Anatomy of a Spectacle: Race, Gender, and Memory in the Kobe Bryant Rape Case

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This article argues that coverage of the Kobe Bryant rape case illuminated bitter divisions in American society, because the allegations against Bryant brought forth tensions involving conceptions of Black masculinity, White femininity, and the role of sport and celebrity in public life. The divisions laid bare by the Bryant case involve long histories of discursive contests waged by social movements and state actors over the meanings of categories of race and gender. I argue that these struggles have influenced public understandings of history; that contemporary understandings of race, gender, and crime are very much indebted to rhetorical battles fought long ago; and that invocations of collective memory can help to determine how various audiences make sense of public dramas unfolding in the mass media.

Cet article soutient que la couverture médiatique du procès pour viol impliquant Kobe Bryant illumine les amères divisions au sein de la société américaine puisque les allégations ont apporté des tensions impliquant des conceptions de la masculinité noire, de la féminité blanche, et du rôle du sport et de la célébrité dans la vie publique. Les divisions béantes laissées par l’affaire Bryant impliquent des débats discursifs entre des mouvements sociaux et des acteurs étatiques au sujet de la signification de catégories telles la race et le genre. Je suggère que ces luttes ont influencé les compréhensions publiques de l’histoire et que les compréhensions contemporaines de la race, du genre et du crime sont redevables aux batailles rhétoriques faites il y a longtemps. Enfin, je suggère que les invocations de la mémoire collective peuvent aider à déterminer comment les auditeurs variés font sens des drames publics qui se déploient dans les médias de masse.

On June 30, 2003, Los Angeles Lakers star Kobe Bryant flew to Eagle, Colorado, to undergo arthroscopic surgery. The next afternoon a 19-year-old White woman who had been working at Bryant’s hotel filed criminal charges against Bryant, reporting that he had sexually assaulted her the previous night. After initially denying that he had either raped or had sex with the woman, Bryant eventually

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admitted to having had consensual sex with her, but he continued to deny the rape charges. The charges and the consequent legal proceedings became the subject of intense media scrutiny over the next year, subsiding only when the criminal case was dropped and a civil suit settled in the fall of 2004. This was the most closely followed case involving a professional athlete and the criminal justice system since the O.J. Simpson murder trial, and it was one of the most closely watched cases involving interracial sexuality and allegations of violence in the post-civil rights era. Because there were nearly 200,000 victims of rape, attempted rape, or sexual assault in the United States in 2003 (U.S. Department of Justice, 2004), and because there were press reports of an average of nearly 100 cases a year of professional or college basketball and football players accused of battering or sexually assaulting a woman in the 5 years preceding the charges against Bryant (Lapchick, 2004), it is worth asking why this particular case was singled out.

I argue that the answer has to do with the ways in which the case worked to illuminate bitter divisions in American society, as the allegations against Bryant brought forth tensions involving conceptions of Black masculinity, White femininity (and mainstream feminism), and the role of sport and celebrity in public life. The questions that concern much of the media (Did he do it? Was she just out for fame? Was his “nice guy” image a façade, hiding true brutality?) are, therefore, not nearly as interesting as the more fundamental issues the case raises about the ideological forces that work to bind the culture of the United States together and that threaten to pull it apart. To begin to shed light on those forces, I present a preliminary analysis of the politics of racialized and gendered mass-media spectacles, and I suggest that the divisions revealed by the Bryant case involve long histories of struggles by social movements and state actors over the meanings of categories of race and gender.

These struggles have influenced the ways in which various segments of the American public understand history. People’s understandings of the past help shape their understandings of the present, and social actors can tap into historical understandings for strategic purposes. Contemporary understandings of race, gender, and crime are very much indebted to rhetorical battles fought long ago, and invocations of collective memory can help to determine how various audiences make sense of public dramas unfolding in the mass media. Audiences who are aware of long histories of racial injustice may understand events like the Bryant case, and may be appealed to, differently than would audiences without this kind of historical knowledge. Similarly, people who are aware of the ways in which sexist stereotypes have shaped mass media and legal discourse surrounding rape are likely to respond to a highly publicized rape case quite differently than would people who lack such awareness. I argue, therefore, that public responses to the Bryant case cannot be understood without considering the ways in which historical sensibilities have been shaped by feminist interventions into public discourse surrounding rape and antiracist critiques of stereotypes of Black masculinity. Ultimately, the two parties at the center of the criminal trial and civil suit should not be seen merely as individuals but as figures who represent a variety of discourses of race, gender, and sexuality that have been constructed and refined over centuries. I suggest that one way to understand the public reaction to this case is to examine the ways these discourses have been pitted against each other.
Theory and Methods

Inquiries into the nature and meaning of collective memory have received widespread attention in a variety of academic disciplines over the past two decades. Sociological studies of collective memory generally can be traced back to Halbwachs (1992), who was interested in the ways in which collective memory could bind communities and nations together or, alternatively, work to exclude people with different cultural backgrounds who had different understandings of the past. Recent studies have addressed the construction of collective memories focusing on subject matter as varied as AIDS, the Vietnam War (Sturken, 1997), September 11, 2001 (Zelizer, 2002), and the “Batman” television show (Spigel & Jenkins, 1991). A central theme running through this literature concerns the relationship between collective memory and personal, collective, and national identities. Little has been said, however, about the ways in which people rely on collective memory when making sense of events such as racialized and gendered mass media spectacles as they unfold on a national scale. I look to the Kobe Bryant rape case as a case study that provides some clues about how various segments of the American public might use their understandings of the past as a way to contextualize and come to terms with mass media representations of race, gender, and justice in the present.

There is no single site that reveals which aspects of the past are collectively remembered and how these memories are constructed. The question of where to look for the content of collective memory is complicated by the fact that collective memory is multiple. Different people, and different groups of people, remember different things in different ways. Acknowledgment of the multiplicity of collective memories provides an important analytic tool, since this multiplicity provides a clue about disparate reactions to contemporary social dramas. If people’s collective memories help shape the ways in which they make sense of such dramas, then it makes sense to think that differences in collective memory might lead to, and help explain, differences in public opinion and reactions to such racialized dramas as the Bryant rape case. But because people have innumerable resources at their disposal when trying to make sense of the past or, perhaps more important, when trying to use the past to help make sense of the present, there is also an important analytic concession to make: Analysts of collective memory must acknowledge from the outset that any investigation of collective memory will be partial. But this does not mean that it is not possible to put forward some propositions about how collective memories are constructed and used.

One important starting point for many studies of collective memory is the mass media. Kitch (2006) points out that “popular media are a primary source of what most people know about history” (p. 95). Much work has been done on collective memory in film and television, but, in some ways, the most important arena for the construction of collective memory may well be journalism. Journalism has been said to be “the first draft of history,” but it might make sense to see it as the first draft of collective memory as well. Edy (1999) writes, “Journalists’ depictions of the past have repercussions for the ways in which a community relates to its past. It may be that journalists’ work impacts whether we remember our past at all” (p. 73).

While every part of the mass media has a role to play in the construction of collective memory, journalism may be particularly powerful since, as Edy (1999), points out,
The documentary style of journalists’ work gives them a unique authority in telling the story of the past. That authority may make for more powerful emotional connections on the part of the audience. The viewer who sits through action and horror films without difficulty may find the image of Robert Kennedy as he lay dying on the floor of a hotel kitchen far more troubling because it is “real.” (p. 73)

The emotional investment that people make in the news and the fact that journalistic accounts often form the raw material for later accounts of events that can be dramatized in film, television, or literature or commented on in music or other forms of art suggest that the news is a uniquely important site for investigations of the dynamics of collective memory. For that reason, an analysis of press coverage served as the first step in my investigation of the role of collective memory in the Kobe Bryant case.

To gain a sense of how collective memory might play into public understandings of the Kobe Bryant case, I searched the LexisNexis and Ethnic NewsWatch newspaper and magazine databases using the key words Kobe Bryant and rape. I eliminated all articles with fewer than 250 words because they did not address the case in depth. Still, I was left with more than 800 articles from the sports sections, editorial and op-ed pages, entertainment sections, and straight news sections of local, regional, and national papers and magazines. I conducted a qualitative content analysis coding for recurrent themes and paying special attention to the ways in which the coverage invoked collective memory. (Collective memory was invoked, for example, when the African American press contextualized the case by referring to histories of lynching, or when the mainstream press explained the privacy issues in rape cases by referencing legislative battles surrounding rape in the 1970s.)

My intent is to provide a theoretical investigation into the dynamics of collective memory and to touch on some of the ways in which various segments of the American public might use their understandings of the past when trying to make sense of the politics of race, gender, and justice in the present. To begin to assess the ways in which various audiences rely on collective memory in order to make sense of contemporary circumstances, it is necessary to look beyond coverage of those contemporary circumstances and to begin to consider audiences’ preexisting understandings of the past.

The first part of my analysis of the case discusses the kinds of historical context that various audiences might have brought to bear when trying to come to terms with the case. To provide a sense of the kinds of collective memories that coverage of the case was likely to evoke, I build on existing scholarship about the racial dynamics of the NBA and about media representations of rape and of allegations of interracial sexual violence. I provide a brief history of racial spectacles that have been at the center of a tremendous number of “memory projects,” or “concerted efforts to secure presence for certain elements of the past” (Irwin-Zarecka, 1994, p. 8). These are events that were covered in hundreds, or thousands, of articles that have been the subject of documentary films or that have provided the occasion for national debates regarding the state of contemporary race relations. They are events that were often referred to explicitly in coverage of the Bryant case. I suggest that it is reasonable to think that even when they are not invoked explicitly, they are the
kinds of events that some segments of the population had at their disposal when looking for context to help think about the case.

Finally, I look to one other kind of “memory project” that I argue is relevant for understandings of the case. Because so much of the coverage of the case centered on privacy issues, and because one of the most frequent types of explicit invocations of the past in the coverage of the case involved references to rape jurisprudence in the 1970s, I investigate the ways in which rape-reform legislation acts as the institutional embodiment of collective memory of a sexist legal system and of 1970s-era feminist activism. Legal scholars of critical race theory have investigated the ways in which the law has worked to construct categories of race and gender (Crenshaw, 1995; Roberts 1995). My discussion of the rape-shield statutes builds on this body of scholarship, arguing that rape-reform legislation has helped to shape understandings of sexualized stereotypes and privacy. Rape-reform legislation emerged as a direct response to the antirape movement, and contemporary media discussions of this legislation invoke memories of rape victims’ being tried for their sexuality and blamed for their own rapes.

This article suggests that an analysis of collective memory is crucial for any investigation into the dynamics of racial spectacles. I argue that the Bryant case cannot be understood without grappling with ways in which collective memories of racist violence and sexist injustice were constructed and deployed in the mass media. More generally, this article highlights the ways in which social struggles of the past continue to reverberate and work to shape understandings of race and gender in the present.

### Part I: Rape Allegations and Memories of Racial Spectacles

The spectacle surrounding the Bryant rape case is, of course, inseparable from Bryant’s fame as a superstar player in the NBA. Bryant was a key member of the Los Angeles Lakers team that won national championships in 3 consecutive years, from 2000 to 2002. Kellner (2004) describes NBA basketball as “sexy, showing glistening and well-honed male bodies in a state of semi-undress, clad in skimpy jerseys and shorts. Compared to the male gladiator body armor of football players and the nineteenth-century full body attire of baseball, basketball present[s] a mode of male beefcake, especially with TV close-ups capturing the hard and agile bodies of NBA hunks” (p. 307). Boyd and Shropshire (2000) also remark on the relative vulnerability and intimacy of basketball players, writing that, as opposed to “baseball and especially football, in basketball the player’s faces are easy to see and thus easy to use in advertisements. Because of this intimacy, there is a clear identification between fans and individual players, or at least with players as we perceive them to be” (p. 3). The physical vulnerability and intimacy of basketball and the heightened possibilities for fan identification with NBA players are particularly notable given the racial dynamics of a sport in which a disproportionate number of players are Black, while the majority of fans are White.

Alexander (1994) notes that Black bodies displayed “for public consumption have been an American spectacle for centuries. This history moves from public rapes, beatings, and lynchings to the gladiatorial arenas of basketball and boxing”
The bodies of African American athletes from a variety of sports have been at the center of a number of mass media spectacles in recent years, most notably involving Mike Tyson and O.J. Simpson, but NBA players have been particularly likely to occupy center stage in American racial discourse. When Latrell Sprewell allegedly choked and threatened to kill his coach, the media regularly “represented the incident in ways that vilified Sprewell through the use of derogatory images of Black men” (Tucker, 2003, p. 315), failing to consider Sprewell’s claims about the coach’s abusive behavior and regularly referring to Sprewell in animalistic terms, variously characterizing him as a “garbage-picking raccoon,” a “tamed lion,” or other “subordinated jungle beasts”. Chris Webber, Allen Iverson, and most recently Ron Artest have all received substantial media attention for violent actions, and it would be impossible to begin to quantify the amount of ink spilled documenting the sexual behavior of Dennis Rodman, Wilt Chamberlain, and Magic Johnson. Even Michael Jordan, whose dominant media representation is a perfectly tamed and commodified image of Black masculinity, has been packaged as a sex object in his ads for Hanes underwear (Tucker). More broadly, Banet-Weiser (1999) argues that media construction of the NBA has been shaped by racist discourse, claiming that the “NBA exploits and makes exotic the racist stereotypes of the Black menace, even as it domesticates this cultural figure” (p. 406).

Tucker (2003) sums up many of the points discussed previously by noting that “in ways absent from other sports, then, the Blackness, sexuality, and the physical and emotional vulnerability of the majority of players are stamped on the face of the game of basketball” (p. 313). Because NBA players are always already at the center of an eroticized and racialized mass-media spectacle, it is not surprising that allegations of sexual misconduct on the part of an NBA superstar should be immediately seized on and scrutinized for larger lessons about celebrity, gender, and racial conflict in American society. When the allegations involve charges of interracial sexual assault, as in the Bryant case, the resulting media attention can powerfully, and uncomfortably, resonate with age-old narratives of Black sexuality.

Race Matters

There has been notable frustration on the part of various commentators who have been unable to come to terms with people who “insist” on seeing the case in racialized terms and who argue instead that the only issues of import in the case have to do with gender, celebrity, and wealth. Yet opinion polls suggest that there are racialized differences in public reactions to the case. A USA Today/CNN/Gallup poll conducted in August 2003 showed that White respondents were nearly twice as likely as Black respondents to see the charges against Bryant as “probably true,” while Blacks were nearly five times more likely than Whites to be “very sympathetic” toward Bryant (USA/CNN/Gallup, 2003). When attempting to explain this apparently racial division in reactions to the case, it seems reasonable to suggest that understandings of history may play a role in determining how people evaluate evidence and think of media coverage. Histories of racialized spectacles might be particularly noteworthy in this regard.

In his analysis of the Bryant case, Leonard (2004) references a contemporary and historical media “obsession with Black male sexuality and its dangerous relationship with White female sexuality” (p. 292) to contest claims that Blacks
were inappropriately “infusing race” into their understandings of the case and to demonstrate that race was, in fact, central to the quantity and content of media coverage of the case. Leonard discusses the tremendous amount of media coverage surrounding Magic Johnson’s HIV-positive status, as well as the “constant coverage of groupies/sexual appetites of Black athletes,” and argues that the “mainstream media voyeuristically imagines Black male athletes as hypersexual bodies” (p. 292). Leonard (2004) notes that the trials of White male celebrities charged with sexual crimes, including Mark Chamura, Marv Albert, and William Kennedy Smith, weren’t covered nearly as extensively as were the cases of Johnson, Bryant, Mike Tyson, Michael Jackson, and O.J. Simpson. While it is true that, before facing criminal charges, none of the White defendants that Leonard mentions were nearly as famous as their Black counterparts, it is also true that sexual crimes in the United States have consistently been personified by African American men in the mass media. Thus, for example, the “representative figure” for sexual harassment is Clarence Thomas (Leonard, 2004, p. 304), while media stories surrounding Michael Jackson’s alleged child molestation far outnumber the stories of any of the individual priests who were actually convicted of child abuse in the Catholic Church scandals. The media template for stories highlighting allegations of Black sexual excess and deviance can be traced back to the narratives that were used to justify lynching in the post-Reconstruction period.

Leonard (2004) writes that “the discursive field surrounding rape allegations represents a continuation of long-standing fears, myths, and hatred of Black male bodies, all of which are wrapped up in the histories of lynchings, injustice, and state violence” (p. 294). Lynching, in particular, played a major role in fostering a set of symbolic connections between Black masculinity and sexualized criminality. While there are many parallel histories of lynching, involving victims of different races and ethnicities, the majority of lynchings occurred in the Southern United States after Reconstruction, and the primary victims were African American men (Brundage, 1993; Carrigan & Webb, 2003). Public apologists for these killings including senators and congressmen fighting against federal antilynching legislation, and Southern editorial writers inevitably claimed that lynching was a method of punishing Black men who raped White women. Yet members of the mobs themselves cited rape as the reason for only a minority of lynchings. Furthermore, the extra-legal character of lynchings meant that there was generally not even a semblance of due process or, usually, any reliable evidence to support the rape charges (Markovitz, 2004). But the fictional nature of the links between lynching and rape did nothing to diminish the power that public defenses of lynching had to shape understandings of race and gender. By the early years of the 20th century, these defenses took the form of increasingly standardized narratives featuring pure White women, chivalrous and heroic White male defenders, and monstrous Black rapists. Narratives of lynching help account for the numerous “spectacle lynchings” that could draw hundreds and even thousands of participants or spectators to lynchings that were often announced in local newspapers (Brundage, 1993; Carrigan, 2004). Reports of such lynchings, disseminated to national audiences by an approving White press, reinforced such narratives, while the mythical Black rapist became a popular figure in virtually every arena of popular culture. The character of Gus in D.W. Griffith’s The Birth of a Nation (1915) is only the most famous embodiment of this figure.
More Than Memory: Contemporary Racial Spectacles

It would be a mistake to suggest that the racist stereotypes that were so central to the dynamics of lynching have remained static or that their strength is undiminished. Instead, these stereotypes were challenged, almost from the moment of their inception, as an antilynching movement spanning the final decades of the 19th century and the early decades of the 20th devoted the bulk of its resources to eliminating (or “exploding” in the movement’s parlance) the myth of the Black rapist (Markovitz, 2004). Dramatic evidence of the success of the antilynching movement’s battles over lynching rhetoric can be found in the reception of Clarence Thomas’ outraged declaration that he was the victim of a “high-tech lynching” as he faced Anita Hill’s allegations of sexual harassment during his nomination process to become associate justice on the United States Supreme Court. After all, when Thomas explained his charge by noting that the history of lynching involved “invariably, or in many instances, a relationship with sex, and an accusation that that person cannot shake off,” and argued that this history was relevant for his own circumstances, since Hill’s accusations “play to the worst stereotypes we have about Black men in this country” (quoted in Miller, 1994, p. 18), no one countered him by suggesting that lynching really was a method of punishing Black rapists. Instead, Thomas was able to count on the widespread recognition that lynching was a brutal crime based on racist stereotypes. The antilynching movement’s claim that the rape charges in lynching narratives were myths had become, by 1991, part of a racialized common sense.7

Acknowledging that stereotypes of Black male sexuality have changed over time does not, however, mean that they are irrelevant for understanding more recent racialized media spectacles. Indeed, there is no shortage of examples in which the circulation of such stereotypes has had dramatic consequences. Thus, for example, political advertisements in the 1988 presidential election, featuring the convicted rapist William (“Willie”) Horton, associated Massachusetts governor Michael Dukakis with the looming specter of Black rape and played a key role in costing Dukakis the election.8 Versions of the Black beast stereotype, lacking only the explicitly sexualized dimensions, were readily accepted when invoked in 1989 by Charles Stuart in Boston and in 1994 by Susan Smith in South Carolina.9 Perhaps the most dramatic case involving stereotypes of Black male sexuality in recent memory involved Trisha Meili, a White investment banker who was raped, beaten, and left for dead in New York’s Central Park in 1989.

Trisha Meili (who had been identified only as the “Central Park Jogger” until revealing her identity in 2003 as part of a promotional campaign for her upcoming book tour) remembers nothing about the attack and has never claimed to be able to identify her assailants (Heller, 2004). But five teenagers from Harlem (four were Black, one was Latino) were soon arrested for the crime, and they were tried and convicted the next year. There was never any forensic evidence or witness testimony tying the defendants to the attack, so they were convicted solely on the basis of confessions they later tried to retract, claiming that they had been coerced. In January of 2002, a man named Matias Reyes, who had been convicted of a series of rapes and murders and who was serving a sentence of 33 1/3 years to life, confessed to having raped Meili and said that he had acted alone (Schanberg,
DNA tests quickly confirmed that the semen that had been found at the crime scene matched Reyes’. In December 2002, shortly after the final defendant had completed his term and been released from prison, the State Supreme Court set aside the guilty verdicts.

The case has been widely compared to the Scottsboro case of the 1930s, in which nine Black boys and young men were falsely accused of raping two White women (Goodman, 1995). Initial coverage of the Scottsboro case presented the defendants as nearly demonic, and 10,000 spectators came to the courthouse during the trial in order to demand the execution of the defendants. It was only after the Supreme Court twice overturned a series of guilty verdicts that the Southern press started to acknowledge that it was likely that no rape had ever occurred. While the cases are different in many respects (there are, for example, no doubts that the Central Park attack occurred), the similarities suggest that there are important continuities between contemporary discourse surrounding race, sexuality, and crime and understandings that are commonly understood as relics of the past. The legal case against the Central Park defendants is troubling on its own, raising serious questions about possibly coercive interrogation practices and prosecutorial reliance on questionable confessions, but equally disturbing is the news coverage of and public reaction to the attacks and the defendants.

The attack on Meili was not the only violent crime committed in Central Park on April 19, 1989, or even the only violent crime that her alleged attackers were accused of (Hancock, 2003). Instead, there was a series of assaults in the park that night, carried out by approximately 30 teenagers from the Harlem area. The defendants in the assault on Meili were also convicted of charges including assault, robbery, and rioting. Even as the guilty verdicts in the assault on Meili were vacated, these convictions were let stand. From the beginning, the media frenzy surrounding the crimes in Central Park that night relied heavily on racially coded language and stereotyping. The group of teens was consistently referred to in animalistic terms, most frequently as a “wolf pack,” and a new term was coined to describe their actions that night: wilding. The mainstream press accepted the validity of the confessions without any serious scrutiny, even when crucial elements of the confessions contradicted each other, and even when DNA evidence revealed the overall weakness of the prosecution’s case.

The tone of the news coverage was echoed by public figures, as then Mayor Ed Koch regularly referred to the defendants as “monsters,” while Donald Trump paid for full-page ads in every daily paper in New York calling for the death penalty in the case, saying that the defendants “should be forced to suffer” (quoted in Hancock, 2003, p. 4). The hysteria generated in the case paved the way for the reinstatement of the death penalty in New York, and contributed to “rage against juvenile crime” at the national level, and to a sentiment that led, by the mid-1990s, to the passage of laws in most states providing for children to be tried as adults (Hancock, 2003, p. 5).

Race, Memory, and Skepticism

This is an admittedly skeletal history of American racialized spectacles, but it should be sufficient to provide a sense of the kinds of context that are available to various audiences when they try to make sense of the Bryant case. Audiences who
are aware that there is a longstanding media fascination with, and history of inflating, allegations of Black male sexual deviance and violence might be more likely to approach with caution new media spectacles involving Black masculinity. And people who are familiar with the history of criminal penalties and extralegal violence meted out to Black men on the basis of evidence that was subsequently revealed to be fabricated or unreliable seem quite likely to be skeptical of new charges of interracial sexual violence that lack compelling evidence. Indeed, Bryant’s defense team tapped into this history at one point in the pretrial maneuvering by noting that “there is lots of history of Black men being falsely accused of this crime by White women” (NBCSports.com, 2004), while the Black press regularly sought to contextualize the Bryant case by referencing the kinds of history that I’ve outlined previously. For example, the New York Amsterdam News claimed that “Bryant is reliving the horrors of the Scottsboro Boys trial in medieval Alabama. No Black man, regardless of economic status, can receive a fair trial when a white female makes a false accusation against him, especially when the allegation is rape” (Maddox, August 26-September 1, 2004, p. 12). An article in The Mississippi Link expanded on this theme, arguing, “Since the turbulent 1960s, lynchings and castrations have gone from literal to figurative. Figuratively, lynchings of high profile Blacks are done through the media, presumably to send a message to all other Blacks and to the amusement of whites” (Hilliard, 2003, p. 1). Hobbs (2004) in the Tallahassee Capital Outlook used collective memory of mob violence as an explanation for reports of racialized differences in public reactions to the case:

 Few crimes, if any, draw the fear and ire of Blacks than the alleged rape of a white woman. As recently as 50 years ago, throughout the South, Black men were subject to summary lynching for the mere accusation of sexual impropriety against a white woman. As such, when a prosecutor ignores the scientific evidence that weakens the accuser’s credibility in favor of sticking to the veracity of her story, Blacks remain skeptical. (p. 1)

 Collective memory works here as a lens: It encourages readers to focus on the case in ways that require evaluating evidence quite differently than do the mass media. For readers who follow the logic of such accounts, it is impossible to see the Bryant case in isolation since the mass media representations of the case become understood as links in long chains of images of Black men as sexually monstrous. Bryant himself cannot be seen as an individual superstar with immense wealth and privilege; instead he is connected to what Gooding-Williams (1993) would see as a vast “storehouse” of racial imagery (p. 163). A substantial portion of any racial divide in reactions to the Bryant case may well have to do with the fact that African Americans are more likely to have been exposed to versions of collective memory that include knowledge of spectacularized forms of racist injustice.

 But if racialized differences in collective memory account for some of the hesitancy on the part of African Americans (and, it should be said, of people from other racial groups who are also familiar with the kinds of history discussed previously) to accept the validity of the rape allegations in the Bryant case, memories of the past were not the only basis for a belief that the case against Bryant was tainted by racism. Instead, aspects of the racial politics directly surrounding the Bryant case itself should have been cause for serious concern. David Leonard (2003) notes that
Eagle County, where the trial was to take place, is “almost 90% white, and less than .02% Black” (p. B4). More important, the Eagle County Sheriff’s department had a well-documented history of racial profiling and had settled a lawsuit after it was revealed that deputies had stopped hundreds of Black and Latino drivers, telling them that “they fit a profile of drug smugglers because each had California license plates and ‘because of the color of their skin.’” Leonard (2004) argues that this “history and the fact that the lead investigator in the Bryant case was named in the racial profiling case is a testament to the ways in which race will continue to filter interpretations and understandings of the Kobe Bryant trial” (p. 305), although his broader point is that the bulk of commentators in the mass media were intent on ignoring this history or declaring it irrelevant. Compelling evidence that the racism of the Eagle County legal establishment was not confined to the past came with the disclosure that members of the district attorney’s and sheriff’s offices “had ordered T-shirts depicting a stick figure being hanged” and including “derogatory statements” about Bryant (Pankratz & Lipsher, 2003, p. B-04). District Attorney Mark Hurlbert initially denied that anyone on his staff had ordered any of the shirts, but he then issued a statement apologizing for having been unintentionally misleading and said that he had disposed of his own shirt immediately (Fox News, 2003). For anyone who was already wary of the possibility that Bryant might, as a Black man charged with raping a White woman, be a metaphorical lynch victim facing trumped-up charges, the fact that such T-shirts were owned by key members of the legal establishment that was seeking to try him could hardly have been reassuring. Thus, it is likely that, for many observers, a collective memory of lynching and other racist spectacles was bolstered by the contemporary state of racial affairs in Eagle County on the eve of Bryant’s trial.

**Part II: The Institutionalization of Memory: Feminist Struggle and Rape-Reform Legislation**

If there was good reason for skepticism about the charges against Bryant on the part of people whose sensibilities and beliefs were shaped by a knowledge and collective memory of racism, there were also ways in which collective memory may have prepared other audiences to see Bryant as likely to have committed the crime. Most important to consider here are people whose understanding of rape is informed by feminism and by the antirape movement of the 1970s. Such people would know that false allegations of rape are rare, since women who charge rape are often subjected to brutal treatment by the legal system and generally would have very little to gain from false charges. Moreover, because a key part of the legal maneuvering in the lead-up to the trial centered on the accuser’s sexual and medical history, the case resonated quite strongly with decades-long feminist concerns about violations of rape victims’ privacy.

**White Female Sexuality on Trial**

The sexual history of Bryant’s accuser became an issue almost immediately after charges were filed, since Bryant’s defense team wanted to argue that
injuries to Bryant’s accuser were a result of having had sex with someone other than Bryant. Rowe, McKay, & Miller (2000) have argued that in racial sport spectacles of the 1990s involving Magic Johnson and Mike Tyson, discourses that had figured Black male athletes as powerful and invincible were transformed into discourses of Black male vulnerability by refocusing the discussion and invoking stereotypes of “active” female sexuality. They argued, “In this way, the body of the Black male elite athlete is protected from racist discourses that seek to reduce it to no more than blind sexual urges—only by projecting such identity upon the bodies of women” (p. 258).

The notion of linking representations of Black male monstrosity with images of White women’s sexual excess can also be traced back to lynching narratives and the discourse of chivalry. Black men may have been the most direct targets of the racist discourse surrounding lynching, but because lynchings were defended in the name of White women, lynching narratives also worked to place limits on White women’s sexual freedom. As Hall (1993) has argued, “The right of the southern lady to protection presupposed her obligation to obey” (p. 151). While lynching has been widely understood as a method of terrorizing African American communities and enforcing racialized hierarchies, stereotypes of Black sexual monstrosity worked to create a “legacy of terror” (Hall, 1993, p. 153) that reinforced White women’s dependency on White men. White women who failed to live up to the standards of behavior suggested by the stereotype of the “pure white woman” that was so central to lynching narratives were demonized as “fallen women” (Apel, 2004, p. 28). This stereotype was fully in play during the Kobe Bryant criminal proceedings but was not uncontested. Instead, use of this stereotype provided the opportunity for the prosecution and the press to discuss the importance of rape-reform legislation and, in the process, to invoke collective memories of a sexist legal system and of feminist activism.

The strategy of representing Bryant’s accuser as excessively sexually active was on display in the preliminary hearing, at which point the lead defense attorney asked the detective who had interviewed Bryant’s accuser if the accuser’s injuries might be consistent with having had “sex with three men in three days” (Brennan, 2003, p. A4). This question set the tone for the defense strategy throughout the case. The prosecution argued that this defense strategy conflicted with Colorado’s rape-shield law, which was intended to provide victims of sexual assault with “greater protection from humiliating and embarrassing ‘fishing expeditions’ into their past sexual conduct, without a preliminary showing that evidence thus elicited will be relevant to some issue in the pending case.”11 The defense argued that there was no conflict, since the evidence they were looking for was directly relevant to the question of whether the victim’s injuries were sustained through the violent act that Bryant was accused of. The judge in the case agreed with the defense, allowing limited evidence about the sexual activity of the alleged victim, but this decision came only after a series of blunders on the part of the court that catapulted the issues of rape victims’ privacy and rape-shield laws to a national stage.

The court twice released Bryant’s accuser’s name on its Web site, citing “clerical errors” and mistakenly e-mailed copies of the transcripts from a closed-door session, regarding the admissibility of evidence about the accuser’s sexual history, to members of a variety of news organizations. The trial judge apologized
to the accuser and ordered the news organizations not to publish any information contained in the transcripts, but the apologies did little to reassure the accuser or her family, who decided to stop cooperating with the prosecution, thus effectively ending the criminal case. Advocates for rape victims saw the decision to allow evidence about the accuser’s sexual experiences into trial, along with the court’s errors, as potentially chilling. A spokesperson for the Colorado Coalition Against Sexual Assault reacted to the court’s actions by saying, “No wonder women are so afraid to go to police when they are raped. . . . Not only do you have to relive the rape, but the defense lawyers try to broadcast every other aspect of your private life” (quoted in Reid, 2004, p. A2). But while rape-victim advocates were critical of the court’s actions, they tended to argue that the most serious breaches of the alleged victim’s privacy were beyond the ability of the court to prevent. As the media searched relentlessly for every detail of the alleged victim’s personal life, not only exposing her name but also speculating about her mental health and providing information about her sexual past, the case exposed the limits to the protection that rape-shield laws could provide.

Rape-shield laws were a direct response to arguments made by the antirape movement of the 1970s that the practice of allowing testimony about a rape victim’s sexual history into evidence was a key factor in the underreporting of rape, because it ensured that legal proceedings surrounding rape worked to place the victim, and her sexuality, on trial. The ordeal faced by rape victims in the courtroom, often referred to as “a second rape,” could be a powerful deterrent when considering filing charges. In addition, the antirape movement argued that allowing irrelevant information about a victim’s sexuality into legal proceedings worked to seriously taint the legal notion of “consent,” which is central in determining whether a rape has been committed. For example, in her analysis of rape reforms, Ireland (1976) notes that “‘consent’ in a rape case has been found in the manner of the victim’s dress, in her presence at a bar, or in her previous sexual conduct” (p. 189). The rape-reform movement achieved some of the most notable legislative victories of 1970s-era feminism, and by 1980, 45 states had rewritten their rape laws to limit the admissibility of evidence about an alleged rape victim’s sexual history (Tanford & Bocchino, 1980). I would suggest that the rape-shield statutes can be seen as the institutionalized embodiment of collective memories of sexist treatment of rape victims and of feminist efforts to challenge such treatment, since these laws point to the problems of the past that account for their origin: Presumably, no one would have bothered to write such laws if the treatment of rape victims in the criminal justice system hadn’t been seen as a serious problem.

Law as Memory

The Colorado rape-shield statute, enacted in 1977, held that “except in certain instances, in rape and sexual assault cases, evidence of the victim’s prior or subsequent sexual conduct is presumed to be irrelevant” (Colo. Rev. Stat. § 18-3-407, 1977). Collective memories of the conditions that prompted rape-shield laws have been constructed and reinforced every time the laws have been invoked or contested in the criminal justice system. For example, a 1978 Colorado Supreme Court decision (Colorado v. McKenna, 1978) reflects on the genesis of the Colorado law, noting that before the statute was enacted,
defense counsel in a rape case was accorded wide latitude in cross-examining the prosecutrix. Since her credibility was placed in issue when she testified, her prior sexual conduct was considered admissible to undermine her credibility . . . [but] it has become apparent that in many instances a rape victim’s past sexual conduct may have no bearing at all on either her credibility or the issue of consent. In fact in many cases, cross-examination probing her sexual history has served only to put her on trial instead of the defendant.

Since I am juxtaposing histories and memories of the sexist treatment that rape victims have faced at the hands of the legal system with histories and memories of racist spectacles centering on unfounded allegations of Black male sexual deviance and violence, it is worth noting that there is no parallel construction of spectacle and *causes célèbres*. While images of lynch victims and of lynch mobs have been circulated widely enough (in documentaries on American race relations, in high school textbooks, and even in rap videos and Hollywood movies) to have been seared into a mainstream antiracist consciousness, and while the name Emmett Till has achieved a place alongside Rosa Parks and Martin Luther King Jr. in collective memory of the civil rights era, there is no similar iconic and widely disseminated history of rape victims’ treatment at the hands of a sexist legal system. There is no case in which the mere mention of an individual’s name would conjure up images and memories of a legal system that turned the tables on rape victims, trying them for their sexuality. But collective memories of this kind of treatment are kept alive not only through the invocation of the rape-shield statutes but also through news reports about these laws. When rape-shield laws were discussed in the coverage of the Bryant case, the media addressed not only the contemporary relevance of these laws but also the social conditions that prompted them. Recht and Kornfeld (2003) write, for example, that

 decades ago, courts admitted evidence in sexual assault cases of the alleged victim’s character and reputation for chastity, i.e., whether she was sexually active. The Rape Shield Statute, passed in Colorado (and in many other states) in the 1970s, was appropriately enacted to change that situation. . . . (p. 12C)

Similarly, an op-ed piece in the Denver *Rocky Mountain News* notes, “In the 1970s, legislatures across the country enacted ‘rape shield laws’ to help protect rape victims from the revictimization they suffered as a matter of course when they had the courage to report what happened to them” (Bayliff, 2003, p. 12C). News coverage of the legal maneuvering surrounding the Bryant case thus provided a centrally important opportunity for tapping into and shoring up collective memories of the sexist treatment accorded rape victims by the legal system in the 1970s, at the precise moment that the prosecution was relying on the successes of 1970s-era feminist activism by invoking the rape-shield statute in an effort to defend the interests of Bryant’s accuser.

**Privacy and the Limits of the Law**

The media’s obsession with every detail of the life of the alleged victim in the Bryant case demonstrated that, at least in high-profile cases, rape-shield statutes
were incapable of fully protecting privacy rights, since the kinds of abuse that state legislatures were concerned with could happen outside of the courtroom. A good deal of the potentially embarrassing information in the Bryant case was, however, gathered by the defense team and contained in the documents that the court mistakenly released to the press. So, when the judge attempted to prevent publication of the leaked information, the goal was to prevent the court’s actions from contributing unnecessarily to a climate outside the courtroom that could become even more emotionally abusive (Henson & Weinstein, 2004, p. D1). Still, the media organizations that were told not to publish the leaked transcripts immediately appealed the order. The Colorado Supreme Court heard the case and decided that while there is generally a “heavy presumption” against the constitutional validity of any form of prior restraint (any effort on the part of the state to prevent publication of any statement), Colorado’s rape-shield statute addressed a state interest of the “highest order,” and prior restraint could be justified as a method of securing this interest. The Court allowed the decision to ban disclosure of the contents of the transcripts.

The media organizations appealed the Colorado Supreme Court’s ruling, asking the United States Supreme Court to rule that the ban on publication was unconstitutional. Justice Stephen Breyer (2004) weighed in, refusing to overturn the ban, but saying that the news organizations could refile their petition after waiting two days, since “a brief delay will permit the state courts to clarify, perhaps avoid, the controversy at issue here.” The trial judge ordered the prosecution and defense to produce an edited version of the transcripts that could be released to the media. Rather than risk an unfavorable ruling from the Supreme Court that might be a major setback for first amendment principles, the news organizations appear to have made a tactical decision to end the appeals process.

The prior restraint issues were of major concern to the media and provided the occasion for dozens of articles weighing the need to protect rape victims’ privacy with the public need to be informed. The bulk of articles that I examined that discussed the legal strategies in the case focused on the rape-shield statutes. The need for and history behind such statutes were addressed frequently. Analysis of the rape-shield laws often entailed discussions of whether particular pieces of information about the victim’s sexuality or mental health were relevant in determining her credibility and whether the rape-shield laws might exclude information that was necessary for Bryant’s legal team to mount an appropriate defense. Press accounts often misinterpreted the Colorado rape-shield law by suggesting that it ruled out any evidence about an alleged victim’s sexual past. In fact, while it was true that the law created a legal presumption that such evidence was irrelevant, a number of exceptions to that presumption were provided for by the statute. Bryant’s defense team was thus regularly mischaracterized as challenging the rape-shield statute. Instead, the strategy that proved most successful for the defense was to argue that evidence of the alleged victim’s sexual activity in the time period surrounding the alleged assault should be seen as falling within the exceptions carved out by the law. This mischaracterization was not inconsequential. Because the media regularly focused on the rape-shield laws, representing them, appropriately, as the legislative embodiment of the 1970s antirape movement, the notion that Bryant’s defense was in conflict with these laws made it possible to see the prosecution as a surrogate for
feminism, and to see Bryant’s defense as having to overcome not the claims of one woman but the institutionalized force of an entire social movement.18

Part III: A Clash of Discourses and Contests Over Memory

For some commentators whose skepticism about the charges against Bryant was rooted in collective memories of lynching and knowledge of past racist spectacles, the specter of a feminist movement pitted against a Black man was all too familiar. For antiracist activists, allegations of White women’s victimization at the hands of Black men have long required a great deal of care and scrutiny because such allegations were central to the dynamics of lynching and the maintenance of White supremacy. Hutchinson (2004) writes that “there’s a reason many blacks buy Bryant’s racial victim claim. For decades, the Klan used white fears of black men raping white women to terrorize blacks. Older blacks still have vivid and painful memories of the lynch murders of fourteen year old Emmett Till for allegedly whistling at a white woman in 1955 in Mississippi, and Mack Charles Parker for the alleged rape of a white woman in 1959 in Louisiana.” The antirape movement of the 1970s was largely a White women’s movement, and it has been long criticized for reliance on racist stereotypes. Angela Davis’ (1981) well-known analysis of the antirape movement’s rhetoric concludes that the foundational texts of the movement, including Susan Brownmiller’s Against Our Will (1975), “have facilitated the resurrection of the timeworn myth of the Black rapist” (p. 182).19

The often-unacknowledged racist legacies of the antirape movement leave contemporary feminist rhetoric particularly vulnerable to claims of racism. For example, one way to explain the ease with which supporters of Clarence Thomas were able to dismiss Anita Hill’s allegations of sexual harassment is that the legal strategies animating her charges were a product of the same 1970s-era activism indicted by Davis and were thus possible to represent as tainted by “White women’s feminism.” Feminist supporters of Bryant’s accuser found themselves dealing with a similar dynamic. For example, Reed (2004) writes about the Bryant case as part of an ongoing “war against Black men,” and sees what he refers to as the “Ku Klux Feminists” of CNN, including Naomi Wolf and Wendy Murphy, as important soldiers in this war.20 Reed argues that Susan Brownmiller “and other well-known feminists have an irrational hatred of Black men” (p. 45). The comparison to the Klan is a clear indication that Reed’s rhetoric is exceptionally inflammatory, but he is not alone in his assessment of the Bryant case as being marked by feminist complicity in the metaphorical lynching of a Black man.

Conclusion

In the fall of 2004, after the dismissal of the criminal charges in the Bryant case, The Los Angeles Times ran an article titled “Kobe’s Second Act: It All Worked Out for Him: No Shaq, No Phil, No Prison. But Have We Worked Out Our Feelings About Him?” (Kaye, 2004). The article rehearses some of the details of Bryant’s career and asks, “Knowing what we now know, should we root for him?” A similar
article focuses on Los Angeles Lakers fans and parents, who were said to be “torn over Kobe,” “disillusioned by the sexual assault charges,” and wrestling with “rooting for one of their favorites” (Braxton, 2004, p. E1). The kinds of explanations that are offered in these articles for the conflicted feelings that people have when considering the Bryant case are fairly superficial, revolving around notions of celebrity, the costs of fame, and the inability to know the person beneath the image of the sports hero. But the question of whether to sympathize with Kobe Bryant is a vexing one for anyone concerned with the dynamics of race, gender, and violence as represented in popular culture and the mass media. No doubt there are many reasons that people might be “torn over Kobe,” but one set of tensions is never addressed in the media coverage. For audiences who are concerned with a variety of oppressive forces, and whose sensibilities and collective memories are shaped by recognition of the value of struggles for social justice, coming to terms with the Bryant case is no simple matter. As commonsense belief systems shaped by antiracist struggle conflict sharply with commonsense belief systems shaped by feminist politics and the antirape movement of the 1970s, the question of what, exactly, it means to root for Kobe Bryant remains. Is this possible without trivializing not only the suffering of his alleged victim but also rape itself? Alternatively, what does it mean to withdraw support from a Black man charged with the rape of a White woman, especially once the criminal charges have been dropped? Can this be done without falling prey to some of the most corrosive and enduring racist stereotypes in American society? Rowe, McKay, and Miller (2000) argue that the “difficulty of disentangling assumptions of guilt or innocence of an appalling sexual crime from preexisting racist and sexist discourses—not to mention the knowing exploitation of those discourses by both prosecution and defense—reveals the extent to which ideologies of power are ever-present in the practice of everyday life and in the conduct of cultural politics” (p. 259). In the end it is not just difficult, but it is impossible to separate thoughts about guilt and innocence from ages-old narratives of race and gender in cases like these, and the question of whether or not to root for Kobe Bryant is implicated in, and inseparable from, a clash of discourses. An antisexist discourse that would highlight the privacy rights of rape victims clashes with an antiracist discourse that seeks to link Bryant to victims of a racist legal system and to victims of extralegal violence.

In her discussion of racial discourse surrounding the O.J. Simpson case, Crenshaw (1997) argues that inadequate attention to the ways in which categories of gender and race intersect led to a dominant framing of the case that pitted feminists against antiracist activists and suggested that “race and gender were locked in a zero-sum game in which a win for Blacks was a loss for women, and vice versa” (p. 145). Crenshaw’s point about the perils of failing to account for the complexities of intersecting forms of oppression provides an important note of caution for anyone trying to come to terms with the Bryant case. As long as the case is seen in “he said/she said” terms, or as long as the framing suggests that there are two clearly distinct sides, and that one must be worthy of support and the other of condemnation, it is impossible to more fully assess the complexities of the racial and gendered dynamics in play. More specifically, the “zero-sum” game that Crenshaw refers to obscures the need for critical assessment of the ways in which the case resonates with ages-old stereotypes of race and gender.
Crenshaw (1997) argues that the Simpson case and other cases “involving such vexed categories as race, gender, and class” call for “an intersectional politics that merges feminist and antiracist critiques of institutional racism and sexism” (p. 158). Of course, figuring out how to develop and mobilize such an intersectional politics is far from clear. McDonald (1999) credits antiracist activists and feminists for their critiques of the ways in which media coverage can work to determine dominant understandings of sexualized violence, yet she notes that antiracist and feminist arguments have gained little traction within the mass media and that media attention to “violent actions does not necessarily translate into critical understanding” (p. 128). Crenshaw (1997) is similarly concerned with the inability of activists to intervene in unfolding sports spectacles in politically useful ways. She notes that the kinds of issues surrounding sexual violence and racial injustice that played out in the Simpson case have been usefully analyzed by feminists and antiracist activists, but she argues that, as the case unfolded, “there was no readily accessible framework that allowed the critiques to be aligned in a complementary rather than implicitly oppositional fashion” (p. 159). As the Kobe Bryant case unfolded more than a decade later, very little appears to have changed. Collective memories of racist spectacles and of sexist treatment of rape victims at the hands of the legal system were mobilized in order to garner support for particular parties involved in the case, but there were few signs of an organized “feminist antiracist” (p. 157) response that was simultaneously attentive to the sexist and racist dimensions of the case.

Irwin-Zarecka (1994) writes that collective memory “is best located not in the minds of individuals, but in the resources they share” (p. 4). At one level, this is just a definition of collective memory. But it is also a methodological claim. The point here is that the way to assess the nature of collective memory is not necessarily to conduct interviews or to accumulate survey data to determine how people are thinking about the past. Instead, Irwin-Zarecka’s claim suggests that the task for the analyst of collective memory is to look to shared resources, or to the cultural production of widely disseminated versions of the past. Clearly, I have taken this suggestion to heart, looking not to “the minds of individuals” but to the media and the legal system as sites where collective memory is constructed and deployed. Still, an analysis of cultural production can ultimately only provide clues as to how people might make use of their understandings of the past in making sense of the present. Irwin-Zarecka (1994) cautions that an abundance of resources does not guarantee that people actually use them . . . As we look at a collective memory, at what it offers and at how its offerings change, we ought to remain modest in our claims. Individuals are perfectly capable of ignoring even the best told stories, of injecting their own, subversive meanings into even the most rhetorically accomplished “texts”—and of attending to only those ways of making sense of the past that fit their own. (p. 4)

To determine how, and whether, “people actually use” the cultural resources and kinds of collective memory that I have discussed in this article when following racialized and gendered spectacles, it would be necessary to conduct research into “the minds of individuals.” Empirical research along these lines might involve
interviews or surveys that seek to measure what people knew about histories of racial injustice before the allegations against Bryant surfaced, or whether and how people thought about history and memory as the case unfolded. The theoretical investigation into the dynamics of collective memory that I have conducted in this article is ultimately speculative and only one step in a larger process of assessing the ways in which collective memory can influence public responses to contemporary events.

The question of whether or not Bryant is guilty of rape is beyond the scope of this article, but I do hope to have provided some of the conceptual tools necessary to make sense of the ways in which memories of racialized spectacles and memories of sexist practices surrounding treatment of rape victims were pitted against each other in what became a clash of antiracist and antisexist discourses. As members of various constituencies approach unfolding racialized and gendered spectacles, the understandings that they come to are not generated whole cloth on the spot but are instead informed by collective memories that have been constructed as products of long histories of political struggle. In an attempt to understand the social nature of individual consciousness, Antonio Gramsci argued that it was necessary to take on the task of “‘knowing thyself’” as a product of the historical process to date, which has deposited in you an infinity of traces, without leaving an inventory.” To achieve this kind of self-knowledge, “it is imperative at the outset to compile such an inventory” (Said, 1978, p. 25). This essay highlights the value of such a compilation project—only by reckoning with the traces or collective memories of struggles over race and gender is it possible to begin to come to terms with the nature of the disparate reactions to the Kobe Bryant rape case.

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References


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**Notes**

1. *Sexual assault* is Colorado’s legal term for rape.
2. The Ethnic NewsWatch database provides full-text access to hundreds of newspapers and magazines of the ethnic press, including access to most of the nation’s African American newspapers.
3. In February 2004, 77% of NBA players were African American, while only 21% were White (Lelinwaller 2004).


5. Leonard (2004) writes that “social commentators, from White feminists to conservative pundits, continue to paint the picture of sexual crimes with a Black brush” (p. 304).

6. For example, a Nexis search of major papers in 2003–4 yields 812 hits in a search for “Catholic Church” and “child abuse,” while a search in the same time period for “Michael Jackson” and “child abuse” yields 980 hits.

7. I am following Gramsci’s notion of “common sense” here, in that I see common sense as socially constructed and as the product of discursive battles over hegemony. See Markovitz (2004, p. 15) for more on this idea. For much more detailed discussions of the Hill/Thomas hearings, see Morrison (1992) and Markovitz (2004).


9. See Markovitz (2004, pp., 84–90) and Smith (1998, pp. 9–10), for more sustained discussions of these cases.

10. There are numerous examples of stories seeking to explain support for Bryant by referencing histories of racism. See Deggans (2006).


13. See “Bryant’s Accuser’s Ordeal Shows Limits of Rape Shield Law,” Editorial, Chicago Sun-Times August 16, 2004, for an assessment of the ways in which the Bryant case is likely to deter rape victims from coming forward.

14. There are numerous similar examples. See Paulson (2004) and K. Johnson (August 26, 2004).

15. See, for example, Young (2003).


17. For an example of the press addressing the links between the antirape movement and the rape-shield laws, see Markels & Marek (2003). See also Young (2003).

18. The stakes of the case, and the idea that Bryant’s defense team was in conflict not only with the accuser in the case but also with a broader antirape movement, are also highlighted in a series of articles that quote rape-victim advocates and antirape organizations expressing concern about the repercussions of the case. See Harden (2004).

19. Critiques of the racism of the antirape movement, or of the movement’s lack of attention to the concerns of women of color, have been important for challenges to the essentialism in much of mainstream feminism. See Crenshaw (1995) and Harris (1990) for overviews of these challenges.