-sex sexual assault examples rather than SSSC definitions resulted in the finding that SSSC is defined by the inverse of same-sex sexual assault. Moreover, the inverse of same-sex sexual assault is culturally and legally understood due to examples and definitions of DSSC. My analysis resulted in this finding due to the fact that DSSC is widely discussed and more often defined in media, which serves as a source of ideas and assumptions to authors and publications discussing SSSC. Media messages are using the widely discussed topic of DSSC to imply meaning when illustrating examples of SSSC. It can be asserted that there is an implication that most individuals think they know what sexual consent is. This is especially true for the reader comment section in some articles. The replacement of concrete definitions of SSSC, coupled with the majority of articles exemplifying same-sex sexual assault, has resulted in the finding that the cultural understanding of DSSC defines SSSC.

Although the majority of articles do not provide a definition of sexual consent, they do provide an example of sexual assault that readers can use to imply what SSSC is. As previously stated in my findings section, a definition is created using antonyms of each word or phrase. The examples of sexual assault in both mainstream and queer media messages resulted in the finding that both outlets share a common definition of SSSC. As previously stated, the examples of

sexual assault were used as a way to imply to readers, through the cultural understanding of DSSC, that the opposite of what happened is sexual consent. A majority of the articles analyzed define sexual consent by giving the audience examples of sexual assault, negative feelings associated with sexual assault, and using specific language when discussing survivors and perpetrators of sexual assault. These articles draw on a common language, which is established from conversations as well as from other media messages. For example, specific words and phrases like “forcibly,” “unwanted,” or “incapacitated” appeared in eight of the 15 articles, by citing other articles, when referring to sexual assault or defining sexual assault. Three authors mention what the rejection of sexual consent is by either using the terms “stop” or “no means no.” Using similar or the same language when discussing sexual assault across different texts creates a common meaning that sexual consent is not present when those emotions and actions are present.

Additionally, several authors mention whether or not an individual involved in the sexual assault was drinking or using drugs, i.e. under the influence. Specifically, seven of the 15 articles mention drinking, drugs, or both being involved in sexual activity. This is significant due to the fact that it creates a repetitive nature to the stories, which reinforces other examples that include sexual assault while under the influence. Associating being under the influence and sexual assault creates a definition of sexual consent that indicates not being under the influence. Additionally, texts use the same or similar language when discussing the perpetrators and survivors within the examples of same-sex sexual assault. Seven articles use the language “victim” and four articles use the verbiage “survivor.” Again, this frequent language creates a common meaning that if an individual is referred to as a victim or survivor that individual was harmed or something was taken from him or her. This finding resulted from two other findings.

One finding being that words and phrases keep appearing across texts, and the other finding being that the opposite of what happens during a sexual assault is sexual consent.

In addition to the discourse on SSSC, including a commonly implied definition of same-sex sexual consent, my analysis also resulted in the finding that culture and politics of a publication influence the texts it produces. With that said, this influence has an effect on their definition of SSSC. A few of the texts analyzed are very clearly politically charged. Some texts are from publishers that imply sexual consent is always assumed when engaging in sexual activity in a relationship, while other texts from certain publishers imply that same-sex sexual consent is always necessary for each interaction. As previously stated, publications that are understood to be conservative are most likely not going to have the same agenda and ideals as publications that advertise themselves as liberal or for the gay and lesbian “community.” These agendas and ideals are going to affect their definition of same-sex sexual consent. However, the fact that my finding results in a definition of SSSC that advocates for receiving and giving a “yes” has significant impact on society. This finding can impact society by potentially decreasing the number of sexual assaults by having individuals advocating for themselves and actively giving and seeking verbal communication from their partner.

### **The Meaning of the Findings and Their Importance**

All of the findings for my second research question carry important meanings and significance. The finding that mainstream and queer media messages use the cultural and legal understanding of what DSSC is to define SSSC means that SSSC needs to be more widely discussed in media. It is important to note that my findings do not state that the definition of DSSC is different from the definition of SSSC. As previously stated, my findings suggest that

because DSSC is historically more prominently discussed in media that authors and publishers lend the definition of DSSC to define the newer topic of SSSC, even if the media definitions are the same. This finding shows that DSSC has created a door for texts to discuss and explore SSSC with the general public. Additionally, this finding also results in the implication that more research needs to be done on whether or not individuals who engage in same-sex sexual activity consent to sex in the same way as individuals who engage in different-sex sexual activity. Furthermore, throughout my analysis I found that the topic and definition of SSSC is commonly broached through the discussion and example of sexual assault. Having mainstream and queer media messages share examples and stories of same-sex sexual assault means that individuals who have engaged in same-sex sexual activity are less likely to feel isolated and like their assault only happened to them. This finding also means that individuals who engage in same-sex sexual activity have a cultural idea and a reference point of what not to do when engaging in sexual activity. Also, using examples of sexual assault creates an impactful and lasting message about SSSC and assault. This is beneficial because individuals who engage in same-sex sexual activity and individuals who engage in different-sex sexual activity are impacted by the examples. The importance of this findings meaning is amplified by the finding that mainstream and queer media texts have a common definition of sexual consent.

My analysis resulted in the finding that both mainstream and queer media messages share a common definition of SSSC, which has significant meaning. This finding is important because not only individuals who engage in same-sex sexual activity, but also individuals who engage in different-sex sexual activity, feel the impact of the solidification of SSSC. This finding means that individuals who engage in same-sex sexual activity deserve to be protected against sexual assault. This is of great importance due to its everyday relevance and the fact that most



individuals will end up in a situation where an individual needs to establish sexual consent. Also, having a common definition of SSSC across mainstream and queer media is of value because it lessens the idea that same-sex sexual activity is “other” and that individuals of all sexual orientations have similar life experiences. Additionally, this finding is noteworthy due to the fact that it illustrates that media messages have the ability to influence and possibly educate individuals on legal definitions of SSSC. Moreover, having a commonly used definition of SSSC creates a more impactful message surrounding SSSC.

Lastly, not only is the finding of a common definition of SSSC beneficial to society, but this finding is made even more impactful to know that culture and politics influence this definition. It is socially significant to know that publications that are associated and influenced by specific political ideals and morals. With that said, it is fascinating how similar the definitions of same-sex sexual assault, and therefore SSSC, are across the political spectrum. This consistency demonstrates how same-sex relationships and LGBTQ individuals face a great deal of acceptance and understanding from U.S. society. This finding has an impact on both individuals who engage in same-sex sexual activity and individuals who engage in different-sex sexual activity because it illustrates how U.S. society is becoming more accepting and tolerant towards individuals who engage in same-sex sexual activity.

### **How the Findings Relate to the Literature**

According to my literature review, a majority of the literature on sexual consent is based on definitions between men and women. However, there has not been a significant amount of research on how individuals who engage in same-sex sexual activity communicate and operate within gendered constructs. Such literature, and the lack of literature, supports my finding that

mainstream and queer media messages use the cultural understanding of DSSC and assault to define SSSC. Literature supports my finding because it examples how DSSC has been a dominating topic of discussion that has not left much room for the discussion of SSSC. Also, my finding lends support to literature due to the fact that SSSC is defined as giving or receiving a “yes” to engaging in same-sex sexual activity, either verbally or non-verbally. Literature on the topic of consent supports this finding because my finding closely resembles how DSSC is defined, specifically using verbal and nonverbal communication. However, the current political climate and immense support the American Civil Liberties Union (ACLU) is receiving suggests that same-sex sexual consent might inch into the spotlight.

Additionally, my finding that the definition of SSSC is affected by the agendas and ideals of a publication is supported by literature. As previously stated, several of the newspaper sources I analyzed are liberal. A common theme across the media messages I analyzed from major news outlets is that people are affording individuals who engage in same-sex sexual activity basic human rights. My finding is in direct support of this literature due to the majority of the articles I analyzed advocating that SSSC needs to be established before engaging in sexual activity. This literature also lends support to my finding that mainstream and queer media messages share a common definition of SSSC. According to literature, a common theme across media messages from major news outlets are that gay men and women should be treated the same way heterosexual men and women are treated. My finding suggests this is accurate based on the fact that mainstream media outlets and queer media outlets advocate that sexual consent is needed when individuals engage in different-sex sexual activity. In support of the literature on sexual consent, my major finding for my second research question is that mainstream and queer media

messages use the cultural and legal understanding of DSSC and assault to define SSSC and assault.

## CHAPTER VII: CONCLUSION

I have argued that there is a large gap in the literature on how mainstream and queer media messages define and communicate same-sex sexual consent. My analysis resulted in two significant findings. The discourse on SSSC is similar between mainstream and queer media outlets. Contrary to previous hypotheses, the 15 texts analyzed provided a similar discourse on SSSC and DSSC based on the language used, the emotions conveyed, the definitions provided, the types of sexual assaults discussed, and the audience reaction. This is supported by literature on homosexuality that states mainstream media and queer media messages are similar due to the absence of derogatory words used in the discourse.

My finding can be illustrated by the most prominent topic in the news cycle: sexual assault committed by Hollywood personnel. Harvey Weinstein, a straight man, and Kevin Spacey, a just recently openly gay man, have been accused by numerous individuals of sexual assault. Weinstein is being portrayed as a hellacious monster who has been accused of sexually assaulting or harassing an upwards of 50 women. Spacey is being accused of sexually assaulting an individual under the legal age of consent. Kevin Spacey's accusation is especially noteworthy to this finding due to its relevancy to the third theme found in my findings section, that minors cannot consent to sexual activity. It is important to note that even though the genders of the victims and type of assault committed are different, both men are being ostracized for sexually assaulting an individual. Both mainstream and queer media treat these men similarly. They treat them as individuals who have perpetrated a crime of sexual assault by wielding their power in Hollywood to take advantage and sexually assault their victim. However, it would be remiss not to mention that Weinstein is being mentioned by mainstream and queer media newspapers, online blogs, magazines, and daily news cycles much more than Spacey. This is in part due to the

large number of women that accused him of sexual assault, which ended up launching the #MeToo movement. Most media messages discussing Weinstein and Spacey refer to the men as perpetrators, discuss the sexual assault that took place, and mention how what happened to the victim is the opposite of sexual consent. As previously stated, this directly supports my finding that the discourse on SSSC and DSSC are similar between mainstream and queer media outlets.

My analysis resulted in the finding that mainstream media and queer media messages use the cultural understanding of DSSC and assault to define SSSC. Mainstream and queer media define SSSC as giving or receiving a “yes” to engaging in same-sex sexual activity. My finding is supported because the literature on different-sex sexual consent states that sexual consent is the act of giving or receiving a “yes” to engaging in sexual activity, either verbally or nonverbally. Although there is a need for continued research on the topic of same-sex sexual consent using sexual script theory, my findings suggest that gay men and women are just as likely as straight men and women to negotiate, give, and receive sexual consent. These findings not only support literature on the topic of homosexuality and sexual consent, but they also carry important social significance.

Further, I conclude that mainstream media adopted queer media’s way of talking about SSSC. This might seem contradictory because my last finding stated that both media use DSSC to define SSSC. As stated in the literature, past mainstream media coverage of same-sex sexual behavior was negative and derogatory (Fejes and Petrich 1993). However, queer media during this time did not reflect this negative outlet on same-sex behavior. The fact that mainstream media’s coverage of same-sex behavior has become more positive throughout the years, while queer media’s acceptance of same-sex behavior has not waivered, illustrates my conclusion that mainstream media adopted queer media’s way of discussing SSSC. As of now, media outlets

consult scholars who research same-sex behavior, well-known gay men and women, and activists when they are looking to report on a topic that deals with same-sex sexual behavior. With that said, I conclude that the discourse on SSSC is shaping how individuals think about SSSC within U.S. culture and society. The progressive incline in the number of texts that discuss SSSC coupled with the cross-referencing of other texts within those texts bombards audiences with messages that SSSC is necessary. Consequently, the positive way the majority of U.S. society thinks about SSSC flourishes.

### **Contributions**

This study will contribute to literature of multiple topics, like sexual consent, homosexuality, and media messages. Studying how media narrates sexual consent in same-sex sexual behavior can raise awareness of sexual assault among LGBTQ individuals and individuals who engage in same-sex sexual activity. It can also set a standard on how same-sex partners approach, think about, and discuss sexual consent, which can in turn lead to less sexual assault. Additionally, this study will not only affect individuals who engage in different-sex sexual activity, but also individuals who engage in same-sex sexual activity. My findings illustrate how the United States society is moving towards a more accepting society that normalizes both the individuals who engage in and the act of same-sex sexual activity. With that said, this study will contribute useful information to same-sex partners, sociologists, social workers, members of society, members of the media, and future researchers. In this study, the discussion of my findings showed how important media messages are within certain topics of research, specifically same-sex sexual consent. This is especially true due to the fact that media is present

in almost every aspect of an individual's life, and media messages have the opportunity to open up conversations about taboo topics.

### **Limitations**

My research is subject to several limitations. I analyzed texts from different sources at face value. I did not give any author or publisher the chance to clarify his or her statements within a text. As a researcher, I might have interpreted a text different than the author or publisher intended. Further, my rhetorical analysis research looked at a total of 15 texts that encompassed newspapers, magazines, blogs, and online news sites. The sample size of my research does not include every article that provides a narrative on the topic of same-sex sexual consent. With a larger sample size, the literature on SSSC could benefit from further research on how media outlet political affiliations influence the discourse on SSSC. Additionally, based on past literature, this research was approached from the idea that media influences society. Media provides information from local community events to worldwide news that individuals would not know about if it were not for media. With that said, it would be interesting if future research approached this same study from the idea that society influences media messages. Furthermore, my research was subject to the limitation of not knowing the sexual orientation or sexual preference of most of the commenters in the reader comment section. Knowing the sexual orientation and preference of the commenters of texts would provide interesting insight into the discourse. Future research could examine if a commenters sexual orientation and preference dictate the types of media they consume.

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