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FOR BETTER OR FOR WORSE?
MEDIA COVERAGE OF MARITAL RAPE
IN THE 1978 RIDEOUT TRIAL

by

MELISSA ANNE BAZHAW

Under the Direction of Dr. Jeffrey Bennett

ABSTRACT

The Rideout trial in 1978 was the first case in the United States in which a wife charged her husband with rape while the couple was still living together. This thesis furthers research in the area of marital rape by examining the press coverage through textual analysis. The scope of the research is limited to newspaper coverage (local and national) and the subsequent made-for-television movie based on the trial. As a case study, the Rideout trial illustrates how the press has covered sexual assault in the United States—especially during the height of the 1970s women’s movement. The findings indicate that through the execution of various rape-centered scripts, traditional rape stereotypes were perpetuated and only a few were challenged. This perpetuation led to an initial invalidation of marital rape, including Greta Rideout’s claim of rape.

INDEX WORDS: Rideout, Press frames, Marital rape, Spousal rape, Rape, Media coverage, Sexual assault

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A Thesis Submitted in Partial Fulfillment of the Requirements for the Degree of

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2008

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May 2008

DEDICATION

I would like to dedicate my thesis to my family, who have supported me throughout my academic career, and without whom I would not have begun this journey. This is also dedicated to David, without whom I could not have finished this journey and begun a new one.

ACKNOWLEDGEMENTS

Without the guidance of my committee, Dr. Bennett, Dr. Atkinson, and Dr. Meyers, I would not have been able to produce this thesis. They have each provided me academic knowledge and personal wisdom, without which I could not have put together a thesis I am proud to claim as mine. Thank you to each of you for all you have done.

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Introduction

“But if you can’t rape your wife, who can you rape?”

--Senator Bob Wilson, CA, 1979¹

One of the results of the women’s movement in the 1970s was putting the crime of marital rape into the forefront of citizens’ minds as a real social problem. However, as heightened as awareness has become, rape by one’s intimate partner is still not perceived to be as “serious” as stranger rape.² In fact, until 1993, most state laws relating to rape included an exemption making it legally impossible for rape to occur in marriage. Currently, many states have laws that essentially permit a husband to rape his wife if she is incapable of granting consent due to physical illness, sleep, or physical incapacities due to alcohol or drugs. Part of the problem with studying and researching marital rape is that many times it occurs within the gray boundaries of acquiescence.³ In most stranger rape cases, part of the convicting evidence is the use of force by the perpetrator. However, unwanted sex between intimate partners does not necessarily include the use of physical force. As a result, charges are seldom brought against spouses or intimate partners. When claims are pursued, few end in convictions.

Despite the seemingly self-evident nature of ‘marital rape,’ the meaning of the phrase is evasive. Consequently, the crime occurs at high rates, but goes without discussion in the public sphere. Available research suggests that 10-14% of married women within the United States

¹ O’Reilly, J. (1983, September 5). Wife Beating: The Silent Crime, *Time*.

² Basile, K. C. (1999). Rape by acquiescence: The ways in which women ‘give in’ to unwanted sex with their husbands. *Violence Against Women*, 5, 1036-1058.

³ Basile, p. 1038.

have been raped by their husbands—though most victims do not consider the act rape.⁴ Mahoney suggests that because victims of marital rape are ten times more likely to experience multiple attacks, as compared to stranger or acquaintance rape survivors, they are less likely to perceive these frequent attacks as crimes.⁵ A 1998 national poll found that 76% of the general public believes husbands do use force to make their wives have sex. However, those surveyed may not necessarily define the forceful acts as rape crimes.⁶ Many rationales exist for this reasoning, including the concept of “wifely duty” and the fact that spouses may not offer the same kinds of resistance as they would in a stranger rape situation. In fact, many people find the concept of marital rape inconceivable because of traditions still apparent within the institution of marriage.

The traditional roles of women—within and outside of marriage—were redefined during the women’s movement of the 1970s. Laws were beginning to be passed—both nationally and internationally—to protect women from brutalization by both strangers and intimate partners.⁷ The long road to this accomplishment was not easily trod. It was not until 1994 that all 50 states had rape laws in place that did not accept spousal privilege as a defense. As illustrated by decades of fighting against the legal system and society, laws protecting assaulted women did not come to pass easily and they did not go unchallenged.

One such challenge was *Oregon v. Rideout*. On October 10, 1978 Greta Rideout called the Salem Women’s Crisis Service of Salem, Oregon to report she had been raped by her husband. The service advised her to call the police. The police were summoned on a call of

⁴ Mahoney, P. (1999) High rape chronicity and low rates of help-seeking among wife rape survivors in a non-clinical sample: Implications for research and practice. *Violence Against Women*, 5, 993-1016.

⁵ *Ibid.*, p. 1010, 1008

⁶ Basile, p. 1039.

⁷ In the same year, the UN passed the Declaration on the Elimination of Violence Against Women. Although women’s rights activists had been actively attempting to gain the support of the UN since the 1960s, it was not until 1994 that a universal declaration was made. The declaration stated that “marital rape” would be considered violence against women.⁷ [Declaration on the Elimination of Violence Against Women. (23 February 1994). A/RES/48/104. Article 2, § (a).]

abuse and Greta Rideout explained to them, when they arrived, that her husband had raped her.⁸ Eight days later, John Rideout was indicted under Oregon's recently revised state rape law which did not hold an exemption for men accused of raping their wives.⁹ Under the old law, and the laws of 47 other states at the time, men could not legally rape their wives due to common law practices dating back to 17th century England.¹⁰ The trial, which took place during the week of Christmas 1978, lasted only six days. The four men and eight women who made up the jury acquitted John Rideout because they did not feel there was ample evidence to support the "beyond a reasonable doubt" stipulation.¹¹

Because of the "novelty" of the Rideout case, ample attention was paid to it within the media. The case received national news coverage and was picked up by publications such as *The New York Times*. Walter Cronkite even discussed the trial on *The CBS Evening News*. Because of the sensationalism caused by the trial, the press publicized every aspect of the case. As is still a problem today, Greta Rideout's previous sexual activity came under fire during the trial as did her past experiences of abuse with her husband. Therefore, her past become public knowledge, as well, via media outlets. Because of the coverage, Greta and John Rideout were put before the larger jury of the news and media public. The strategy of the defense was two-fold. They argued a rape did not occur because John Rideout was not aware of the change in law and felt he had a right to his wife based on common law.¹²

Previous studies in the area of marital rape have not explored how the press framed this issue. Ignoring these frames overlooks the unique relationship that exists between the media and

⁸ Cuklanz, L.M. (1996). *Rape on Trial: How the Mass Media Construct Legal Reform and Social Change*. Philadelphia: University of Pennsylvania Press; "Against a wife's will?" (1979, Jan. 1). *Time*, 86.

⁹ Jury selection starts in Oregon trial of man accused of raping wife. (1978, Dec. 20). *The New York Times*, A16.

¹⁰ Revolution in Rape. (1979, April 2). *Time*, 50.

¹¹ Rape? No. (1979, January 8). *Time*, 61; Ledbetter, L. (1978, December 28). Oregon man found not guilty on a charge of raping his wife. *The New York Times*, A1, D14.

¹² Against a wife's will? (1979, January 1). *Time*, 86; Opening arguments heard in husband-wife rape case. (1978, December 21). *The New York Times*, A20.

the public. Gamson's constructionist model explains that the media and public sphere are part of the same cultural system and, therefore, possess the same cultural "scripts" or "frames."¹³ Media use frames that resonate with the public in order to give meaning to social and cultural phenomenon. Research suggests the particular media frames affect audience views which can consequently determine support from publics. Meyers states that in addition to shaping views and understandings, news media indicate how society views male violence against women, "delimiting what may be acceptable or unacceptable behavior for both women and men."¹⁴ Therefore, it is important to analyze the media frames surrounding the issue of marital rape in order to determine how meaning is generated for the public.

Also, previous studies of the Rideout trial do not examine print press coverage of the trial with exactly the same method, nor do they analyze the made-for-television movie based on the trial that aired in 1980. Therefore, this research will investigate the local and national print coverage of the case during the week of the trial and the made-for-television movie. The Rideout case has had an important impact on how we understand marital rape. In order to give an idea of how far we have, and have not, come on this issue, it is necessary to inspect its historical framing in the American press. Scrutinizing local and national coverage, as well as representations forged in the movie, has yielded important findings. For instance, articles published by the *New York Times* included information regarding evidence of the rape that the local papers did not include in their coverage of the story. This research takes a close look at coverage of the *Silverton Appeal-Tribune*, the *Oregon Statesman*, the *Stayton Mail*, and the *Woodburn Independent* as

¹³ Gamson, W. (1988). The 1987 Distinguished Lecture: A Constructionist Approach to Mass Media and Public Opinion. *Symbolic Interaction*, 11, 161-174.

¹⁴ Meyers, M. (1997). *News Coverage of Violence Against Women: Engendering Blame*. Thousand Oaks: SAGE Publications.

local sources. The national texts that will be examined are the *Chicago Tribune*, *Houston Chronicle*, *Los Angeles Times*, *New York Times*, and *Washington Post*.

This study offers insight into how the press framed marital rape during the height of the women's movement. The sensationalism caused by the Rideout trial in 1978 points to a need to understand how press frames of marital rape, the victims, the accused, and the verdicts shifted during the course of the trial. Many citizens would not have ever considered rape by one's spouse a possibility, let alone a crime. Therefore, as with many such issues, citizens would have looked to the press to help better understand the "new" concept. The possible ideological shift could help inform further research into the progression of rape reform, press coverage of rape, and the changing nature of marriage in the United States. This study also furthers the limited available research about marital rape and aids in understanding the complexities that the press present while covering such sensational news topics.

Literature Review

Researching marital rape is hindered because of its controversial history and difficulty to prove. Research in the field is scarce in comparison to literature about other forms of sexual violence. Therefore, what literature is available will be discussed here in order to iterate what specific studies have been conducted about marital rape and its place within the American psyche. Three major areas of study will be reviewed: the traditional marriage contract and the origin of the marital rape exemption; Battered Wife Syndrome and the victimization of women; and the representation of women in the press.

The origin of the "marital rape exemption" has been traced back to Justice Matthew Hale, who practiced law in 17th century England.¹⁵ According to Hale's reasoning, a husband cannot be found guilty of raping his wife because a wife essentially signs a contract, giving herself up

¹⁵Russell, D.E.H. (1982). *Rape in Marriage*. (p. 17). New York: MacMillan Publishing Co., Inc.

“in this kind unto the husband which she cannot retract.”¹⁶ It is interesting to note, however, that this statement is not one of law, but rather one of reasoning. Common law reasoning is considered a type of moral reasoning, which takes place in order to create “equality” and, therefore, rests on precedents of law.¹⁷ Because marriage was previously considered a contract between a man and woman—a kind of property contract—common law reasoning would make essential adhering to relationship roles between a person and his property. Therefore, a woman who did not wish to engage in sexual relations with her husband would be considered breaking her contract. A man forcing sex on his wife, however, would not be considered breaking his contract.

Even though a lot has changed since the 17th century, many people still cling to variations of traditional gender roles. As stated previously, it was not until the 1970s that rape, in all its forms, came to the forefront as an issue in the United States. Much of the problem rested on the adherence to traditional subjective gender roles of women. As laws were adapted to consider different types of rape, resistance to the charge of marital rape remained due to the traditional view of the marriage contract. Many people argued that the legislature had no right to invade the sanctity of the bedroom and, therefore, no marital rape laws should be allowed on the books.

In 1977, spousal immunity was removed from Oregon’s rape statute. This deletion allowed for John Rideout to be indicted for raping his wife. According to Russell, “Despite the fact that the publicity about this case was often critical of Greta Rideout and the fact that a husband could be accused of raping his wife, it has done more than any other [case] to raise consciousness about the issue of wife rape.”¹⁸ The news coverage, however, did initiate a

¹⁶ Hale, M. (1736). *History of the Pleas of Crown* in Russell’s *Rape in Marriage* (p. 17).

¹⁷ Moore, M. S. (2000). *Educating Oneself in Public: Critical Essays of Jurisprudence*. (p. 449). Oxford University Press: Oxford.

¹⁸ Russell, p. 19.

backlash. Less than two weeks after John Rideout was acquitted of rape, the couple announced reconciliation. Headlines beamed that they would give it another try. What is often missed, because of the lack of news coverage afterward, is that two months later, the couple separated permanently and Greta Rideout was granted a divorce. Within a year, John Rideout had been charged with criminal trespassing and harassing his ex-wife.¹⁹ These facts were largely ignored in the press, creating a sense that the couple remained together. If she did stay with her husband, it suggested to the public that the situation could not have been as bad as Greta had insisted. Why else would she have stayed? This ignores what we now refer to as The Battered Wife Syndrome.

A controversial theoretical perspective that surfaced during the late 1970s, Lenore Walker's Battered Woman Syndrome (BWS)²⁰ put forth the idea that women who are repeatedly subjected to forceful physical or psychological acts as forms of coercion cannot be held fully accountable for their future actions. According to Walker, the physical and psychological damage inflicted is so harsh that women are essentially paralyzed, becoming incapable of taking any action that would alleviate the situation short of killing the abuser. Granted, Greta Rideout did not kill her husband. But Walker's assertion that the abuse women suffer alters their psychological well-being is applicable to this case. It should also be noted that BWS has, from its inception, been a problem of signification. Women suffering from BWS have been subject to abuse for so long that their bodies refuse to accept the imposed category of silent victim. BWS is an amalgamation of physical and psychological symptoms resulting from long-term and repeated abuse.²¹ The symptom complex²² from 1984²³ included repeated (more than three times)

¹⁹ *Ibid.*, p. 20.

²⁰ Walker, L. (1979). *The Battered Woman*. Harper Collins: New York. (Also termed Battered Wife Syndrome.)

²¹ *Ibid.*; Swanson, R.W. (1984). Battered wife syndrome. *Canadian Medical Association Journal*, 130, 709-712; Cunningham, S. (1983). Courts recognizing 'battered wife syndrome.' *APA Monitor on Psychology*, 20 (4), 24, 27.

²² A symptom complex, used both in medical and psychological diagnoses, is a group of interrelated ideas or symptoms, which are usually unconscious, that have a common emotional tone, strongly influence a person's attitude and behavior, and come together to form a syndrome.

demonstrable injury including a minimal injury of “severe bruising.”²⁴ Other physical symptoms include headaches, chest pain, a choking sensation, hyperventilation, pelvic pain, and back pain. However, psychologists and psychiatrists struggled to gain the right to also qualify psychological abuse as part of the symptom complex. According to Swanson, women who have been diagnosed with BWS present symptoms including: agitation, anxiety, panic, apprehension, insomnia, violent nightmares, fatigue, low self-esteem, guilt-ridden, and helplessness.²⁵ Studies have shown that most women remain with their abusive partners out of fear—a common culmination of all these psychological symptoms. Fear explains why Greta Rideout, and other women, did not previously permanently separate from her husband. On the other hand, sometimes this fear culminates into a sort of “attack or be attacked” mode of thinking, and these abused women defend themselves by preempting another strike from their batterer.

The problem of significance resurfaces through these women because they take an active role in refusing to accept the imposed category of victim. In the case of Greta Rideout, the last act of abuse pushed her to take legal action because she was attempting to reconstruct her own signification and re-categorize herself as a woman who would no longer accept abuse from her husband. In an interview after the verdict was announced, Greta Rideout told reporters that she believed the outcome of the case would have been different if she had been allowed to tell them “about the plight of the abused wife.”²⁶ She explains to the reporter that some women put up with abuse because they feel they have no choice. She expresses that she wanted to explain how difficult it is to attempt to leave an abusive relationship—both emotionally and financially. In her

²³ Currently, “battered person syndrome NEC” is listed as ICD-9 code 995.81. “Women who are physically and mentally abused over an extended period, usually by a husband or other dominant male figure. Characteristics of the battered woman syndrome are helplessness, constant fear, and a perceived inability to escape.”

²⁴ Swanson, p. 709.

²⁵ *Ibid.*, p. 710.

²⁶ Evenson, J. (1978, December 28). Principals respond to verdict. *The Oregon Statesman*, p. A1+.

previous attempts to leave John Rideout, Greta was turned down by her family and had no place to live. Therefore, she explained, she felt she had no choice in the matter. In other words, she was re-telling her own story of abuse and survival to the public, her husband, and herself.

More recently, extensive research has been done in the area of intimate partner violence.²⁷ This research concludes that this specific type of violence typically follows a cyclical pattern of abuse. The four stages include tension, explosion, remorse, and honeymoon. It is the last two stages of remorse and honeymoon that eventually cause the victim to return to the abusive relationship. Intimate partner violence is similar in form to Walker's original BWS theory, which included a similar pattern involving only three phases—essentially combining remorse and honeymoon into one phase of “unusual calm.”²⁸ Victims become convinced that the abuse will not occur again and that their partners are actually “good people” and have changed.²⁹ The intimate partner cycle helps to frame the complexities of the Battered Wife Syndrome and why victims stay with their abusers for long periods of time.³⁰ However, it is important to point out that Walker did not publish her findings until 1979, the year after the Rideouts had their day in court.

Along with Walker's theory of Battered Wife Syndrome, other studies were beginning to be published during the 1970s to redefine how we communicate about the victimization of women. According to Colleen A. Ward, the essence of early feminist writings concerning sexual violence was an attempt “to reconceptualize sexual violence and to represent it in terms of

²⁷ Intimate partner violence, or IPV, research encompasses various types of violence from stalking to psychological abuse to physical and sexual abuse. According to symptoms listed by the CDC, there are substantial parallels between IPV and BWS such as bruises, pelvic pain, headaches, back pain, depression, anxiety, and low self-esteem. (See CDC Intimate Partner Violence Prevention, Facts—NCIPC, <http://www.cdc.gov/ncipc/factsheets/ipvfacts.htm>.)

²⁸ Walker; Cunningham; Swanson

²⁹ Wood, J.T. (2007). *Gendered Lives: Communication, Gender, and Culture* (7th ed.). (p. 287-292). Thomson-Wadsworth: Belmont, CA.

³⁰ Even in the made-for-television movie, Greta's character explains to the women's crisis center staff that her relationship with her husband had ebbs and flows of good and bad times.

women's realities."³¹ Classic works by feminist theorists Susan Brownmiller and Susan Griffin are the most frequently cited works about rape in the 1970s. These works acknowledged injustices and victimization from different angles. Still influential today, the perspective that emerged was one of interpretation of reality from women's point of view.³² Brownmiller admits that her awareness of rape had changed because she finally understood there to be a different way of looking at the relations between men and women.³³ Through her research, she felt she had come to a new perspective of how men and women do and should treat one another. Her open declaration of how her own visions of rape had changed endorsed the "dynamics of feminist consciousness-raising."³⁴ Before starting the project that later became *Against Our Will*, Brownmiller felt that her journalistic work had been "objective." Her principles had identified with the civil rights movement and she even gave the accused the benefit of the doubt. However, after an intense discussion with friends about rape, she discovered that the only thing she knew was that she had not experienced rape. All this time, she had preferred to deny the threat of rape that affected her life. A conference was spawned by the discussion and later led to the subsequent book, making her rethink sex, power, male-female relations, and strength.³⁵ Works such as Brownmiller's do not negotiate the line between male and female perspectives. Instead, they present personal accounts of what it is like to be a woman. This form of criticism is one of the cornerstones of feminist perspectives today—keeping one's own experiences and beliefs near the surface of research so that readers might acknowledge and understand the author's standpoint.

³¹ Ward, C.A. (1995). *Attitudes toward Rape: Feminist and Social Psychological Perspectives*. (p. 18). London: Sage Publications.

³² *Ibid.*, p. 19.

³³ *Ibid.*, p. 19-20.

³⁴ *Ibid.*

³⁵ Brownmiller, S. (1975). *Against Our Will: Men, Women and Rape*. (pp. 7-9). Simon and Schuster: New York.

As previously stated, research in the area of marital rape is difficult to come by because there are so many cultural and legal barriers surrounding it. Therefore, the experiences of many people have been virtually invalidated. The automatic acceptance of the Hale doctrine as a common law exemption illustrates the lengthy history of invalidation within the United States.³⁶ The long overdue overhaul of the marital rape exemption began to make headway in the mid-1970s when activists sought the public's attention.³⁷ In 1977, the National Council on Jewish Women passed a resolution, based on ancient Jewish law, to repeal all marital rape exemptions. Also in 1977, the American Civil Liberties Union stated that it backed removing such exemptions from state laws.³⁸ The above-mentioned strides in law were largely made possible by Laura X—an activist who must be included in any discussion of marital rape laws.³⁹

Laura X began her personal crusade to protest “all forms of slavery” and “the lack of women's rights, history, and self-ownership” in the 1960s.⁴⁰ Born Laura Rand Orthwein, Laura X at one time took her Vassar College professor's, John Victor Murra, surname as her own and referred to herself as Laura Shaw Murra. However, when she became a renowned movement activist in 1968, she took on X as her surname as a symbol for all women who had taken the names of others and had lost their identities. In 1968, she called for a revival of International Women's Day⁴¹ in the United States while writing a film review for the *Daily Californian* at UC Berkeley. In 1969, Berkeley students, led by Laura X, organized a Women's Day march at Berkeley. She was also the founder and director of the National Clearinghouse on Marital and

³⁶ Bennice, J.A. & Resick, P.A. (2003). Marital rape: History, research, and practice. *Trauma, Violence, & Abuse*, 4(3), p. 229.

³⁷ *Ibid.*, p. 230.

³⁸ *Ibid.*

³⁹ Laura X assumed her name as a “protest against the lack of women's rights, history, and self-ownership.” [X, L. (1999). Accomplishing the Impossible. *Violence Against Women*, 5(9), p. 1066.]

⁴⁰ X, L., p. 1065-1066.

⁴¹ The first International Women's Day was held March 8, 1857 when a group of New York seamstresses demonstrated for better working conditions.

Date Rape. The clearinghouse was created to keep track of legislative changes to marital and date rape laws within the U.S. and its territories. She has also been a key expert witness in numerous rape cases across the United States. In regard to the Rideout case, Laura X assisted the rape crisis center in Salem, Oregon during the trial. The same crisis center helped Greta escape on International Women's Day, 1979, after Greta realized her reconciliation with John was not working and she was continuing to suffer from violent attacks. That same year, Laura X coordinated the campaign to make marital rape a crime in California—and is credited with spearheading the entire national movement. She toured the country in the early 1980s to further the public's knowledge of both date and marital rape.⁴² She also continued to update the National Clearinghouse on Marital Rape State Law Chart until marital rape became a crime in all 50 states in 1993.⁴³

Cultural invalidation, the belief that marital rape is not “real rape” is a more recent research development.⁴⁴ Perceptions of marital rape have been studied a number of times to better understand cultural comprehension of the issue. Bennice & Resick assert that a pattern exists in intimate partner rape, whereby as the victim-offender relationship increases in familiarity, the victim-blame increases proportionately, and perceived harm decreases. As such, it is more likely the incident will not be defined as rape.⁴⁵ In other words, the more familiar the victim is with the perpetrator, the more non-rape and victim-blaming language is used to frame the rape.

Typically, rape is defined in terms of force. The more intimate the victim and perpetrator are before the allegation of rape, the more likely it is that implied sexual consent will be used

⁴² *Ibid.*, p. 1068.

⁴³ X, L. (1999).

⁴⁴ Bennice & Resick, p. 231.

⁴⁵ *Ibid.*

against the victim. The rationalization is that if the victim consented to sex previously, then there is no reason to refuse sex at a later time. According to Bennice & Resick, it is likely that this reasoning stems from the Hale doctrine.⁴⁶ Another possibility, in regard to seriousness of the crime, has to do with its legal history. It is perhaps difficult to take serious a crime that essentially did not exist until the latter half of the 20th century. In keeping with this train of thought, current state laws tend to treat rape for divorced, legally separated, or couples living apart as a separate type of crime.⁴⁷ Therefore, the likelihood that a patriarchal culture would view marital rape as the same type of crime is low. The acceptance of traditional interpretations of religious doctrines (“wifely duty” and “inherent moral superiority”), coupled with an acceptance of traditional sex-role stereotypes, also factor into the cultural invalidation of marital rape.⁴⁸

Cultural invalidation comes in many forms. However, the United States is so infatuated with popular culture that there is a large body of work about the effects and interpretations of music, movies, television shows, books, and popular press. In order to study sexual violence from a feminist perspective, the most significant source is the popular press—newspapers, magazines, television, and film. Feminist scholars use these sources as texts for content analysis, textual analysis, or literary criticism. In these analyses, qualitative methods are privileged over quantitative methods, and latent content is decoded more vigorously than manifest content.⁴⁹ The texts are deconstructed to elicit what they have to say (or not say) about women.⁵⁰ Like Brownmiller, many early feminist theorists have “maintained that violence against women is an integral part of a patriarchal society; rape is a social tradition of male domination and female

⁴⁶ *Ibid.*, p. 232.

⁴⁷ *Ibid.*

⁴⁸ *Ibid.*, p. 233.

⁴⁹ Ward, p. 21.

⁵⁰ *Ibid.*, p. 22.

exploitation.”⁵¹ The media are some of the most saturated areas in which such images are found. Therefore, it is important to analyze the media for damaging images of men and women.

Another area from which we get images of domination and exploitation is social tradition itself. The history of marriage is very important in this discussion of marital rape because it is from the tradition of marriage that we find the legal reasoning for the marital rape exemption in rape law. Marriage history literature is filled with such terms as “wife-capture” and “wife purchase,” which would make it obvious there is a long tradition of viewing wives as property within the marriage institution. Research suggests that wife-capture came about as a way of interbreeding tribes. As time passed, however, wife purchase superseded capture as a means of obtaining a spouse.⁵² Women were bought from their fathers or guardians and sold to men according to their rank or beauty.⁵³ Other means of setting prices included the woman’s capacity for bearing children and the economic condition of the times. According to Howard, the symbolic capture and ownership over wives is still active in marriage ceremonies. “Men love to figure in the ceremonial [images] of marriage the abductions of old, which they cannot or dare not any longer commit.”⁵⁴ The ring itself was traditionally a symbol of both the contract between the man and woman and one of the prices the bridegroom paid for the bride.⁵⁵

As with any other ritual, the marriage ceremony has changed throughout history. Beginning in the 13th century, men and women began to have nuptials that centered on what is known as *self-gifta*. In this regard, the ceremony was simply a declaration of a new union.⁵⁶

According to Howard, this new form of matrimony meant that the marriage was “no longer a

⁵¹ *Ibid.*

⁵² Howard, G.E. (1964). *A History of Matrimonial Institutions*. (p. 179). Humanities Press: New York, Vol. I.

⁵³ *Ibid.*, p. 189. Also, English law books support this assumption—indicating prices were set by statutes. (*Ibid.*, p. 265)

⁵⁴ *Ibid.*, p. 176.

⁵⁵ *Ibid.*, p. 279, 285. Also note that an exchange of rings did not occur until the Middle Ages. Before this time, a ring was only given to the bride.

⁵⁶ *Ibid.*, p. 282.

surrender of the power of the guardian and a transfer of the same to the bridegroom, but only the expression of a mutual gift.”⁵⁷ However, viewing the bride as a “gift” insists that she be regarded as property. Although there were no “public” ceremonies, and the state had no legal authority, state and national courts could enforce rights and obligations as with other private contracts regarding property.⁵⁸

Holland and America were the first places in which the government did intervene because it was seen as “vital to society” to do so.⁵⁹ In New England, marriage was declared to be a civil contract in which a priest was unnecessary, following the Puritan ideal of the separation of church and state.⁶⁰ Believed to have been brought over with the pilgrims from Holland, the law and custom the New England colonies set forth introduced into the New World the idea that marriage was a civil contract and the celebration attached to the contract was performed by a civil magistrate.⁶¹ However, in 1686, the proclamation of President Dudley appears to have altered the state of civil and religious marriages. By his proclamation, these two celebrations became equally valid—as is the principle of American law.⁶² It is also interesting to note that the new “Americans” were quick to create and enforce laws discouraging bachelors, bachelorettes, and single persons of the opposite sex to live together. In fact, many towns imposed taxes on these people. Some towns went so far as to forbid it altogether.⁶³ These laws eventually led legislators to create laws dictating how married persons living apart should and should not act. It is not a stretch to say that these laws were intended to discourage bigamy and adultery. However, it is important to note that there are no provisions for women (or men) that leave their spouses

⁵⁷ *Ibid.*, p. 282-3.

⁵⁸ *Ibid.*, p. 286.

⁵⁹ *Ibid.*

⁶⁰ Howard, G.E. (1964). *A History of Matrimonial Institutions*. (pp. 125, 127). Humanities Press: New York, Vol. II.

⁶¹ *Ibid.*, p. 128, 134.

⁶² *Ibid.*, p. 139.

⁶³ *Ibid.*, p. 152-158.

because of abuse. In fact, there are numerous cases in which both men and women were “‘sent home’” to their spouses or had their spouses sent to them.

The colonies also held fast to traditions of asking for a woman’s hand in marriage in exchange for some kind of financial fee or barter.⁶⁴ Thus, after the arrangement was made—with utterly no consideration for the woman’s wants—the betrothed became a part of a contract. Any deviance from the contract—by the guardian, man, or woman—could result in serious legal action. Still seeking to remain a part of the relationship after the marriage ceremony, all the New England colonies, except Rhode Island and Plymouth, held death as the penalty for adultery with a married “‘or espoused wife.’”⁶⁵ Although many persons were convicted under the 1631 act, none were executed until 1644. Other punishments were created for the previous “‘criminals.’”

Granted, many things have changed since 1644. However, not much has changed in regard to how marriage is perceived in the United States. Marriage is still, overwhelmingly, a union between a man and a woman. Many men continue to seek the approval of the woman’s parents or guardians before asking her to wed. The marriage ceremonies themselves continue to hold fast to symbolic traditions of wife-capture and wife-purchase. Keeping in mind the previously discussed surveys about marital rape, it is clear that many people believe it is an impossibility. Punishment for adultery and divorce remains quite harsh, though now it is largely a financial punishment (however, many spouses still seek personal retribution.) Therefore, the symbolic idea that a woman belongs to a man is still apparent—not many laws challenge this ideal.

According to Howard, marriage and the family in the United States have become societal institutions and have thus extended the sphere of secular legislation to marriage and family

⁶⁴ *Ibid.*, p. 162.

⁶⁵ *Ibid.*, p. 169. Note: in Plymouth, the “scarlet letter” was the punishment for adultery. In addition to the letter, many women were burned in the face with a hot iron and whipped in public across their bare backs. (pp. 171-173)

disputes. He argues that marriage has been recognized as a human experience and, therefore, citizens have learned to deal with marriage “according to human needs.”⁶⁶ Public opinion of these matters, he suggests, has led to recognize the right of the lawmaker in this arena.⁶⁷ If we extend this thought to the current inspection of marital rape, it is easy to surmise that citizens would collectively agree to “stay out of the bedroom,” as many lawmakers suggested. Even though marriage was a societal institution, it was the lawmaker who was the authority in the field and could, therefore, make decisions regarding how and when the law should interfere. Consequently, in matters of marital rape exemptions, society accepted the “authority’s” opinion and did not question whether or not he should have been challenged. However, as Howard points out, these lawmakers or authority figures, created these laws as social control measures.⁶⁸ The question, then, is who was intended to be controlled?

It is also argued that sexual violence itself serves to maintain the status quo—especially in a patriarchal society. From the viewpoint that power and control issues are associated with sexual violence, they are also associated with sexual access and male ownership of females. The violent act of rape is complicated by legal definitions regarding women as property and by the overall acceptance of violence. Therefore, legal marital rape exemptions communicate that this type of rape is considered “not as violent, unwanted sex but as illegal sex—assault by a man who has no legal ‘property’ rights over a woman.”⁶⁹ A man, consequently, can feel justified in raping his wife—because she “belongs” to him. Only when a man does not have “legal rights” to a woman does traditional law view the act as illegal sex.

⁶⁶ Howard, G.E. (1964). *A History of Matrimonial Institutions*. (p. 167). Humanities Press: New York, Vol. III.

⁶⁷ *Ibid.*, p. 168.

⁶⁸ *Ibid.*, p. 169-170.

⁶⁹ Herman, D. (1989). The rape culture. In C.A. Ward (1995), p. 23.

Methodology

This study uses textual analysis to examine representations of the 1978 Rideout trial within local and national newspapers, as well as the subsequent made-for-television movie. More specifically, the analysis draws upon narrative and “grounded” theories through a critical analysis in order to garner an understanding of the frames employed by the news and movie creators. In pursuit of analyzing the media coverage of the trial, the research questions are designed to unearth specific frames and patriarchal partiality related to the trial.

- (1) How was “marital rape” framed in the coverage of the trial?
- (2) How were Greta and John Rideout framed in the coverage of the trial?
- (3) How was the verdict framed in the coverage of the trial?

The textual/discourse analysis is pursued by first using grounded theory. Developed by Glaser and Strauss, grounded theory is a comparative method that generates theory from data. Through this method, theoretical sensitivity is employed to inductively produce categories of themes. These themes then provide the groundwork for theory. Glaser’s approach will be used because it delineates from Strauss and explains that grounded theory is emergent. No hypothesis is tested in this type of inquiry. One finds the answers as they emerge from the text and the researcher’s detailed note-taking and sorting.

Narrative theory is used to highlight and make sense of the emergent themes in order to understand how such communication created the “stories” constitution the Rideout case and marital rape. Walter Fisher⁷⁰ suggests that narration can be thought of as a “master metaphor” in which politics, literature, and even people are considered “ways of informing how humans

⁷⁰ Fisher, W. (1995). Narration, Knowledge, and the Possibility of Wisdom. *Rethinking Knowledge: Reflections Across the Disciplines*, 169-192.

recount or account for human choice and action.”⁷¹ Fisher’s theory asserts that aesthetic forms of communication, such as written works, serve to create stories about the world in which we live.⁷² Therefore, the texts under analysis can be approached as stories that are shaped by traditions, culture, and the history already in process by previous narrations—the contexts in which they are manifested.⁷³ These “stories” are persuasive compositions, suggesting conclusions about some aspects of cultural knowledge. In the case of the Rideout trial, the “stories” present readers with influential storylines depicting various aspects of issues such as the marriage contract, gender roles, victimization, and criminals. Texts are considered polysemic, meaning that there are multiple readings for any given text. However, there is typically a dominant reading of texts that the audience is intended to receive. Because media tend to follow the current dominant ideology, it is key to keep in mind that any emphasis, partiality, or prejudice found within media texts is most likely a reflection of that dominant ideology.

Because our culture is embedded in a patriarchal society, it is important to uncover this inequality and approach the current issue with feminist perspectives. Skinner, Hester, and Malos argue that there is no single feminist methodology because there is no single feminist theory or feminism.⁷⁴ However, they assert that there are characteristics that have emerged around the discourse of gender violence.⁷⁵ Feminist research focuses on gender and gender inequality;⁷⁶ rejects the standard distinction between researcher and subject;⁷⁷ enables marginalized groups to be heard;⁷⁸ acknowledges the importance of politically active research;⁷⁹ practices reflexivity;⁸⁰

⁷¹ *Ibid.*, p. 170.

⁷² *Ibid.*

⁷³ *Ibid.*, p. 173.

⁷⁴ Skinner, T., Hester, M., & Malos, E. (2005). *Researching Gender Violence: Feminist Methodology in Action*. (p. 10). Portland, OR: Willan Publishing.

⁷⁵ *Ibid.*

⁷⁶ *Ibid.*

⁷⁷ *Ibid.*, p. 11.

⁷⁸ *Ibid.*, p. 12.

recognizes the importance of the emotional and physical health of the researcher and subject;⁸¹ and attempts to actively select the correct research tools for each topic.⁸² By recognizing these research foci, the trial allows for an analysis of traditional gender and marriage roles and will add to the growing field of research involving how victims and perpetrators are treated by the press.

Newspapers

The newspapers in circulation in the region of Salem, Oregon were searched for articles relating to the Rideout trial. Preliminary research showed that only one local newspaper chose to cover the trial on a daily basis. The five nationally recognized newspapers with the most circulation during the period of the trial were also searched for related articles. These papers were chosen due to their popularity and span of the United States, geographically. Those newspapers are the *Chicago Tribune*, the *Houston Chronicle*, the *LA Times*, the *New York Times*, and the *Washington Post*. It is important to the research to note any shift in frames during the trial—and if so, what kind of shift occurred. It would be significant to the field if there was a shift from one trope or perspective to another, indicating a change in ideological perspectives on rape. Taken together, these nine newspapers provide a representative sample perspective of newspaper frames of the trial, parties, and verdict of the monumental Rideout trial.

A preliminary search indicated that, during the time period under analysis, each national newspaper elicited approximately twenty-five articles related to the Rideout trial. Of these articles, only approximately five were duplicated articles.⁸³ Therefore, after gathering the

⁷⁹ *Ibid.*, p. 14.

⁸⁰ *Ibid.*, p. 15.

⁸¹ *Ibid.*

⁸² *Ibid.*, p 17.

⁸³ Preliminary research indicated that the duplicate articles would have been due to the AP or UPI wire services. However, the analysis proved that the duplicates were due to morning and evening editions of newspapers.

articles, duplicates were discarded. The remaining articles were categorized by newspaper and then sorted by relevance.

Each newspaper sample was then analyzed using the grounded theory approach discussed earlier to construct individual themes. These themes were then compared to the themes and data of the other newspapers in order for a conclusion to emerge from the compilation of sources and data.

Movie

In another chapter, this study analyzes the made-for-television movie, *Rape and Marriage: The Rideout Case*, based on an approach by Cuklanz. Cuklanz argues that an episode of *Barney Miller* (“Rape”) from 1978 that aired at the cusp of rape reform laws is important to analyze because it addressed the issue of marital rape while common law reasoning was still preferred over reformation.⁸⁴ She explains that this was a time when the United States was considering the relationships of the terms “marriage,” “consent,” and “rape.”⁸⁵ Following this line of reasoning, examining *Rape and Marriage* is just as beneficial, if not more so, because it deals directly with the controversial Rideout case during a time when many rape laws were still being evaluated and rewritten. Also, because it is based on an actual case, the content would have appeared more real to viewers than a sitcom that aired weekly.⁸⁶ The movie is largely based on the newspaper articles published during the time of the trial. Although the writers probably took dramatic license with the movie, the movie presents the rape itself in a sort of “objective” fashion and presents itself as “based on a true story.” Therefore, it is important to examine this

⁸⁴ *Ibid.*, p. 129-130.

⁸⁵ Cuklanz, L.M. (2000). *Rape on Prime Time: Television, Masculinity, and Sexual Violence*. Philadelphia: University of Pennsylvania Press.

⁸⁶ Although the subject was a serious topic, and both sides of it were argued, the issue was explored within the framework of a situation-comedy (*Barney Miller*), essentially making light of the issue. *Barney Miller* aired 1975-1982 on ABC and was based on the comedic interactions between the detectives' interactions with suspects and witnesses, and interaction between the detectives themselves.

text in connection with the newspapers because it represents another medium from which a large audience would have gained information about the case.

Cuklanz's analysis addresses theme, plot, and character; but she does not pursue these with much depth due to the expansive nature of her study, in which she attempts to catalog and analyze rape episodes of television shows between 1976 and 1990. According to Bennice & Resick, previous studies indicate that when marital rape is portrayed in a popular visual medium, the victim is shown ultimately enjoying the encounter.⁸⁷ A popular example of this type of portrayal is a sequence of scenes in the movie *Gone with the Wind* in which Scarlet is dragged kicking and screaming by her husband to their bedroom. Although it is obvious that she does not wish to have sex with Rhett, the following scene would appear otherwise. She is shown stretching, smiling, and humming to herself the following morning while waking in their bed. Viewers would assume that although she fought fiercely not to have sex with her husband, after being forced to do so, she enjoyed the encounter.⁸⁸

Considering that it was public knowledge that the Rideouts did reconcile for a short period, it is interesting to note how this was portrayed within the movie as a parallel to this traditional stance. This study sought to advance Cuklanz's analyses and take a closer look at the nuances of the movie and analyze them from a feminist perspective using textual analysis. The analysis draws upon feminist analyses by Meyers⁸⁹ and Cuklanz⁹⁰ of media representation of women and rape to fully explore the research questions.

The televised movie was obtained in digital format and analyzed for overarching themes relating to the research questions. The movie, starring Mickey Rourke and Linda Hamilton,

⁸⁷ Bennice & Resick, p. 233.

⁸⁸ *Ibid.*, p. 233.

⁸⁹ Meyers, M. (1997). *News Coverage of Violence Against Women: Engendering Blame*. Thousand Oaks: SAGE.

⁹⁰ Cuklanz, L.M. (2000). *Rape on Prime Time: Television, Masculinity, and Sexual Violence*. Philadelphia: University of Pennsylvania Press.

traces the case from about a week before the charges were made to the end of the trial. The movie does not present a “what actually happened” scene. Instead, it presents both sides of the testimony and leaves it up to the viewer to decide which person to believe. Because we each bring our own experiences and knowledge to texts when consciously or unconsciously analyzing them, this analysis sorts major themes and arguments within the Rideout trial press coverage in order to identify any stereotypes or counter-stereotypes audiences would have been receiving.

Local Newspaper Coverage

In December of 1978, the Rideout trial was a daily discussion for many citizens in Salem, Oregon. It would have been difficult to get away from any talk regarding the case, purely for the fact that coverage was featured in local newspapers every day for the duration of the trial.

Although all the local newspapers were surely not out to tell readers what to think, the reporters did help shape readers' reasoning by framing the issues. Media framing is the process by which a news organization depicts a political issue or public controversy.⁹¹ Media framing of an issue takes the form of subtle influence and has been researched at length, including agenda-setting and priming effects. This method does not focus on how media attention of an issue affects public opinion, but rather deals with the content of the messages.⁹² The content of the messages give rise to the frames, which are sets of ideas that interpret, define, and give connotation to social and cultural phenomenon. Media frames are typically subtle and vary from restricted information to ignoring events to overwhelming an audience with information. Directly or indirectly, media framing declare rationalizations, causes, and possible influence results of an issue. For instance, bombarding an audience with information about an approaching storm can induce fear and make people seek shelter quickly. On the other hand, ignoring facts, such as statistics illustrating that nearly one-third of female homicide victims are killed by an intimate partner, could create the perception that domestic violence is not a widespread epidemic.⁹³

Iyengar argues that stories covered by the press usually focus on an individual case (an episodic frame) or a broader social trend (a thematic frame).⁹⁴ Gamson, on the other hand, argues

⁹¹ Nelson, T.E., Clawson, R.A., and Oxley, Z.M. (1997). Media framing of a civil liberties conflict and its effect on tolerance, *American Political Science Review*, 91(3), 567.

⁹² *Ibid.*

⁹³ Federal Bureau of Investigation, *Uniform Crime Reports* "Crime in the United States, 2000," (2001) in Domestic Violence Facts, www.ncadv.org. [Accessed 23 February, 2008.]

⁹⁴ Iyengar, S. (1991). *Is anyone responsible?* Chicago: University of Chicago Press.

that media frames are like plot lines, connecting the dots along the way to link what would otherwise be individual and distinct pieces of information.⁹⁵ Depending upon how the frames are constructed—or the plot lines drawn—the frame can create blame or responsibility for one or more parties. For instance, an incident of rape can be framed to illicit sympathy for the victim and blame for the perpetrator by adding or omitting certain details. On the other hand, by including particular details (such as the victim’s promiscuous past), the frame can illicit blame on the part of the victim and deflect at least some of the responsibility on the part of the perpetrator. According to Carll, the news media play a major role in shaping public opinion and public policy. The media’s tendency to hold fast to stereotypes also aids in perpetuating frames for issues that are embedded in our culture and society.⁹⁶

Taking into account the importance of media frames, this analysis includes the local coverage of the Rideout trial before, during, and after the week of the trial. For the purposes of this chapter, coverage in the *Silverton Appeal-Tribune*, the *Oregon Statesman*, the *Stayton Mail*, and the *Woodburn Independent* are analyzed. The *Silverton Appeal-Tribune* was a weekly serving the surrounding areas of Silverton, Oregon. The *Oregon Statesman* was one of two newspapers owned by the same publishing team during the 1970s. The two newspapers published separately, but at different times, daily newspapers until late 1980. The *Stayton Mail* published once a week and served the smaller towns near Salem, Oregon. The *Woodburn Independent* served north Marion County, the county in which the trial occurred, and published a twice-weekly newspaper. All four newspapers started at approximately the same time, the 1880s. Although they have changed hands significantly, all four of them remain significant news sources for Oregon today.

⁹⁵ Gamson, W.A. (1992). *Talking politics*. New York: Cambridge University Press.

⁹⁶ Carll, E.K. (2003). News portrayal of violence and women, *American Behavioral Scientist*, 46(12), 1601.

Analysis of the articles suggests the following media frames: less significant news; overshadowed identity markers and details; reasons for victimization; and media fascination. Through these frames, the local newspaper coverage of the Rideout trial gives a stereotypical view of the case and downplays the importance of the trial. Therefore, the local coverage perpetuates the ideas that rape victims are outsiders and never fully innocent. The local newspaper coverage clings tightly to stereotypes about rape, rape victims, rape perpetrators, and gender roles.

Less Significant News

Taking into account the availability of the four local newspapers to cover the Rideout trial, marital rape was framed as less significant news than other crimes in Salem, Oregon. Significance, according to Carll and Schwengels and Lemert,⁹⁷ has to do with the quantity of space the newspaper lends to the issue. Carll argues that there is a common impression that rape, and violence against women in general, is viewed less significant than other forms of violence.⁹⁸ In the case of the Rideout trial, Carll's assertion stands true. As stated previously, the content of messages gives rise to media frames of an issue. Without any content, the only frame would be that marital rape was less significant than other issues and crimes during this period. As Lind and Salo argue, failing to attend to an issue frames the issue as unimportant. Silence passively frames an issue as unimportant through inattention,⁹⁹ whereas most frames are actively created through words and word associations.

⁹⁷ Schwengels, M. and Lemert, J.B. (1986). Fair warning: A comparison of police and newspaper reports about rape. *Newspaper Research Journal*, 7(3), 35-42.

⁹⁸ *Ibid.*, p. 1602

⁹⁹ Lind, R.A. & Salo, C. (2002). The framing of feminists and feminism in news and public affairs programs in U.S. electronic media, *Journal of Communication*, 52(1), p. 224.

The only mention of the Rideout trial in *The Woodburn Independent* is one sentence near the end of an editorial two days after Christmas, which undermines the importance of the trial.¹⁰⁰ The editorial begins, “I should have KNOWN it was going to be a weird Christmas.” Kelly (the editorial author) continues to recount the various ways that this particular holiday season was strange—including disco versions of “The Little Drummer Boy” and a vicious game of charades. The last full paragraph, however, is where he mentions the trial. “The president of the United States went home to Georgia with hemorrhoids. A teenage in Illinois hijacked a jetliner in the height of the Christmas rush. A Salem woman was under a nationwide microscope for accusing her husband of rape. The U.S. government decided to be friends, officially, with China. Big jumps in gasoline costs were promised after the OPEC countries raised the price of oil. And the incidence of suicides and child abuse saw their annual increase.” It is important to note where the trial is situated in this instance: amongst a hijacker and relations with China. Although one could assume that position would give weight to the trial, a closer look reveals more. First of all, the tone of the entire editorial is sarcastic, including this last full paragraph. Therefore, each of the events Kelly lists is invalidated somewhat by the tone. Secondly, notice the pattern which Kelly utilizes: every other event listed is a sort of “jab” at the importance of the event. For instance, he notes the President’s hemorrhoids before noting the hijacker. He mentions the irony of gas price inflation before the notation about suicide and child abuse statistics. By situating the Rideout case just before noting Chinese relations undermines the importance of the case, if only because of the pattern he presents.

Another Salem newspaper was hypocritical in its coverage of controversial issues during the time of the trial. While reporting on other controversial issues, the newspaper decided not to explore the issue of marital rape. By doing so, the newspaper displaced the importance of the

¹⁰⁰ Kelly, M. (1978, December 27). Lower left-hand corner [Editorial]. *Woodburn Independent*, p. 4.

trial and issue. *The Stayton Mail*, while reporting on subjects such as abortion and the death penalty, chose to ignore the trial.¹⁰¹ It put more emphasis on these other debatable issues, rather than take on the trial that was occurring in the heart of the community. Interestingly enough, the editorial titled “Writer defends freedom of the press,” retorted recent accusations of the paper being a ““good news only”” publication and one that withholds information about “certain groups.” It appears that about a month before the trial, the newspaper defended its reputation by claiming it “will report all the news, accurately and without the censorship of our readers.” The editorial also states: “We believe in the freedom of the press. We also believe it is the responsibility of the press to keep the public informed on matters that may infringe on their safety, health, well being or way of life. The press has often been referred to as the watchdog of a free society. We pray it may remain so.” However, no mention of the Rideout case appears in the paper. Stating it has a duty to be a watchdog of society and then blatantly ignoring the huge social, health, and political issue at the courthouse makes one wonder if the paper simply was not a good “watchdog” or if the paper chose not to cover the trial due to their “standards.”

A weekly newspaper that did choose to publish its opinion of the trial was *The Silverton Appeal-Tribune*. The newspaper drew a clear line in the sand about coverage of the trial. The paper engaged readers by asking whether or not the trial was worthy of the community’s time. In an editorial, the paper asserts it had received some negative feedback from the community and staff members about its lack of coverage. The stance of the editor was “What goes on in a bedroom between a husband and wife is only between them and their Creator.”¹⁰² However, after stating that some members of the staff questioned the position of the paper on this subject, sentences begin with “It’s our belief.” This is clearly an attempt to make the stance a collective

¹⁰¹ Writer defends freedom of the press [Editorial]. (1978, November 16). *Stayton Mail*, p. 2.

¹⁰² Editorial. (1978, December 21). *Silverton Appeal-Tribune*, p. 2.

one, not the belief of just one person. The piece goes on to describe the revised law as a mistake and suggests that under “normal” circumstances, “no jury in the world could ever convict a husband under this new Oregon law.” It is interesting to point out that at no time did the editorial mention the parties involved in the case by name. They are simply referred to as “husband” and “wife.” They are given no identities beyond those titles. The piece also suggests that the “young woman” may wonder if she made a mistake. It is clear, then, that the newspaper has already decided what should be the outcome of the trial. Again, in this regard, marital rape has no significance—at least outside of the bedroom.

One other thing that should be pointed out is an extra textbox that appears for the two weeks during which the trial makes the editorial pages of *The Silverton Appeal-Tribune*.¹⁰³ Above the editorial box, there appears an excerpt from the Oregon Constitution. It is Section One of the state’s constitution concerning people’s natural rights. “We declare that all men, when they form a social compact are equal in rights; that all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness; and they have at all times a right to alter, reform, or abolish the government in such manner as they may think proper.” Taking into account the position of the paper, or at least the position of the editor, mentioning the law is an attempt to further the paper’s stance on marital rape. The excerpt does not appear on any editorial page previous to this date, nor does it appear after December 28—the week the trial ended.¹⁰⁴ The timing of the quote is almost too coincidental for the two to be unrelated. For a newspaper to have such conviction that marital rape should not be publicly discussed, it certainly spent a great deal of energy attempting to expose the issue.

¹⁰³ *Ibid.*; Editorial. (1978, December 28). *Silverton Appeal-Tribune*, p. 2.

¹⁰⁴ Editorial. (1979, January 4). *Silverton Appeal-Tribune*, p. 2.; Editorial. (1978, December 14). *Silverton Appeal-Tribune*, p. 2.

The Oregon Statesman, the local newspaper that did follow the case for the duration of the trial, and had the most varied coverage, was the first newspaper to pick up on the case itself.¹⁰⁵ On October 14, the *Statesman* ran a very short story that simply stated a Salem man was charged with raping his wife.¹⁰⁶ For about the first month of the proceedings, the only coverage the case received came from this newspaper—and the same reporter. She followed the pre-trial, noting how the defense challenged the constitutionality of the newly revised law.¹⁰⁷ Evenson, the reporter, also noted the prosecuting attorney’s response, ““It is absurd to claim that the victim of this crime, by her unfortunate marriage to this defendant, has irrevocably subjected herself to brutal sexual attack by her husband.””¹⁰⁸ By presenting both sides of the case, the reporter—and, in doing so, the newspaper—at least attempted to be objective about the case and new law. Although the *Statesman* covered the trial regularly throughout the proceedings, the other local newspapers did not.

Overall, there was less attention paid to the Rideout trial than other controversial or political issues during this time through the Salem, Oregon, local newspapers. Of the four newspapers analyzed, only one followed the case completely. The other three either attempted to ignore the case or simply decided it was not going to publish “dirty laundry.” However, for those newspapers, other controversial issues were covered. Therefore, the Rideout case was not handled as a significant case compared to other crimes and controversial issues at the time. By illustrating to readers that the case was less important, the press conveyed a dangerous message: marital rape is a less significant crime.

Identity and Details

¹⁰⁵ Benedict, H. (1992). *Virgin or Vamp*. (p. 47). New York: Oxford University Press.

¹⁰⁶ Evenson, J. (1978, October 14). Wife accuses husband of rape. *Oregon Statesman*, p. A4.

¹⁰⁷ Evenson, J. (1978, November 4). Husband charged with rape disputes law. *Oregon Statesman*, p. A6.

¹⁰⁸ Evenson, J. (1978, November 30). *Oregon Statesman*, p. A4.

Another press frame for the Rideout trial had to do with issues related to identity and details. Schwengels and Lemert assert that rape stories have fewer details than stories about murder or assault and do not supply information that puts the crime into perspective.¹⁰⁹ Although this analysis is based on newspaper articles from 1981, the Rideout case deviates somewhat from the research team's assertion. Although the articles in local newspapers do not do a good job of putting the crime into perspective, the articles do offer several details—perhaps too many. And in most cases, the particulars that are provided are either irrelevant or do more to create uncertainty about the responsible party. In an attempt to capture the sensationalism of the trial, reporters were quick to include attention-grabbing allegations given mainly by John Rideout's defense attorney. However, the details that were offered were not substantiated by other sources, nor were they balanced by the prosecution's details. The more details that were published, the more truth seemed to be on the side of the defense. Therefore, more doubt was placed on Greta. In other words, the "facts" that were provided left little room for Greta's side of the story—making it almost impossible for her to be innocent in the eyes of the press.

As previously evidenced, during the week of the trial, much of the local newspaper coverage was carried by *The Oregon Statesman*. The trial made the front page of the paper each day of the trial. Many of the articles in the *Statesman* noted the ages of both John and Greta Rideout.¹¹⁰ Granted, it is customary for a journalist to cite the age of all people involved in an incident. In this case, it seems apparent that there was emphasis on the age difference between the couple—she was the "older woman" by two years. For instance, in an article about jury

¹⁰⁹ Schwengels, M. and Lemert, J.B., p. 38-421.

¹¹⁰ Jury selection will start today in nation's first wife-raping case. (1978, December 19). *Oregon Statesman*, p. 1A; Evenson, J. (1978). 8 women and 4 men on wife-rape jury; Wheeler, C. (1978). Jurors balloted sever times; key deliberation was 'reasonable doubt'; Rideout trial resumes today. (1978, December 26). *Oregon Statesman*, p. 1A; Jury selection starts in Oregon trial of man accused of raping wife. (1978, December 20). *The New York Times*, p. A16; Reyes, D. (1978, December 20). The Big Eye is a show all its own at courthouse. *Oregon Statesman*, p. 12A; Evenson, J. (1978, December 21). Jury hears views on married life of the Rideouts. *Oregon Statesman*, p. 1A; Opening arguments heard in husband-wife rape case. (1978, December 21). *The New York Times*, p. A20.

selection, the reporter wrote “[...] the day Greta Rideout, 23, claimed she was raped by her 21-year-old husband.”¹¹¹ This explicit emphasis was not uncommon. Greta Rideout’s “older woman” characterization categorizes her as someone who is more experienced and more knowledgeable than her younger husband. The emphasis on age compounds the defense’s accusation that she had “sexual problems” and only mounts more negative connotations against her because she could possibly be taking advantage of John.

Another aspect to the coverage is the way the articles treated the identities of the parties. For instance, the *Statesman*, in its first article about the case that week, does not mention Greta Rideout by name until paragraph six. The story itself appears to revolve more around John Rideout, his attorneys, the new law, and the national press coverage.¹¹² In another article about how much media attention those involved with the case received, one article classifies only a few parties as involved. “Participants in the trial—Judge Barber, Burt¹¹³ and Rideout—became media targets.” It does mention that the district attorney has been slated as a target, but there is hardly any mention of Greta Rideout except to state that “Mrs. Rideout was absent from the courtroom Tuesday.”¹¹⁴ In this way, the newspaper simply ignored the victim all together—acting as if she was not a part of the trial at all. The article did not explain that she was not allowed to sit with the District Attorney, and therefore, did not come to court until the day she testified. Key aspects of the case, such as this, were disregarded and essentially left out the reason for the case: the victim.

Another instance of overshadowing the identity of Greta Rideout was in an article profiling the attorneys involved in the case. The reporter chose to write, “The victim of the

¹¹¹ Wheeler, C. (1978, December 28) Jurors balloted sever times; key deliberation was ‘reasonable doubt.’ *Oregon Statesman*, p. 4A.

¹¹² Jury selection will start today in nation’s first wife-raping case. (1978, December 19). *Oregon Statesman*, p. 1A.

¹¹³ Burt was John Rideout’s defense attorney.

¹¹⁴ Reyes, D. (1978, December 20). The Big Eye is a show all its own at courthouse. *Oregon Statesman*, p. 12A

alleged rape is Rideout's wife, Greta, 23, who is represented by the State of Oregon by Gortmaker, district attorney for Marion County."¹¹⁵ Granted, this article is about the attorneys, so it is easy to recognize why emphasis is made on the part of Gortmaker. By placing these two markers—victim and wife—before her name, Greta's identity as an individual person is overshadowed by the categorization of wife and victim. Instead of being Greta first, she is the possession of her husband and categorized as an alleged victim. Her identity as a person is superseded by her association with a man and perpetrator. Even the placement of her name in the middle of the sentence shows how much she was overshadowed by outside forces. Details about Greta, therefore, do not paint her as someone a reader may know, but rather an outsider. In terms of news values important to journalists, an "outsider" does not carry much weight for an audience. Her outsider status relates to the news value of "proximity." The audience needs to feel connected in some way to the subject of the story. An illusive "wife" does not necessarily add to the news value, it lessens it.

Details about jury members, on the other hand, are plentiful—and telling. A picture of John Rideout arriving at court is found above the fold of *The Oregon Statesman*, along with the headline "8 women and 4 men on wife-rape jury" the day after the jury is selected. The headline draws attention to the fact that there are more women than men on the jury, as does the lead of the story. In fact, this description of the jury appears frequently.¹¹⁶ Later, when John Rideout was acquitted of the charges, the emphasis makes its way into articles once again. The emphasis on the ratio of women to men appears to have importance because it could have swung the vote in other circumstances. In other words, if the victim had been believable, then perhaps John would have been found guilty. However, emphasizing the gender ratio from the beginning and at

¹¹⁵ Evenson, J. (1978, December 26). Silverton lawyer has vantage point in Rideout trial. *Oregon Statesman*, p. 1C.

¹¹⁶ Evenson, J. (1978, December 20). 8 women and 4 men on wife-rape jury. *Oregon Statesman*, p. 1A.

the conclusion of the trial adds to the notion that Greta may not have been truthful. Had she been, then surely eight women would have believed her. The article also lists each member of the selected jury by name and address. Among those selected were a wife of a state supreme court justice and a wife of a local attorney. The article also states that the judge would not sequester the jurors overnight, but that they were advised not to listen to or read any accounts of the trial outside of the courtroom.¹¹⁷ However, with names, addresses, and occupations listed of each jury member, how could a member possibly be expected not to be approached by someone about the trial in one way or another?

Another article further in the first section of the *Statesman* discusses how the majority of the jurors have served in criminal cases previously.¹¹⁸ The article does not discuss for which or what type of cases the jurors have served. It does, however, list their addresses again and discusses their occupations, length of residency, and marital status. The jurors include a sanitation supervisor, a clerical assistant, a few housewives, and a retired baker. However, considering the ages of the parties involved—21 and 23—it is somewhat intriguing to see that the youngest person on the jury was 30—and the eldest was 75. Of the three jurors who are not married, only one is a woman. To point out these characteristics of jurors is to point out their similarities with the parties involved for readers to judge how much of a jury of peers it really is. Schwengels and Lemert are correct in their suggestion that there are fewer details—but that appears to be limited only to the primary parties in this case.

Overall, the identity markers and details given during the coverage of the Rideout trial overshadow the true issues of the case. Legal ramifications and recent reforms regarding the deletion of marital exemption from the rape law are not discussed. Instead, focus is based on the

¹¹⁷ *Ibid.*

¹¹⁸ 11 on jury served before. (1978, December 20). *Oregon Statesman*, p. 12A.

relationship between the victim and perpetrator. By playing down the details, readers are not able to connect with the victim, nor are they able to understand the legal boundaries that were recently redefined. Even using identity markers such as “wife” and “victim” relate her to only a select few. Therefore, the identity markers and details overshadow the core of the case.

Depiction and Context

The question of why Greta Rideout would have been raped by her husband appeared to have haunted the reporters. They dug up any dirt they could locate on her and published it, based mostly on the defense’s assertions of her marked past. Another way that they were able to displace blame was to position other articles around the Rideout-related articles that gave the case a more distinct context. The placement of articles, related loosely to issues relevant to the Rideout trial, created an environment in which reasons could be garnered for violence against women. It also gave a sense of how other crimes were being dealt with during this time.

Pagelow argues that there is an interest in looking for the *reasons* a woman was victimized, unlike in other criminal cases.¹¹⁹ For instance, few people seek the *reason* a person is robbed. But people generally attempt to locate the reason that a woman is raped or beaten—especially when the perpetrator is someone the victim knows. Taking this assertion further, Carll also suggests that, when it comes to violence, the sex of the perpetrator versus the sex of the victim determines the depiction of the crime.¹²⁰ When men victimize women, their reasons are given most of the time. However, when women victimize men, the situation is considered absurd and no reason is given—the woman is slated as being out of control. In terms of spousal abuse, when a husband abuses his wife, the press seeks a rationalization for the abuse. On the other hand, when a wife abuses (or defends herself against) her husband, no extenuating rationalization

¹¹⁹ As cited in Carll, p. 1602-1603. [Pagelow, M.D. (1981). *Women battering: Victims and their experiences*. Beverly Hills, CA: Sage.]

¹²⁰ Carll, p. 1604-1605.

is sought. The emphasis in the latter example usually rests on the nature of the crime, not the reason. Therefore, these cases appear more brutal.

To illustrate Pagelow and Carl's points, it is useful to take a look at unrelated articles located throughout the paper, many of which are positioned near Rideout case articles, and help to construct a context of the surrounding area of Salem and how this region dealt with similar cases. Because framing has to do with the content of news articles, depictions of individuals are important conceptual resources. Context acknowledges the frames within which other crimes were reported. These articles are analyzed to shed light on how readers might have been encouraged to interpret articles about the Rideout trial in relation to cognate issues. According to a small story almost overshadowed by ads and much larger articles, a local man pled guilty to sexually abusing an 8-year-old girl. He was sentenced to a suspended one-year jail term, a \$500 fine, five years probation, and mental health counseling for alcohol abuse.¹²¹ In this case, it is clear that his rationalization was that he abused alcohol. The article is also important because it is at least a reflection of the times—at best, an illustration of how Salem, Oregon dealt with sex offenders at that time. Even if John Rideout had been convicted, this article makes one wonder how his sentencing would have been dealt with.

Another article to illustrate how other criminal cases were dealt with around this time and in the same area appears near an article about the Rideout trial on December 23, 1978. According to the article, a man who pled guilty to an assault with a knife was sentenced to one year in jail.¹²² It is interesting (albeit disturbing) to note that a man who pleads guilty to assault with a knife gets a year in jail while a man who pleads guilty to sexually assaulting an 8-year old only receives probation. Still other news stories appear to illustrate this point. An article about a judge

¹²¹ Probation meted on sexual abuse. (1978, December 20). *Oregon Statesman*, p. 3B.

¹²² Woodburn man gets year in jail. (1978, December 23). *Oregon Statesman*, p. 8A.

who freed a man convicted of rape was positioned near other stories about the Rideout case.¹²³ According to the article, the Salt Lake City judge reversed a jury's unanimous verdict because "he thought the victim invited the sexual assault by her dress and her conduct." The suspect was on parole for another sex offense when the incident occurred. Again, in this instance, rationalization for the crime is apparent: the victim's dress invited the sexual assault.

Not only was the media printing commentary about the trial, but so were people who attended the trial. In a textbox headlined "'Rape-release' circulated" appears the only mention of a document that was passed around the courthouse while final arguments were being given.¹²⁴ The document was intended to prevent a husband from being charged with rape by his wife. It was an advance release, much like a prenuptial agreement, that absolved a husband from sexual assault or any other "variations" or "fetishes." It also freed a husband from being accused of "failure to perform" due to worry over the possibility of being accused of marital rape.¹²⁵ Although there is no author on the form, rumor had it that a local attorney had written it for "careful husbands." Articles, especially this one, help to illustrate the context in which the Rideout case went to trial. The rape release was a preemptive measure to circumvent ever having to rationalize marital rape—the wife would be giving permission for the crime to occur.

The overall depiction of related—and unrelated—crimes and article placement help to illustrate the continuing search for *why* women are victimized. The newspaper was able to supply various reasons ranging from she was dressed inappropriately to the crime is not as serious as

¹²³ Women seek to remove judge who freed man convicted of rape. (1978, December 27). *Oregon Statesman*, p. 5A.

¹²⁴ 'Rape-release' circulated. (1978, December 29). *Oregon Statesman*, p. 8B.

¹²⁵ "'Know all persons by these presents: that I, ____, as wife, for valuable considerations, do hereby forever release, acquit, discharge and covenant to release ____, my husband, his heirs, executors and assigns from any and all claims, actions, demands, damages, costs, wear and tear or set of, or in any way arising out of, having sexual intercourse with me. This release is to cover any and all forms, varieties, deviations and fetishes of any sort that may arise during said encounter, including any claim of rape...I further release my husband from any failure to perform caused by worry induced by the necessity of securing this advance release.'" *Ibid.*

other criminal offenses. Once again, marital rape was not perceived or portrayed as heinous a violation as other criminal

Honesty and Testimony

As previously mentioned, much attention was placed on the idea that Greta Rideout had “sexual problems.” Reportedly, John’s defense attorney made this accusation during the trial and never clarified what it meant. However, he also supplied details about Greta’s past abortions, another accusation of rape, and the couple’s cycle of fighting (argue, make up, have sex; argue, make up, have sex). The defense attorney, Burt, was attempting to use Greta’s sexual history as evidence of her dishonesty. If she had such a past, certainly she should not be believed. Burt also emphasized these details to illustrate what reasons she had for being a victim. If there were reasons for victimization that laid the blame on Greta, then John would not have been to blame for the incident. The newspapers, in citing Burt’s arguments, helped to further perpetuate the notion that there were *reasons* for Greta’s victimization outside the responsibility of the perpetrator.

One of the defense’s main arguments, and published by the press, was that Greta Rideout had an honesty problem when it came to her sexual conduct. It was reported that she gave closed testimony in regard to this behavior. This testimony was also brought up in court during witness testimony. She allegedly told her husband about a lesbian fantasy. She then recanted the fantasy, stating she only told him in order to get his reaction. She also claimed to have been raped by his brother and later recanted that as well. However, as one might imagine, the way the defense and prosecution handled these instances were very different. Each side brought in witnesses to clarify testimony.

The newspapers tended to frame the developing testimony about her honesty as part of her “serious sexual problem.”¹²⁶ This, assuredly, was due to the accusation by defense attorney Burt that she had a “serious sexual problem.” Burt’s assertions of these so-called “problems” were never questioned or clarified. Because of Greta’s admission during closed testimony of having abortions, lesbian fantasies, and accusing her brother-in-law of rape, the judge ruled that her prior sexual “conduct and habits” would be admitted in court.¹²⁷ However, there is no evidence that the judge ruled John Rideout’s prior sexual behavior would be admitted—as it was not discussed in any article. The presentation of the defense’s case indicates that it launched a character attack against Greta Rideout. According to one article Burt said that she “got her definition of rape from a sign she saw at the [women’s crisis] center: ‘If she says no, it’s rape.’” He then went on to suggest that this is reason to believe that “‘She will try to justify her activities by any means she can.’” She is also accused here by the defense of pursuing this trial as a means to be in the limelight. If a reader were to get as far as the end of this article, one would see that the last two paragraphs are about the prosecution’s opening testimony from two witnesses. However, not nearly as much detail is spent on this portion as the majority of the previous 34 paragraphs spent on the details of the defense. An apparent justification for this is perhaps the brief mention that the prosecution began its case late in the afternoon.¹²⁸ Emphasizing the defense’s argument adds to the notion that reasons existed for the alleged rape. Therefore, surely John should not be punished for something that was not under his control.

When both John and Greta took the stand, it was finally time for both of them to give their accounts of the incident. It would finally be time for the local press to pay attention to the other side of the story. Even though, in these articles, attention is given the prosecution’s side,

¹²⁶ Evenson, J. (1978, December 21). Jury hears views on married life of the Rideouts.” *Oregon Statesman*, p. 1A.

¹²⁷ *Ibid.*

¹²⁸ *Ibid.*

the amount of time spent discussing the defense far outweighs the other. Therefore, John's account of the incident outweighs Greta's account. By supplying more information about the defense, the newspapers inadvertently give credence to the notion that there were possible reasons for Greta's victimization.

After digging through all of the details, one can see that the evidence actually followed Greta's story more closely. The front-page, above the fold article concerning the testimony given by both Greta and John Rideout was the only one that accompanied a picture of Greta Rideout in the *Statesman*. According to the article, the two testimonies were not only different concerning content but also vastly different with regard to length. John Rideout's half-hour testimony followed Greta's ninety-minute testimony.¹²⁹ John Rideout admitted he hit Greta, but according to his testimony, he did so after she slapped and kneed him. The testimony then obviously differs in whether or not the sex was consensual because in one case it was forced and the other used as a way to convey that the couple had pushed passed their disagreement.

More evidence to support Greta's accusation is found in an article written by the local reporter who had been following the case all along. According to Evenson, the doctor who examined Greta after the incident testified that in his opinion, it was probably "a forced episode of intercourse."¹³⁰ The doctor was also able to corroborate the part of Greta's testimony and prior accusations of John forcibly holding her down by the throat. The officer who interviewed John testified that the couple had been arguing about sex—"he wanted to and she didn't." The officer also testified that John Rideout asked about the state rape law—and confirmed that prior to his mentioning it, rape had not been brought up. However, according to the article, the officer testified that John told her he had had consensual sex with his wife after their fight. He also

¹²⁹ Evenson, J. (1978, December 27). Rideouts give closing testimony. *Oregon Statesman*, p. 1A.

¹³⁰ *Ibid.*, 5A.

admitted to the officer that he had hit her, chased her to a neighbor's house, tampered with her car so it would not run, and then dragged her back to their apartment. The officer also testified that John Rideout told her he felt that his wife "deserved it" and had he "done it right, she wouldn't care to complain.'" According to the article, John did not explain what he had meant by "it."¹³¹ However, other articles repeating all of the accusations of Greta's "sexual problems" crowded out the evidence.

Adding to the themes of sexual problems and lack of honesty perpetuated by the prosecution, and furthered by the press, is mention of "witnesses" who testified that they had had no sexual relationship with Greta. The *Statesman* explains that the prosecution held that the lesbian fantasy was not true. Greta, they said, had confessed to her husband that she made up the fantasy to solicit a reaction from him. It also mentions that Greta recanted her statement about the alleged rape by her brother-in-law due to his threats.

The character attack continued with accusations by John Rideout's defense that Greta was seeking fame and fortune through the trial and that she had previously threatened to take him to court with a rape charge. December 22, 1978 brought two front page articles found below the fold—in the lower right-hand corner of the *Statesman*. The first article is about a supposed threat made by Greta Rideout to her husband that she would use the rape law against him. This threat was apparently heard by a neighbor who recalled that Greta said one day John would "go too far" and find out about the law. This "threat" occurred the day before the incident in question.¹³² According to this witness, the couple was arguing and the law was brought up. The witness stated that John disagreed with the law—saying that a marriage entitles a partner to sex. This is apparently when Greta "threatened" him. The witness also stated that he'd been a witness to

¹³¹ *Ibid.*

¹³² Evenson, J. (1978, December 22). Wife-rape trial: Threat to husband reported. *Oregon Statesman*, p. 1A+.

many of their arguments and that sex was a major area of contest for them. According to the article, a few witnesses testified that they had overheard John say to Greta that he loved her, to which she replied that she did not love him during various arguments. These varied images of John and Greta's history of sexual tension in the press reflected the creation of reasonable doubt and the invalidation of the rape claim.

The next day, another article finds its way to the bottom of the front page of the *Statesman* that is clearly the other side of this argument. Again, the article tackles the subject of witness testimony on the day of the incident. This was the last day of the trial before the break for Christmas.¹³³ What is described on the first page of the article is a witness testifying to having heard screaming and arguing coming from the apartment. The witness also stated, according to the article, that she saw someone attempt to leave in a car, but they appeared to have difficulty with the clutch. She then testified to having seen John Rideout go outside and move the car closer to the house. He then removed something from under the hood, attempted to start the car, and then went back inside when it would not start. The article explains that the witness heard screaming and muffled voices coming from the Rideouts' apartment, along with several bumping noises reverberating through the walls.¹³⁴ Another witness testified to Greta Rideout seeking shelter in her home and calling the police from underneath the kitchen table. The testimony of the responding officers was described, corroborating Greta's story.

The press picked up the testimonies of these "witnesses" and created images of Greta Rideout's sexual conduct that paint two distinct pictures of her: one honest and one dishonest. However, the quantity of the articles and dense nature of the articles that lend weight to John's story suppress the evidence of Greta's side. More often than not, they appeared to disregard the

¹³³ Evenson, J. (1978, December 23). Neighbor tells of screams at Rideout residence. *Oregon Statesman*, p. 1A.

¹³⁴ *Ibid.*, 8A

evidence corroborating her story. In so doing, the press gave its readers reason not to believe Greta Rideout.

The pitting of sides against one another continued after the verdict was read. Especially in the aftermath of the trial, the language used to depict Greta as dishonest was obvious. A large picture of John Rideout leaving the courthouse takes up most of the above-the-fold section of the front page of the *Statesman* the day after his acquittal. The headline reads “Rideout acquitted of wife-rape charge.”¹³⁵ The caption under the picture and the lead of the article, however, reads that the jury found him “innocent of raping his wife.” According to the article, when the verdict was announced, applause broke out in the courtroom. Greta was not in the courtroom. The article asserts that the jury was not given compromise verdicts to consider—only guilty or not guilty of rape in the first degree—because neither side requested alternatives. The article does state that the judge instructed the jurors before deliberations that the marriage contract is not a defense for rape, even though this argument was repeatedly brought up during the trial. The continuation of the article describes the closing arguments.¹³⁶ Burt told the jury that Greta Rideout’s definition of rape—“If she says no, it’s rape”—is not true. “The victim must put up utmost resistance.” Burt furthered his argument by stating that she has lied about sex in the past and therefore should not be believed this time. His argument was, “Here is a woman of 23 years who has had two abortions, who has had lesbian sexual fantasies and who has accused one other man of rape. She has told diametrically opposed stories about her sexual past. Now [the DA] wants you to convict a man beyond a reasonable doubt based on what she says.”

However, the attention to full quotations given to the defense was not awarded to the district attorney. The district attorney stated that although Greta could have lied during the

¹³⁵ Evenson, J. (1978, December 28). Rideout acquitted of wife-rape charge. *Oregon Statesman*, p. 1A.

¹³⁶ *Ibid.*, 2A

hearing and her testimony on the stand, she chose to tell the truth. Therefore, she should be believed. According to his closing argument, Gortmaker said that fear cannot be faked. By not weighing both arguments the same, the reporter chose to lend more credence to the defense. Specifically by quoting Burt's statement about Greta's sexual past, the reporter brings to the surface—again—equating abortions, fantasies, and prior rape accusations as dishonesty. Again, by giving more “face time” to the defense, the press had already decided who was telling the truth: John Rideout. The articles gave ample attention to various reasons why Greta would have been victimized, if the rape occurred at all.

The Media

Intriguingly, the *Statesman* put a lot of emphasis on the media that descended upon the town of Salem, and displaced a great deal of emphasis regarding the case. A blurb on the front page of *The Oregon Statesman* December 20, 1978 was a picture and caption of a Marion County deputy using a CBS camera. According to the caption, the deputy showed an interest in filming and took a small break from guarding the door the day of jury selection to give the camera a try.¹³⁷ Articles and captions such as this help to illustrate how the Rideout trial was framed within the context of the media coverage itself. By utilizing the media as a source of story ideas, news articles framed the case as more of a spectacle than a serious case about a severe crime.

The media scene at the courthouse is often described in articles. Not allowed inside the courtroom, the camera crews waited in the hall for the chance to get a shot of anyone involved, especially John Rideout. In fact, when the jury selection process took a recess, several crews entered the elevator with the accused and shoved one of his attorneys out.¹³⁸ The media's

¹³⁷ Trying out for a TV camera job [caption]. (1978, December 20). *Oregon Statesman*, p. 1A.

¹³⁸ Reyes, D. (1978, December 20). The Big Eye is a show all its own at courthouse. *Oregon Statesman*, p. 12A

fascination with themselves during the course of the trial is quite overwhelming. Even the dissention of national reporters became a cause of news, not nuisance—as read in the papers. However, the increased foot traffic and large amounts of equipment that appeared virtually overnight in this small town caused problems for those involved in the case—as evidenced by the previously mentioned elevator account.

The foot and telephone traffic handled by the courthouse during the Rideout trial was overwhelming at times. According to the articles, clerks at information desks scattered throughout the lower floor of the courthouse had been fielding telephone calls wishing Rideout well, giving directions, and even making phone calls for camera crews.¹³⁹ News media had to be removed from handicapped parking spaces and were denied access to the roof of the building for filming. After he was shoved out of the elevator by a camera crewmember, the defense attorney had to meet with camera crews to set some rules for filming. According to the article, Burt was more concerned with how the public received their information on the trial. He wanted the crews lined up in order to get the same angle for a shot. This clearly indicates that attorneys realized part of their “real” jury pool was the media public.

When the jury hit the road to view the apartment and list to the emergency dispatch tape, the media once again competed for various shots of the jury.¹⁴⁰ Apparently, there was a testy debate about using the men’s restroom in the fire house (where the dispatch center was located) as a place to set up camera equipment. The camera crews were so thick that when the jury attempted to pass in the narrow hall, a few people were shoved into the same men’s room.

Another article suggests that the only reason the camera crews would return after Christmas for the remainder of the trial would be because there was a chance that the case would

¹³⁹ Marion County Courthouse does a land office business. (1978, December 21). *Oregon Statesman*, p. 6C.

¹⁴⁰ Wheeler, C. (1978, December 21). Jury’s visit brings tromp in the snow. *Oregon Statesman*, p. 6C.

prove to be important if it were to set precedence.¹⁴¹ The article describes the event as a “maybe” story. It is not mentioned that because it was the first of its kind it would be important. It is put into the minds of the readers, then, that only the outcome of the trial will determine if the story is one of importance.

The media were even mentioned after the trial ended. The quiet nature of the courthouse in the aftermath of the trial was a bit of a news story as well.¹⁴² Clerks and other courthouse workers recollected the circus-like atmosphere which they had to endure for six days. According to the article, the press was so eager to be near the courtroom in this case that they taped over the sign on the door to the men’s restroom and used it as part of the backdrop for the speakers’ forum for newscasts. The media, obviously, had a healthy appetite for its own kind in regard to covering the case. By accentuating the abundance of media present for the trial, the newspaper articles stressed the sensationalism of the trial more than the issues at hand. Again, such emphasis led to the overshadowing of the case and its ramifications.

Conclusion

Analysis of local newspaper coverage of the trial suggests that the media perpetuated the idea that rape victims were sexually charged deviants and not everyday citizens. These women, according to the press, were culpable in the violent assaults on their bodies, never being completely without blame. Greta’s supposed (but never explained) “sexual problems” were used to undermine her claim to rape. She was ostracized by these mysterious problems and the defense used them to illustrate that Greta was sexually excessive, not a “normal” citizen in the community. The local media, by not offering or asking for clarification about her supposed sexual problems, perpetuated the idea that Greta was an outsider in her own town. The sexual

¹⁴¹ Thousands are spent for a ‘maybe’ story. (1978, December 22). *Oregon Statesman*, p. 1D.

¹⁴² Evenson, J. (1978, December 29). Courthouse returns to normal after 6 days of trial frenzy. *Oregon Statesman*, p. 8B.

“digressions,” the suspect nature of her relationship with John, and her past actions created a picture of Greta that laid much of the responsibility for the attack on her. In essence, the victim was on trial both in the courtroom and in the newspapers.

Also, in lieu of suggesting a non-traditional rape script that highlights women’s struggles with marital rape, local coverage advanced traditional rape scripts. Traditional rape scripts suggest that stranger rapes are “real” rapes and that prior sexual consent is an exemption from rape accusations. But, during the 1970s, women’s rights advocates were beginning to make people take notice of other types of rape. However, the local coverage of the trial did not seek out these “new” rape scripts. Instead, journalists and editors chose to rely on traditional scripts, making the case and the issue of marital rape difficult to grasp.

This could have been a productive opportunity for local reporters to initiate a conversation about marital rape and domestic violence. Instead, the coverage reflected that the media was more fascinated with itself than the trial. Although the trial appeared in the *Statesman* each day of the trial, local print coverage of the trial was limited to that paper. The media’s interest in itself also suggested the insignificance of the trial by concentrating too much on the spectacle that the media created and not the importance of the trial, law, or social relevance. Such limited and misguided coverage illustrates that the newspapers perpetuated the idea that the trial, and related social and political issues, was less significant than other news stories of the time. The local coverage, limited as it was to the one major daily paper, was inadequate. Details regarding Greta Rideout’s account of the incident were hushed by overpowering details regarding John’s account. Defense attorney Burt’s accusation that Greta Rideout had “sexual problems” played into the hands of the media’s thirst for sensationalism. Proof pointing to John’s guilt was diluted to assure ample attention to these “sexual problems.”

All of the evidence emphasized by the media led to a list of reasons *why* Greta Rideout—and other victims of rape—were victimized. She had an experienced sexual past. She had had prior abortions. She and her husband had a seemingly aggressive sexual relationship. She was a liar. No one ever sought reasons why John would have raped his wife. Instead, the responsibility was placed on Greta. In so doing, the local newspapers circumvented a progressive representation of the trial for a traditional and stereotypical one. The media perpetuated long-held stereotypes that responsibility for victimization in sex crimes rests solely with the victim and added to the overwhelmingly hostile environment that women's rights advocates were attempting to compete with.

National Newspaper Coverage

Almost overnight, the city of Salem, Oregon became famous as reporters from all over the country descended upon the town to capture the story of John and Greta Rideout. Local and national reporters over-flowed in the city's small courthouse. Reporters were using restroom doors as backdrops for broadcasts and jammed the corridors for use as work spaces. One woman's charge of rape against her husband became the talk of not only the town, but of the country. According to Helen Benedict, the case reflected a new interest in rape and spousal abuse.¹⁴³ Although awareness of domestic violence was not widespread, information was slowly disseminating through books and articles.¹⁴⁴ The case came on the heels of informative and controversial books such as *Against Our Will* and *Battered Wives*. It came near the end of a decade when rape law reformers were revising social attitudes about rape, female rape victims, and male perpetrators.¹⁴⁵ More informed assertions about rape were challenging traditional views about sex, crime, and gender roles. Although convictions for rape were low, the belief that rape was immoral was taking hold.¹⁴⁶

The idea of rape was out there, but the idea of marital rape—as a crime—was new. In 1977, the year before the trial, Oregon became the third state to reform their rape laws and make marital rape illegal. Therefore, it was a relatively new “concept” for most Oregonians, not to mention most Americans. When national news correspondents began to report about the case, however, marital rape—along with John and Greta Rideout—became a household subject.¹⁴⁷

Cuklanz argues that the Rideout case is the first issue-oriented rape case¹⁴⁸ to receive national

¹⁴³ Benedict, H. (1992). *Virgin or Vamp*. New York: Oxford University Press.

¹⁴⁴ *Ibid.*, p. 44.

¹⁴⁵ Cuklanz, L. M. (1996). *Rape on Trial*. Philadelphia: University of Pennsylvania Press. p. 31.

¹⁴⁶ *Ibid.*

¹⁴⁷ Benedict, p. 44.

¹⁴⁸ Cuklanz uses the term “issue-oriented case” to reflect any political trial of recent years that is “more likely to be related to the ‘issues of the day’ than to particular political agendas of the parties involved in the case.” (p. 33)

press attention.¹⁴⁹ The press coverage of the trial, at a national level, is important to explore because national coverage worked its way into homes and minds far removed from the city of Salem, Oregon. Public trials, such as the Rideout case, demarcate right from wrong and acceptable from unacceptable behaviors, often related to gendered social norms.¹⁵⁰ Therefore, it is important to analyze the Rideout trial as one of the primary issue-oriented trials for marital rape.

In this chapter, national newspaper coverage of the trial is analyzed to elicit answers to how “marital rape,” Greta and John Rideout, and the verdict were framed in the coverage of the trial. In order to surmise a generalized account of how the trial was publicized within the realm of national newspapers, several were chosen for this analysis. They include: the *Chicago Tribune*, the *Houston Chronicle*, the *LA Times*, the *New York Times*, and the *Washington Post*.

The analysis reveals that traditional rape stereotypes were perpetuated by the national press coverage of the trial. Although there was a shift from a focus on the law and issue of marital rape itself, the overall affect of the coverage was hostile toward Greta. During the pre-trial period, through the beginning of the trial, emphasis was placed on the change in Oregon law—whether or not a husband had sexual rights to his wife, without her consent. The original coverage emphasis on legal matters originated from the rape reform movement (namely feminists) and the removal of the marital exemption from Oregon law. As the trial progressed, however, the coverage changed. National newspapers began to focus instead on whether or not the rape occurred. This doubt materialized because reporters and editors concentrated on Greta Rideout’s sexual history and the possibility that she had lied about being sexually assaulted in the past. In short, this became a personal attack on the victim. Coverage of the aftermath of the

¹⁴⁹ Cuklanz, L.M. (1996). *Rape on Trial* (p. 52). Philadelphia: University of Pennsylvania Press.

¹⁵⁰ Cuklanz, p. 33.

trial was a combination of the two narratives listed above. Some articles concentrated on John Rideout's innocence and the attacks on Greta's character continued. Still others reverted back to the pre-trial approach of pointing out the importance of the case and lending support to the victim. The path of coverage style ended where it began: some reporters supported Greta and her rights as a victim and some supported John and his rights as a husband.

By shifting coverage emphasis throughout the course of the trial, the press framed the issue in such a way that the victim's past was more important than the circumstances of the incident and the law itself. Therefore, marital rape—and, in turn, Greta's victimization—was undermined as the important issue. Had the coverage been consistently about the legal ramifications of the trial and the agreed upon facts of the case, the press frames would have emphasized the importance of the case—not the victim. Instead, readers were left with an unflattering impression of a victim, who may or may not have lied about an incident that may or may not have been a crime. Readers were not engaged in a discussion of rape, rape law reform, and the changing traditional gender roles. The trial was not framed as a systemic problem. Instead, it was framed as an individual predicament which saddled victims with responsibility and blame.

Legal Matters and Rape Reform

Local and regional west-coast newspapers were carrying the Rideout case through the AP and UPI by mid-November.¹⁵¹ However, these stories did not make it to major national newspapers until the story hit the *LA Times*. Until that point, the stories had been confined to the reformed law and how the case related to that law.¹⁵² Part of the reason the newspapers did not originally focus on Greta was because it was routine to keep a victim's name out of the press. By

¹⁵¹ Benedict, p. 48.

¹⁵² *Ibid.*

publishing John's name and reporting that this was a case of marital rape, it would have been the same as publishing Greta's name. Therefore, most reporters and editors steered clear of highlighting the details. Instead, they chose to focus on the law, its origins, and its new repercussions. The result of this focus was two-fold: attention was drawn to the rape reform movement, but attention was drawn away from the victim. Therefore, the systemic issue of rape was spotlighted, not just one particular instance.

In the beginning, the coverage of the trial was on the rape reform movement and how the Oregon state law had come to change. The newspapers set up the foundation on which the case would be set. These first few articles reminded readers that the 1977 Oregon legislature repealed a law that used cohabitation as a defense against rape.¹⁵³ One newspaper called the change in law "one of the boldest acts" in the rape reform movement.¹⁵⁴ The pieces cited women who worked and volunteered at the women's crisis center in Salem as hoping the case would emphasize the right to be protected against domestic violence. These women told reporters that they hoped the case would encourage other women to seek legal action in domestic violence cases.¹⁵⁵ An article in the *Houston Chronicle* recounts that there was an attempt in 1975 to reform the Oregon law, but it failed. According to the article, in 1977, women's rights groups "cautiously" introduced a bill that would allow rape prosecutions when married couples lived apart or unmarried couples were living together. Subsequently, the Senate Judiciary Committee amended the proposed bill to allow prosecutions regardless of marital or residential status.¹⁵⁶ Afterward, a few of the bill's original sponsors voted against it because, as one senator stated, "We don't need another law to

¹⁵³ Ore. rape trial puts domestic protection law in the dock. (1978, December 19) *Washington Post*, p. A3.

¹⁵⁴ Landmark rape case: man vs. wife. (1978, December 19). *Chicago Tribune*, 1.

¹⁵⁵ Ore. rape trial puts domestic protection law in the dock. *Washington Post*.

¹⁵⁶ Rape case challenges old belief: Oregon law excludes marital privilege as defense. (1978, December 26) *Houston Chronicle*, p. 1-11.

make assault and battery a crime. They're confusing assault and battery with rape'"¹⁵⁷ The article also states that the new bill was part of a women's rights package that included a program for victims of "wife-beating" and the rape law was approved by the Senate 24-4 and the House 40-16. The details about the reform process and how activists were the key in getting the amended bill passed help to paint a picture of the legislative support for victims of rape. However, until the trial geared up, not much spotlight was placed on the specific victim in the Rideout case.

The first reporter to focus on Greta, and the issue at the heart of the case—rape—was Betty Liddick of the *LA Times*. Two weeks before the trial, the *LA Times* ran an article based on an interview with Greta Rideout. Liddick composed the story in a style most people would associate with a feature story. For instance, Liddick wrote, "Greta Rideout watched the soft snow shower from an open window and suddenly felt a chill beyond the weather."¹⁵⁸ Even though there appears a section devoted to John's mother, the article, in its entirety, sympathizes with Greta. The pretrial article lends itself to this subjective reporting, mostly because, as Benedict states, the attorneys take possession of a case during a trial.¹⁵⁹ Liddick is also one of the handful of reporters who connected the trial to battered women. She interviewed volunteers and board members of the Salem crisis center to gain their perspectives. Her interviewees hoped the widespread coverage of the trial would encourage other women to come forward and seek help.

Headlines during this time were another aspect of the coverage that helped to maintain focus on legal matters and rape reform. The first article in the *Washington Post* during the week of the trial had the headline "Ore. Rape Trial Puts Domestic Protection Law in the Dock."¹⁶⁰ In fact, each of the national newspapers analyzed provided background of the law in the first large

¹⁵⁷ *Ibid.*

¹⁵⁸ Liddick, B. (1978, December 3). Greta Rideout. *LA Times*, p. 2:8.

¹⁵⁹ Benedict, p. 49.

¹⁶⁰ Ore. rape trial puts domestic protection law in the dock. *Washington Post*.

article they published about the case. Each article summed up the recent change in law by stating that the Rideout case was the first of its kind in the country and it was made possible by Oregon's newly revised rape law.¹⁶¹ Although the articles gave more details about the disputed circumstances of the case and a few details about both Greta and John, the main focus was the change in law and how women's advocates played a role. These articles described the Oregon Senate and House votes to approve the measure the previous year and the consequences associated with a conviction. They also discussed that the reformed law challenged the long-held notion that women are the property of their husbands.¹⁶²

As previously stated, the pre-trial national newspaper articles about the case included information about the rape reform movement. The first articles about the case in each newspaper not only mentioned the law, but how the law was changed.¹⁶³ Most of the articles gave credit to women's rights activists of the time for having the law changed in 1977. As one article noted, "A couple's interest in privacy is not so great that violence can occur in their sex life without any criminal charges resulting. No theories of privacy prevent prosecution for other types of violence within the family, feminists note."¹⁶⁴ Giving credit to the advocates did not see much, if any, backlash. From the articles analyzed during this part of the study, none of them had any apparent negative connotations toward the advocates or feminists.¹⁶⁵

¹⁶¹ Ore. rape trial puts domestic protection law in the dock. (1978, December 19) *Washington Post*, p. A3; Landmark rape case: man vs. wife. (1978, December 19). *Chicago Tribune*, p. A1; Jury selection starts in Oregon trial of man accused of raping wife. (1978, December 20). *New York Times*, p. A16; The Nation. (1978, December 18). *LA Times*, p. 1:2.

¹⁶² *Ibid.*

¹⁶³ Although these articles were very consistent in regard to content, there was no indication that these first articles were taken directly from the UPI or AP wire services. Each was written in a distinct style and some information varied across newspapers.

¹⁶⁴ Landmark rape case: man vs. wife, *Chicago Tribune*.

¹⁶⁵ It was not until John's defense attorney blamed a poster at the crisis shelter for Greta's definition of rape that any backlash was obvious.

Although the pre-trial coverage zeroed-in on the specific issue at stake, none of the national journalists reported on two key aspects of the pre-trial hearings that had an effect on the trial itself. The fact that the judge allowed evidence of Greta's prior sexual conduct admissible during the trial went unmentioned. Also, national reporters did not note that the DA chose to drop the original charge of battery and rape in pursuit of only rape.¹⁶⁶ Even though the press was not allowed into the courtroom during this time,¹⁶⁷ eliminating such large aspects of the case is noteworthy. Had the newspapers printed these facts, more citizens would have had a better understanding of the trajectory of the case.

By keeping the case in the context of the broader legal issue, the reporters successfully played up a key aspect of feminism: victimization is systemic and universal. Greta Rideout was not initially singled out as the one and only victim of marital rape. She was only a sounding board to discuss the change in law, its meaning, and its ramifications. On the other hand, by removing the specifics of the case during this part of the trial, the reporters did not allow the public get to know Greta before the victim-blaming began. Therefore, when accusations began to fly about "sexual problems," the reporters had already resigned themselves to restricting information from the public. Instead of probing the accusations for clarification, they simply regurgitated what they had been given by the defense attorney. Doing so led to further concentration on sensational aspects of Greta's life, making her stand out as an exception to the generally regarded traditional view that women are not sexual beings. Exceptions to this rule, or women who had sexual experiences, were considered outsiders and dishonest.

¹⁶⁶ One local reporter sought the answer to the question of "Why?" But she never received a solid answer.

¹⁶⁷ Benedict, p. 51.

Sexual Past, Lies, and Character Attacks

By December 21, the national newspaper coverage had begun to focus more on Greta's reported sexual past, the possibility that she was lying, and other character attacks. The shift in focus gave way when defense attorney Burt began to accuse Greta of lying, seeking the limelight, and of having so-called "sexual problems." All of a sudden, the focus was no longer on the broader issue of marital rape, with some emphasis placed on the specifics of the Rideout case. Instead, with few exceptions, the articles became very pointed and very personal. The analysis shows that news stories which emphasized Burt's attacks on Greta took on the characteristics of those attacks and ended up attacking Greta themselves because they did not question the attacks at all. Articles with a personal slant indicated that the case was unique, and not indicative to an entire subset of women. A unique case also signified that the core issue was not systemic, it was wholly separate. To believe that rape is not systemic leaves greater doubt that the victim is telling the truth because it appears the problem is an individual one.

Headlines from this period ranged from "Sex problem cited,"¹⁶⁸ to "Rape-Case Wife Quoted About Becoming Rich,"¹⁶⁹ to "2 Rape Trial Witnesses Declare Accuser Lied."¹⁷⁰ An exception to the trend of headlines placing blame on Greta is the *LA Times*. Two headlines that were more supportive of Greta are "Neighbor Heard Scuffle, Rape Jury Told: Nurse Describes Gagged Sounds in Trial of Oregon Husband"¹⁷¹ and "Man on Trial for Rape Hit Wife, Officer Says."¹⁷² Even though Benedict argues, in her analysis of the coverage, that the headlines were

¹⁶⁸ Sex problem cited: Trial of husband opens on charge of raping wife. (1978, December 21). *Chicago Tribune*, p. 1:3.

¹⁶⁹ Rape-case wife quoted about becoming rich. (1978, December 22). *New York Times*, p. A18.

¹⁷⁰ 2 Rape Trial Witnesses Declare Accuser Lied. (1978, December 23). *New York Times*, p. 10.

¹⁷¹ Neighbor heard scuffle, rape jury told: Nurse describes gagged sounds in trial of Oregon husband. (1978, December 23). *LA Times*, p. 1:12.

¹⁷² Man on trial for rape hit wife, officer says. (1978, December 26). *LA Times*, p. 1:1.

“reserved,”¹⁷³ in this analysis, the headlines appear to be at the opposite end of the spectrum from Benedict’s analysis. Cuklanz would likely agree with this study, stating that Greta’s character was attacked in numerous headlines.¹⁷⁴ The result was a personal indictment that began in the headline and carried over into the story.

The articles themselves remained close to their headlines, preferring to emphasize the defense’s arguments and witnesses rather than those belonging to the prosecution. In one article published in the *Washington Post*, only the last paragraph of an eleven-paragraph article gives any information about the prosecution’s case.¹⁷⁵ The rest of the article emphasizes what defense attorney Burt calls Greta Rideout’s “severe sexual problem.” Nowhere does the article explain what that means, nor does it suggest he was questioned about what he meant by the statement. The article does list her “discrepancies”: she lied about a lesbian relationship, she is enjoying the limelight, and she recanted a claim of rape against her brother-in-law. There is no room within the article for a rebuttal of any kind by the defense. In fact, in the paragraph mentioning the prosecution, there is no mention of rape at all. The only reference to the rape is the District Attorney’s statement that the couple argued and John chased Greta outside.

By leaving out crucial information, readers are left with only one version of a story. The only account they are given is that of the alleged perpetrator. At this point, Greta’s voice is not heard, both inside and outside the courtroom. If the defense need only create reasonable doubt, one way to accomplish that is to exclude the possibility that other accounts of the story are plausible. In addition to the singular version presented, the idea of a rape accusation is belittled because it is ignored. The defense attorney dares not come out and directly say that the rape could not have occurred. Instead, he gives a dirty laundry list of reasons why Greta should not be

¹⁷³ Benedict, p. 46.

¹⁷⁴ Cuklanz (1996), p. 56-57.

¹⁷⁵ Defense in spouse-rape trial claims wife had sexual problems (1978, December 22). *Washington Post*, p. A10.

believed. By ignoring the accusation altogether, the accusation is presented as unimportant and insignificant.

Another example of spotlighting Greta Rideout's supposed "sexual problems" is found in the *Chicago Tribune*. At the outset, the article appears to attempt balance. It begins with the prosecution's outline of the incident and follows with the prosecution's accusation of Greta's "serious sexual problem."¹⁷⁶ The article then shifts back and forth from DA Gortmaker's statements to John's defense attorney Charles Burt. (Even when the reporter introduces the fact that Greta did not tell the police over the phone she had been raped, the story paraphrased Gortmaker's rebuttal that Greta did tell the responding officers of the rape.) However, near the end of the article are two out of place paragraphs:

Burt said that Mrs. Rideout told her husband she had been raped by another man, later telling Rideout the incident was not true.
She also told her husband, "she had a lesbian sexual relationship," Burt told the jury.
"She told John that and then abandoned it."

The statements are confounding because there is no transition to or from them. The preceding paragraph is about Gortmaker's opening statement. The proceeding paragraph is about Burt's accusation of how the couple had a history of cyclical problems: fight, reconcile, sex, fight, reconcile, sex. There is no mention of a rebuttal by the DA about the prior rape accusation or the lesbian relationship. Nor is there mention of how those two tidbits of information play a role in the trial. If anything, their appearance in the article merely gives weight to the notion that Greta Rideout had a sexual "problem."

Many of the articles ignored the prosecution's arguments altogether. The lead paragraph in a three-paragraph article states, "Jurors in the trial of a man charged with raping his wife listened to a tape recording of the woman's phone call to police. She did not mention rape, but

¹⁷⁶ Sex problem cited: Trial of husband opens on charge of raping wife, *Chicago Tribune*.

said, ‘My husband just got through beating me.’”¹⁷⁷ The next paragraph details the jury’s visit to the apartment where the incident occurred. Several items were left out of such reports. There is no mention of the fact that Greta told the women at the crisis center she was raped and then reported it to the responding police. In general, there is no mention of the prosecution’s argument. By neglecting to give the prosecution a voice, the article also denies Greta a voice. Again, ignoring the prosecution and Greta makes the rape accusation insignificant and offers favor to the defense.

After a number of articles have set Greta up as a manipulative and lying wife, one item paints a different picture of her. The article leads with the headline, “Woman who accused mate of rape is described by defense as naïve.”¹⁷⁸ None of the other articles allude to this description of Greta Rideout. In fact, “Greta as naïve” and “Greta as manipulative” do not compliment one another. For one to be manipulative, one must be cunning and know what is happening in one’s environment. For one to be naïve, on the other hand, one would not be in tune to what is going on. Therefore, this is a completely different representation of Greta’s character. However, there is reason to be skeptical of the article. The headline states that John’s defense attorney who called Greta naïve. Yet, within the article, it points out that the prosecutor described her as “naïve and not well educated.” Because the paraphrase is cushioned by references to John’s defense attorney, Burt, and considering the headline, it could be assumed that it was a misprint. Regardless, none of the other national newspapers described her in this way. Perhaps other papers did not print the quote because it did not tie in well with the reoccurring descriptions of Greta as a manipulative liar.

¹⁷⁷ Husband-wife rape case (1978, December 21). *Washington Post*, p. A16.

¹⁷⁸ Woman who accused mate of rape is described by defense as naïve. (1978, December 20). *Houston Chronicle*, p. 1:3.

Interestingly enough, the same newspaper printed the most detailed description of the prosecution's opening statements the following day. The *Houston Chronicle*, in its article about the accusation of "sexual problems," focused more on the publicity garnered from Burt's statement.¹⁷⁹ The first few paragraphs are devoted to witness testimony that Greta told them she was going to be rich one day because she had been offered a movie deal. The last few paragraphs, however, are devoted to a description of the incident, made my DA Gortmaker. The reporter quotes the DA as using words such as "beat," "rape," "grabbed," "dragged," "struck," and "threatened" to describe how John attacked Greta on the day in question. These are the most poignant words printed by one of the analyzed national papers that describe the event. The article even ends somewhat dramatically: "The district attorney told the eight-woman, four-man jury that Rideout said at one point, 'You better do what I say or I'll smash your face in.'" By using such powerful and descriptive words, the *Chronicle* is giving at least some credence to Greta's side of the story. The paper is not shutting her out altogether. It is giving her some voice, even if it is at the end of the article. However, it is important to note that few readers finish print stories. In fact, one of the reasons the inverted pyramid was developed was to include the most news-worthy information near the beginning of the article. Therefore, it is important to keep in mind that not all readers would have finished the story.

Traditional representations of rape victims include describing the victim as a liar, citing past sexual experience as a defense for the rape, and accusing the victim of wanting the incident to have occurred.¹⁸⁰ As Cuklanz has argued, these traditional representations of the rape victim were still present during the trial. Greta's sexual past, accusations that she lied, and multiple

¹⁷⁹ He's the defendant: Man claims wife enjoying rape charge publicity, (1978, December 21). *Houston Chronicle*, p. 1:10.

¹⁸⁰ "Wanting the incident to have occurred" would include either having consensual sex, regretting it, and then crying "rape," or inciting rough sexual intercourse.

character attacks were standard themes of the articles. Her alleged sexual problems overshadowed even the speculation that she was simply a publicity-hound. It should be mentioned that no article juxtaposed this accusation with the fact that Greta Rideout was not in court until the day she testified. All communication done with her by reporters was done over the phone. For someone who supposedly enjoyed the limelight, she certainly was not in it very much.¹⁸¹

Also, the allegation that she had a history of lying and was likely lying about the rape dominated the national print press, as well. This part of the traditional perspective stems from the male experience and male fears of falsehood.¹⁸² Therefore, even though it was widely accepted that rape was immoral and illegal, the fear of false accusation appeared to outweigh the necessity of laws that protected legitimate victims. During this round of press coverage, it appeared as if traditional representations of rape victims won against what Cuklanz would call “a wholesale feminist view”¹⁸³ of rape, specifically marital rape. During the aftermath of the trial, however, there was a split in the reporting narrative.

The Acquittal and Aftermath

On Thursday, December 28, the attorneys gave their closing statements and the jury was sent into deliberation. After approximately two-and-a-half-hours, John Rideout was found not guilty of raping Greta Rideout. As Benedict states, the news articles about the final day in court had to include reactions to the verdict as well as an account of the closing statements.¹⁸⁴ The partiality of the story, however, depended upon how much of the final testimony was

¹⁸¹ In fact, the majority of the pictures printed with the articles were of the same few shots taken during pre-trial hearings and the day she testified.

¹⁸² Cuklanz, (1996), p. 55 and Benedict, p. 59-60.

¹⁸³ Cuklanz, (1996), p. 55

¹⁸⁴ Benedict, p. 62.

published.¹⁸⁵ In this analysis, that argument remains true. As with the trial itself, most post-trial coverage relied heavily on only one side of the story: John's side. What mention there was of Greta continued to paint a picture of what Cuklanz calls "a traditional story of a manipulative woman seeking either revenge or fame in bringing her charge of rape."¹⁸⁶ However, there were some articles, mostly editorials, which were supportive of Greta.

Again, the headlines for the acquittal set the tone for the articles. These range from "Husband not guilty of raping wife"¹⁸⁷ to "Oregonian Wins Acquittal of Charge He Raped Wife"¹⁸⁸ to "Husband Innocent of Rape."¹⁸⁹ These headlines illustrate one of the styles of writing for the verdict and aftermath of the trial. John Rideout was considered "innocent" of the charge of rape in the minds of many. Jury members told reporters that they could not come to a consensus about who was telling the truth. Therefore, the jury found John Rideout not guilty, because there was reasonable doubt. The subsequent headlines, however, did not mention reasonable doubt. Instead, they declared him not guilty or innocent. Only when digging into the articles, and reading them until the last few paragraphs, does one find that the jury could not decide whom to believe. By placing such declarative statements into the headlines, the first thing readers see is "he didn't do it." It sets up a false sense of justice, because according to the jury, there was no clear-cut answer.

In one of the articles, a simple account was given about the trial, the law, and statements from all key parties. It did detail, however, that the jury found it difficult to believe either Greta or John Rideout's testimony.¹⁹⁰ It briefly describes the jury's deliberation, stating that there were

¹⁸⁵ *Ibid.*

¹⁸⁶ Cuklanz, p. 52.

¹⁸⁷ Husband not guilty of raping wife, (1978, December 28). *Chicago Tribune*, p. 1:1+.

¹⁸⁸ Gorney, C. (1978, December 28). Oregonian Wins Acquittal of Charge He Raped Wife. *Washington Post*, p. A2.

¹⁸⁹ Seiler, M. (1978, December 28). Husband Innocent of Rape. *LA Times*, p. 1:1+.

¹⁹⁰ Seiler, M. (1978, December 28). Husband Innocent of Rape. *LA Times*, p. 1:1+.

four ballots taken, the first of which was split right down the middle. The two jurors interviewed stated they found both parties difficult to believe and had reasonable doubt. No juror who had switched sides was interviewed. Again, doubt on Greta's part is the most memorable here because even though John was the one on trial, it was Greta that jurors needed to believe in order to convict him. By citing two jurors, one an attorney's wife and one the wife of a state Supreme Court judge (who felt there was not truth in all that Greta said), there leaves little room for readers to believe her because those jurors who had confidence in her word were not interviewed.

An example of the other end of the spectrum concerning the verdict of the trial was published by the *Houston Chronicle*. This article¹⁹¹ juxtaposed one of the aforementioned jurors with a quote from Greta Rideout that does not appear in any other newspaper. Greta was quoted as saying, "The jury was so full of close-minded people. It was unbelievable. He lied. I didn't." No other article mentioned that she told reporters she offered to take a lie detector test and John refused to do so. All of this new material, coupled with some quotes from women at the crisis center, helped to at least nod in the direction of Greta. Even though the report appeared after the fact, at least those readers who received the *Chronicle* were able to gain access to more information than others. Along that same line, however, other national readers were not privy to the same material and would not have been able to come to a conclusion based on all available evidence.

Editorials were able to succinctly explain the problem facing the jurors clearly. One stated, "The idea that marriage implies or requires perpetual consent, under all circumstances, to sex is grotesque. And a partner in a marriage must have recourse to the law when the other

¹⁹¹ Jury clears husband of rape; feminists call ruling setback, (1978, December 28). *Houston Chronicle*, p. 1:1+.

partner resorts to violence.”¹⁹² He goes on to suggest, however, that twenty years in prison is perhaps too much for such a crime. This argument about sentencing can be traced throughout the course of the articles. Almost every time the new law was mentioned, it was followed by a statement along the lines of, “If found guilty, John Rideout could be sentenced to up to 20 years behind bars.” The struggle between knowing that rape is immoral and knowing how much punishment fits the crime of *marital* rape appears to have continued after the trial through these editorials.

Judy Mann’s article in the *Post*¹⁹³ argues the same point, but from the opposite side. She argues that these cases should be prosecuted as assault and battery cases, rather than rape cases because a jury is more likely to sentence a man to six months rather than 20 years. Mann takes the view that this was a case “most prosecutors would be sure of winning.” All of the evidence Mann lists within her article points toward John’s guilt. However, she, like Will,¹⁹⁴ believes that the real decision-making in the deliberation room boiled down to sentencing. These two articles take what the reporters have perhaps been alluding to a step further by suggesting that the punishment did not fit the crime, as jurors may have seen it. Suggesting such ideas about sentencing leads to implications that marital rape is not as detrimental or damaging as physical spousal abuse. Along those same lines, it also implies that rape itself—marital or stranger rape—is not as damaging as battery and assault. Such implications only add to the misunderstandings or traditional views of rape, and marital rape, specifically.

Conclusion

This analysis revealed that, during the Rideout trial, the press coverage shifted significantly. During the pre-trial stages, there appeared frames that emphasized the law and rape

¹⁹² Will, G.F. (1978, December 28). When custom doesn’t work anymore. *Washington Post*, p. A23.

¹⁹³ Mann, J. Jury in Oregon ducked constitutional questions. (1978, December 29), p. B1+.

¹⁹⁴ See footnote 43

reform. During the trial, the press refocused their attention and attacked Greta's character. By the end of the trial, there was a distinct split between frames emphasizing either Greta or John's side of the story. By altering emphases in the case, traditional stereotypes were perpetuated in lieu of considerations about marital rape, the accomplishments of the rape reform movements, and women's rights.

Although two other researchers have analyzed the national print coverage of the trial, this research offers new findings. Benedict argues that the story was covered in "discrete language."¹⁹⁵ She asserts the headlines were "reserved," there were no references to Greta's behavior while in court, and traditional adjectives used to describe rape victims were abandoned. Cuklanz notes that character framed most of the news coverage: a manipulative woman versus a confused husband.¹⁹⁶ Unlike Benedict, Cuklanz states that John Rideout was portrayed as young and vulnerable, often with traces of acne still visible.¹⁹⁷ Cuklanz also argues that Greta's character was attacked in numerous headlines.¹⁹⁸

The analysis done for this study both consents to and deviates from these two previous analyses. This project reveals that the coverage of the trial began with an emphasis on legal matters and a nod to feminists and women's rights advocates. Unlike Benedict's assertion, the headlines in this study proved to be far from "reserved." The narratives then veered off to begin, with very few exceptions, a personal attack on Greta, using John's defense attorney's statements to make her out to be a liar and woman of serious "sexual problems" when the actual trial began. Although Benedict states that there were no references to Greta's behavior while in court, she does not explain that Greta was not in court except to testify one day. Also, Benedict argues that

¹⁹⁵ Benedict, p. 46.

¹⁹⁶ Cuklanz (1996), p. 52.

¹⁹⁷ *Ibid.*, 53.

¹⁹⁸ Cuklanz (1996), p. 56-57.

traditional victim adjectives were not used. However, as Cuklanz found, Greta was most often described during the trial as lying and manipulative, with her character attacked in both headlines and articles. Cuklanz found that John was represented as young and vulnerable.

This analysis, on the other hand, did not find evidence of that. In fact, what was apparent was that Greta was represented more than John. And, as stated previously, she was not portrayed in a flattering light. Her past sexual experiences were called into question, as was her honesty. The fact that she had had abortions and accused another man of rape tainted journalists' understandings of her. Even the fact that she was not present at trial for the duration of the proceedings—again, because she was not allowed to sit with the District Attorney—presented a problematic situation for reporters because they could not gauge her reactions or interview her during the trial period. Her absence from court also led to misrepresentations of her attitude about the case. For the better portion of trial proceedings, Greta Rideout was positioned in the national newspapers as dishonest and highly sexualized—neither of which works to the advantage of a woman who has accused her husband of rape.

After the verdict had been read, however, the articles took one of two paths: support of John or support of Greta. Some reporters and editorialists chose to support Greta, her charge of rape, and the rights of marital rape victims and law supporters. Others chose the “alternative,” citing the harsh punishment and burden of proof for finding John guilty. At this point in time, not everyone had hopped aboard the train that left traditional notions of gender behind. In fact, it is obvious that many reporters and editors clung tightly to the idea that wives belonged to husbands and women who were raped asked for it in some way. (Articles that convey this cite defense testimony and arguments for at least three-quarters of a story, and only cite the prosecution for a

small portion of the article.¹⁹⁹) Unfortunately, such cases still occur today in which the press concentrate more on one aspect of the case and the public is bombarded with various images and depictions that are highly subjective.

Taken together, the analysis shows that by the start of the trial, when the most people were interested in the case, blame for the incident was placed on Greta. Following traditional rape scripts, she was painted as a liar with mysterious sexual problems which led her to cry rape. Even though, as Cuklanz stated, this was the first issue-oriented marital rape case, the coverage did not prove positive. With few exceptions, the coverage of the case was hostile toward Greta.

By making such attacks on Greta, the reporters broke one of the cardinal rules of journalism: objectivity. Even though, as a concept, objectivity is a myth, journalists still strive to create objective work. In the this case, however, reporters appeared to have picked just the information they wanted to report on, in lieu of what they needed to report. Instead of presenting all available evidence, the reporters tended to conform to traditional rape narratives. Instead of searching for answers to the hard questions, the reporters tended to print only what they had heard in the courtroom. Objectivity was thrown out the window in the case of the Rideout trial in lieu of a controversial issue. Therefore, what was presented to readers as an accurate depiction of the trial was really riddled with gender prejudice. Presenting such images only perpetuates stereotypes and makes it more difficult to end the systemic problem of violence against women.

¹⁹⁹ See: Defense in Spouse-Rape Trial Claims Wife Had Sexual Problems. (1978, December 22). *Washington Post*, p. A10.

Made-for-TV Move: *Rape and Marriage*

In 1980, eight of the top ten watched primetime television shows aired on CBS. Previous to the cable-era, CBS was also one of the three network stations the majority of American citizens with television could access. Among the many programs aired on CBS in 1980 was the made-for-television movie, *Rape and Marriage*, an adaptation of the Rideout trial. Two years after Greta Rideout made the decision to bring charges against her husband for rape, she was once again in the public spotlight. While often neglected, Hilgartner and Bosk²⁰⁰ argued that made-for-TV movies were one of the public arenas in which social problems were framed and discussed.²⁰¹ Taking into consideration the limited number of television channels²⁰² available to viewers, the popularity of CBS primetime slots, and the short time that passed between the movie and the trial, the depictions in the made-for-television movie are a significant part of the discourse surrounding the Rideout case. According to Cuklanz, it is generally accepted that primetime dramas frequently depict controversial and political issues—and proclaim to do so in an objective way.²⁰³ Not surprisingly, the movie portends to present both sides of the testimony, just as a trial might.

In 1974, four years before the Rideout trial, the made-for-television movie *A Case of Rape*,²⁰⁴ became the second-highest rated made-for-TV drama until that time. Considering the large amount of publicity the Rideout trial had, it is not far-fetched to assume that *Rape and*

²⁰⁰ Hilgartner, S. and Bosk, C.L. (1988). The Rise and fall of social problems: A Public arenas model. *American Journal of Sociology*, 94(1), 53-78.

²⁰¹ *Ibid*, p. 58.

²⁰² The 1984 Cable Act deregulated the industry and allowed for a larger, varied channel span. Until then, only about 7% of households had cable. Therefore, more viewers watched network television—increasing the likelihood that many audience members watched *Rape and Marriage*. (1980 Census, “History of Cable TV,” Kansas State University, Information technology, <http://www.k-state.edu/infotech/cable/history.html>)

²⁰³ Cuklanz, L. (2000). *Rape on Prime Time: Television, Masculinity, and Sexual Violence*. Philadelphia: University of Pennsylvania Press, p. 1.

²⁰⁴ *A Case of Rape* is a depiction of a housewife who accuses a man of rape and is consequently shunned by her husband and the court system.

Marriage would have generated a similar viewing audience. Also, the trial would have generated a large audience because of limited viewing options and the relative novelty of the subject. At this particular point in history, the rape awareness movement was gaining momentum. Marital rape, specifically, was slowly achieving favor with legislative bodies. Arguably, this movie helped further provoke a public narrative that provided a catalyst for the anti-marital rape movement. However, its devotion to showing two sides of the story and invariably using widespread rape theories undermined the reality and brutality of marital rape. In other words, the film's perpetual desire to provide reasons for rape undercut the seriousness of the crime being depicted. Far from providing a linear justification of this crime, it is my argument that the conflation of three theories that rationalize rape within the text of *Rape and Marriage* deteriorates the very ground on which the marital rape movement was attempting to establish.

This chapter provides a close textual analysis of the made-for-television movie in order to critique the representations of rape and if or how the representations are made “equitable” for consuming audiences. This chapter examines representations of: (1) the rape, (2) Greta Rideout, (3) John Rideout, and (4) the issues important to the trial, as presented by the movie. The analysis reveals that the representations hold closely to biological and lay rationalization for why men rape—arguing that perpetrators deserve sympathy. The analysis also suggests typical rape myths—which falsely explain why women accuse men of rape. Finally, feminist theories of rape and its depiction are explored to account for the “opposing views” in the film. Although these three forms of rape script appear frequently in many different texts, it is uncommon for them all to appear within the same text. To have all appeared within the same text suggests a struggle to find a public narrative about what motivates marital rape. In fact, by illustrating the struggle to

locate the “true” reason for rape, the movie suggests that none of these theories holds the absolute answer.

Why Men Rape: Biological and Lay Theories of Rape

The first emergent theme held strongly to biological and lay theories²⁰⁵ of why men rape. At the foundation of biological theories is the assumption that males adopted rape as a mating strategy.²⁰⁶ It is reasoned that the required investment in parenting for males is fairly short-lived. Therefore, it is advantageous for a male to mate often with multiple females in order to be certain that his lineage will be propagated. Biological theories also suggest that females are heavily invested in parenting and, therefore, regulate “the selectivity component of sexual pursuit.”²⁰⁷ One line of reasoning that follows, according to Spitzberg and Ellis,²⁰⁸ is that sex is always resisted by the female—hence, rapes often result in violence. In essence, biological theories of rape assume that rape is an adaptation of males to ensure mating. In other words, it is a natural occurrence for a male to force sexual intercourse when a female refuses to consent.

On the other hand, explanations given by laypersons help to establish a cause-and-effect relationship between phenomena. When an unexplained or unreasonable phenomenon exists, a lay theory develops over time to explain how one situation creates the problematic circumstance. However, these cause-and-effect relationships do not always make sense, nor do they hold true for every situation. The lay perspective also establishes a different rationalization or interpretation for certain behaviors.²⁰⁹ Therefore, it is important to explore reasons that

²⁰⁵ Biological and lay theories of rape appear to be the most scrutinized in sociological and feminist criticism. However, they also emerge quite frequently in narratives of rape. For these reasons, I have chosen to group these together.

²⁰⁶ Spitzberg, B.H. (1998). Sexual coercion in courtship relations. *The Dark Side of Close Relationships*, 179-232.

²⁰⁷ *Ibid.*, p. 196.

²⁰⁸ Ellis, L. (1989). *Theories of Rape: Inquiries into the causes of sexual aggression*. New York: Hemisphere.

²⁰⁹ Harbridge, J. & Furnham, A. (1991). Lay theories of rape. *Counseling Psychology Quarterly*, 4(1), 3-31.

laypersons give for why rape occurs. In the case of *Rape and Marriage*, these justifications demonstrate their place in society and popular culture.

According to a review of the literature by Harbridge and Furnham, lay theories of rape range from men attempting to overcompensate for homosexuality to men wanting to experience love and intimacy. Other theories include: rapists are psychologically disturbed; men have a need for sexual dominance; men may snap due to stress; women provoke and tease men; aggressive sex is a turn-on; alcohol influences the situation.²¹⁰ All of these lay theories appear within the film as underlying possible motivation for the rape of Greta Rideout. Much of the film devotes itself to using lay theories as rationalization for marital rape.

The movie utilizes biological and lay theories to suggest that John “had reason” to rape Greta—or, at least, it was out of his hands. John is set up as an aggressive, sexualized man—both with his wife and other situations that become volatile. This can be seen from the start when he is constantly trying to get Greta to have sex with him, but she refuses. She is, as biological theories state, taking on the role of “gate keeper”²¹¹ and he is reacting to that barrier by attempting to use force. His hyper-sexualized character trait carries with it the biological theoretical claim that men are simply more apt to want sex in order to “spread their seed.”

The biological theory of rape is also perpetuated through the defense’s argument about common law. From the beginning, the defense did not set out to disprove that John had forced himself on Greta. Instead, the defense chose to argue he could not legally rape her. John’s lawyer, Burt, tells him in their first meeting, “There’s something known in legal jargon as ‘common law.’ That’s law that’s been accepted through history. In this case it’s been accepted since the beginning of time that a man can’t rape his wife—that sex, of any kind, is his marital

²¹⁰ *Ibid.*, p. 7-12.

²¹¹ Spitzberg, p. 196

privilege.” He attempts to argue on a technicality that the repealed law doesn’t count because it hasn’t officially been replaced and therefore the common law remains precedent. (For an audience struggling with the changing law and redefined roles for women, this scene could have held an answer for those in opposition to the change in law.) By not addressing the issue at hand, the defense strategy presents the idea that it is impossible for a husband to rape his wife. Thus, by succinctly explaining the existence of the common law defense, the movie adds weight to the claim. Luckily, the movie stays true to the trial and the argument is thrown out by the judge. However, the common law defense perpetuates “man’s desire” for reproducing and the right of reproduction within a marriage. The biological argument, therefore, is subtly presented for the audience—and jurors.

As listed previously, lay theories of rape include sadism and aggressiveness as traits that men inherently carry. The aggressive nature of John’s character in the movie illustrates these rationalizations. His roughness with Greta and her accusation of him “liking it rough” feed into the rationalization that men are carnally more aggressive. These innate characteristics are used to depict John, from the beginning, as a normal man with normal predisposition toward his wife.

Setting up the narrative as one of normalized aggression within their relationship is something evident in the movie. Also obvious is showing how normalized aggression can be easily read in two different ways. Near the beginning of the movie, Greta is waiting for John at home. It is presumably late in the evening and John has been out by himself. After John returns from the pool hall and they have argued about Greta’s accusation that John’s cousin raped her, she accuses John of having sex with another woman. “Oh, yeah. Where’d you get it—from the little tramp at Lucky’s?” John, kneeling at her side, looks down, sighs, and looks up. “You’re the only one. I don’t want anybody else.”

With one swift move, and without her resisting in any way (or even seeming surprised), John reaches behind her head and gently pushes her onto her side on the couch as he leans on top of her. Her arms are at her stomach, and as she gently pushes him we hear the same words from the opening credits. It is her saying, “No. You hurt me....” However, after her “It can’t always be when you want it,” she obviously gives in because she is then kissing him and wrapping her arms and legs around him. This is very different from the music-infused voice over heard in the opening credits, which will be discussed at length in the coming pages. This is clearly setting up how two people can have different versions of the same experience—thus, slowly invalidating the rape claim altogether.

Also inherent in this scene are a few lay rationalizations for rape: alcohol, stress, sadism, and provocation. John has gone to the pool hall to alleviate stress. When John comes home, he is obviously inebriated and is looking for attention from his wife. Unwilling to satisfy him sexually when he arrives, she begins to provoke him by starting a fight. Turned on by her aggressive behavior, John attempts to make a move on Greta. When she does not willingly give in on the first try, John becomes sweet in order to get what he wants. Had she continued to resist, he could have easily forced himself on her. The film, at this point, does not pursue the aggression. Instead, John uses kindness to get his way—balancing his anger and sweet nature. Therefore, the idea of normalized aggression is perpetuated to validate the lay theories of rape.

Later in the movie, we are given a glimpse of what it appeared the director wanted us to see as the uncontested part of the story. This cohesive pre-rape narrative remains in line with biological and lay theories of rape. The sequence begins with the title, “October 10, 1978—2:30 p.m.” Greta enters the apartment with laundry in a basket. John is watching television and smoking, while their daughter, Jenny, sits nearby. Greta has a very tranquil, but upset look on her

face while she's folding laundry. They exchange charged glances and Greta turns off the television and puts Jenny down for a nap. She pauses before heading back into the living room, as if she is anticipating a confrontation. John sits up, puts out his cigarette, and says, "All right, now. The kid's asleep." His agitation is apparent, adding credence to his normal-aggressive behavior.

Greta, continuing to fold laundry, replies, "Look, I got to get to work. I got to get the rest of the laundry out. My job is the only money—"

John yells at her, "Stop it! Stop with the money!" He throws the laundry basket across the room. "I want you now! You're mine and I want you now!"

Greta instructs John to close the drapes. As he does so, Greta runs out of the room and through the back door. John realizes she has left and runs after her. Greta runs to a neighbor's house and bangs on the door. "I'm so scared. John's being crazy—I don't know what he's going to do. Um...can I use your—can I call the police?"

She begins to dial as John bangs on the front door. She hangs up and heads back out. She runs back to their apartment and locks the doors. John slowly walks back. Greta grabs her purse, and goes out the front door. She hides in the laundry room as John returns. While he is looking for her, she sneaks back out of the room and spies him tampering with something under the hood of her car. She hides again, waits until he has entered their apartment, and then runs across the nearby park. John sees her through the window and takes off after her at full speed. We see Greta begin to lose her wind and slow down, stopping next to a tree. John grabs her by the arm and the next scene interrupts the action. John is leading Greta by the arm back to the apartment. The scene fades and we return to Greta leaving the apartment with a black eye. So concludes the "uncontested" portion of the rape scene.

In the scenes just described, still other lay theories of rape are perpetuated. One of the most readily accessible theories is that in which sex offenders are sadists. It is obvious from Greta's resistance and John's avid pursuit of her that he was intent on having his way—by whatever means necessary. The film does not shy away from illustrating John's anger and persistence. Also, by showing Greta with a black eye after the incident, the film manages to put forth the idea that John inflicted the injury when he could not get his way. Thus, he received pleasure from inflicted pain on another person—his wife. Taking this a step further, John could be viewed as psychologically disturbed because he was so intent on getting what he wanted—without regard for Greta. He then is illustrating the theory that rapists are psychologically disturbed or have psychotic traits.

Later, when both Greta and John take the stand, the audience is left to see the “reality” of what happened through flashbacks. In this way, the film gives credence to both interpretation of the crime. Greta's testimony, as shown through the film, is closely related to the lay theory of love and intimacy as reasons for rape. Greta explains that John threatened to rape her in the park if she did not go with him back to their apartment. After throwing her down on the floor, he hit her in the face twice. She started to cry and could hear their daughter crying also. Jenny came into the room and then John yelled at her to leave. John had his hand around Greta's throat as they struggled. She explains that John told her he loved her while forcing himself upon her when she asked him why he was forcing intercourse. He hit her again, and she made the conscious decision to submit to him. When she didn't respond to John's kissing and touching, she did so because he threatened to hurt her again. “He was then, he penetrated me...uh...having sexual intercourse with me then.” Her testimony is extremely emotion-charged and the people in the courtroom appear to be moved. John's kissing and telling Greta how much he loved her plays

into the idea that he just wanted her to love him in return. The rape, therefore, was simply an act of love that was taken out of context—or got out of control.

Why Women are Victims of Rape: Rape Myths

Perhaps in another attempt at balance, the film utilizes rape myths to suggest the rape did not occur at all—supporting John’s claim. The myths included in the movie have long been established as norms in rape narratives. Lonsway and Fitzgerald define rape myths as false beliefs and stereotypes that are widely held by the general population to explain and justify rape as a cultural phenomenon.²¹² Brinson argues that rape myths are developed as a resolution to the conflict between the right to justice and the right to physical integrity.²¹³ She suggests that rape myths create a way for cultures to rationalize the existence of rapes by offering these “explanations.” In addition, Burt argues that rape myths serve to reduce or deny perceived injury or to blame the victims.²¹⁴ In other words, rape myths have developed over time to explain why perpetrators rape and why victims are raped. In some cases, rape myths are utilized to explain why victims deserve to be raped and why perpetrators are enabled to execute these acts. Many studies suggest that media representations of rape cling tightly to rape myths in their storytelling. Therefore, it stands to reason that the media help perpetuate long-standing rape myths through their representations of those events.

Burt’s ground-breaking essay about rape myths identified four popularly circulating forms: the victim asked for it, the victim wanted it, the victim lied about it, or the victim was not actually injured.²¹⁵ The first three of these four are found throughout the movie. The first, in

²¹² Lonsway, K.A. & Fitzgerald, L.F. (1994). Rape myths: In review. *Psychology of Women Quarterly*, 18, 133-164.

²¹³ Brinson, S.L. (1992). The use and opposition of rape myths in prime-time television dramas. *Sex Roles*, 27(7/8), 359-375.

²¹⁴ Burt, M. (1980). Cultural myths and support for rape. *Journal of Personality and Social Psychology*, 38, 217-230. Studies recently conducted about rape myths continue to cite Burt’s work. See Peterson & Muehlenhard (2004) and Kahlor & Morrison (2007).

²¹⁵ Brinson, p. 362.

which the victim “asked for it,” sets up a scenario in which the victim is responsible for the rape and somehow provoked the attack. These provocations could include her behavior, her dress, or simply being in the wrong place. A victim’s refusal to conform to cultural expectations—specifically traditional gender roles—makes her an outsider. Her detached status, then, eliminates societal support and she is blamed for her own rape.²¹⁶ Brownmiller asserts that this particular myth is one that victims pull onto themselves after being attacked because they are attempting to figure out what they did to “deserve” the rape.²¹⁷ Thus, as Brinson suggests, it is perceived that “no woman can be raped against her will, and women never really mean no.”²¹⁸ These two notions rely on the assertion that if a woman really wanted to escape an attack, she could do so. They also rely on the assertion that any resistance is simply token resistance.

Moving blame for the crime from the perpetrator to the victim is the main focus of all the rape myths. The first of these to manifest itself in the movie is the “she asked for it” myth. Greta is depicted as a stereotypical nagging, lying wife who is constantly berating her husband. She instigates most of the arguments and also accuses him of being a “son of a bitch” because he constantly goes out to drink. In one scene, Greta is lying on the couch, waiting for John to return after he has been out all night at the local pool hall. He walks in, looking tired. “You lost, huh?” she asks. He nods. Greta realizes that he has lost all of the money that he took with him, becomes frustrated, and throws down the magazine she had been reading. This is obviously not the first time the couple has argued over money, and it is implied that Greta uses the issue of money to have power over her relationship with John. Throughout the movie, she brings up the fact that if she did not work, they would not have enough money. She also harasses John about not staying at one job consistently. Whenever an argument is not going in Greta’s favor, she instantly turns

²¹⁶ *Ibid.*

²¹⁷ Brownmiller, p. 347.

²¹⁸ Brinson, p. 363.

the table on John and brings up their financial situation. These stereotypical circumstances, although made to appear a reality, are a part of the case against Greta. Because she is depicted as the stereotypically nagging wife, she is in essence “asking for” the abuse that is directed toward her.

A second myth, the victim “wanted it,” stems from claims that victims enjoy forced—or rough—sex. Along with accusations about victim dress, this rationalization maintains some of the same characteristics as the first myth. Here, if the victim did not *want* sex—in actuality, rape—then the victim would not have dressed provocatively, been in a certain area, flirted, or made advances. According to Brinson, social science research that suggests victims have experienced heightened sexual stimulation during rape only perpetuates the myth.²¹⁹ Even though the stimulation is a physiological response, many perpetrators cite this research as rationalization for the myth and justification for the rape.

The second myth perpetuated by the movie is “she wanted it.” Greta Rideout’s sexual history is presented to the audience in such a way that it justifies the rape. Her alleged promiscuity is used as a rationalization for why a “rape” could *not* have occurred. Instead, because she is made to be a compulsively sex-driven woman, she must have *wanted* it. The audience learns that Greta has had two abortions and only one of them was John’s child. Viewers also come to realize that the love-hate relationship that Greta and John have has resulted in several separations. In fact, it was during their last separation that Greta’s own mother refused to speak to her again and called her a whore.

A blatant admission of the “she wanted it” rape myth, John’s testimony is somewhat sympathetic in nature. Although John admits to injuring Greta, he balances the admission with an allegation that she hit him first and that he is very loving toward her despite that. He downplays

²¹⁹ Brinson, p. 363-364.

the injuries he admits inflicting and weaves a story in which the two of them reconcile by making love. John admits during his testimony to tampering with the car so she couldn't leave. His testimony also appears in the form of a flashback. John says that he caught up with her and she willingly returned home with him. He then says that she began to hit him when they got in the apartment. According to his testimony, she slapped and kneed him. He responded by hitting her across the face and admits to yelling at Jenny to get out. He felt bad about hitting Greta and apologized. They go together into the bathroom to take care of her injury. She refused hospital treatment and she reached for John. They end up on the floor and he apologizes again. They kiss and make up because they agree that they both got upset. She says that they should make up. He is then seen caressing her and in his testimony states, "and she wanted it then...I mean, it was voluntary." The two testimonies—John's and Greta's—are vastly different depictions of what occurred on that afternoon. His description of what occurred illustrates that he felt "she wanted" the sex. Again, by giving the audience the choice to figure out which they believed more, the movie places the legitimization of the rape allegation into the hands of the viewers.

Taking this line of reasoning a step further, it seems that someone who *wanted* sex would then feel ashamed and contend that they, in fact, did *not* want the sex in the first place. They would, therefore, be lying about it. In essence, the third myth is that the victim "lied about it." In this myth, the victim had consensual sex with a partner and then regretted the intercourse after it occurred. Therefore, she claimed that she was raped, even though both parties consented. The responsibility of rape, in both of these myths, is shifted from the perpetrator to the victim. In fact, if victims are responsible for their own rapes, then *they* are the controlling party—a

rationalization that victims'-rights activists have been fighting for decades. The lying myth also makes the victims—namely, women—seem vindictive.²²⁰

An illustration of this myth appears near the middle of the movie when John is questioned by a detective about the incident. After admitting that he had hit his wife, he says, “But I didn’t beat her while we were having sex. She wanted it then.” By accusing Greta of “wanting” sex, John is accusing her of lying. He sticks to this story during the entire movie. The only thing he admits to doing is hitting her—but no one questions the fact that beating her could have possibly led to forced intercourse. By presenting John as out-of-control, hyper-sexualized, and aggressive, the movie displaces the blame from him, and makes it clear that the situation was out of his hands.²²¹

Another way that Greta is blamed for her victimization within the rape myth schema is through John’s defense attorney. We watch as Burt criticizes Greta time and time again for her sexual activity. She confesses to affairs, admits she retracted an accusation of rape, and admits she baited her husband by claiming to be a lesbian. Choosing to ask her about these instances frames her as a liar. Thus, the myth is perpetuated and then compounded by Greta’s supposed poor character traits and previous discrepancies. We find out only for a brief moment that she retracted the previous rape accusation because the man threatened her life if she did not. In this sense, the audience is left feeling as if perhaps this is a habit for her—maintaining the idea that Greta lied about the entire instance.

As with other rape trials, John was not subjected to this line of questioning. Therefore, we do not witness his sexual history being laid out on the table. John’s sexual details are not available to the audience, and are, therefore, not analyzed by the audience as indicative of his

²²⁰ *Ibid.*

²²¹ Moreover, his attitude toward the situation, and telling the detective both that Greta “deserved” the beating and “wanted” sex hits on two of the four rape myths: “she asked for it” and “she wanted it.”

nature. But because Greta's sexual details are put before the audience, they have the opportunity to scrutinize her in an unlike fashion. The fact that John's past is not even mentioned leads one to believe he has no illicit past—unlike Greta. His past is therefore “clean,” whereas Greta's past is “tarnished”—making her appear less than honest. Also, in presenting these small details throughout the movie, the audience is being asked to question the validity of Greta's statements, invoking the myth themselves.

Another way in which Greta is portrayed to have possibly lied about the rape is through her naivety and easily manipulated nature. The plot of the movie creates the idea that it was not Greta's idea to charge John with rape. First, she is encouraged to visit the women's crisis center by her friend, Holly, after Greta expresses how much she fears John's actions. To underline the fact that it was an idea not originating with her, Greta responds, “Oh! John would have a fit.” She then pauses, thinking it over and shakes her head, “I don't know. Maybe I'll think about it.” Next, the women at the crisis center seem to be planting ideas into Greta's head. Helen, at the crisis center, is the one who says, “You didn't sell yourself into slavery just because you got married”—a line Greta later uses against John. Again, to illustrate Greta's reluctance to perceive John as a bad person, she explains to Helen that when she's away from John, she misses him. And she says that sometimes their relationship is good, “sometimes it's so good.” This scene is also the one in which Greta sees the sign at the center that reads, “If She Says ‘No!’ IT'S RAPE.” The camera is sure to show that both Greta and the audience see the sign clearly. This particular sign is brought up in testimony during which Greta admits that her definition of rape is when a woman says “no” and is then forced into submission. Viewers are meant to believe that she is so naïve and easily manipulated that she is being pushed into the entire thing by other

people—especially the women at the local crisis center. The implication is that Greta fabricated the entire event to please other people and get back at her husband for his wrong-doings.

To drive home the idea that Greta has internalized other people's views of women's rights and rape—and has perhaps lied about the rape—the audience is privy to a conversation in which she repeats what she has heard at the crisis center—using some of the same language. She gets home from work to find John and his friend, Doug, drinking beer. Perturbed that he has skipped classes again²²², Greta carries groceries into the kitchen and John follows her. They argue over who will make dinner. She says, “Why do I have to do everything? I am a person, you know. I didn't sell myself into slavery just because I married you! I'm supposed to cook for you when you want it. I'm supposed to sleep with you when you want it.” She has taken what Helen told her at the crisis center and used it to resist John. The movie makes it obvious that these thoughts did not originate with Greta. She has regurgitated what others have told her.

In Burt's closing testimony, he again attempts to present Greta as a liar. Because the audience has been privy to much of her personal (and sexual) life, it is easy to be persuaded by the strange links he makes. “We have another problem with Mrs. Rideout's testimony. Here's a lady who's obtained her definition of rape from the crisis center, which I submit is not a legal definition—never was, never will be from a man's point of view.” He goes on to suggest that she's been looking for a way out of the marriage. He asks the jury not to label John a rapist for the rest of his life. By suggesting she was only looking for a way out of the marriage, Burt accuses Greta of lying about the entire situation—just as she supposedly has done in her checkered past.

²²² According to the movie, John was going back to school to earn his GED.

Depicting Feminist Theories of Control

Feminists have changed the way that researchers study male violence against women—including marital rape. During the period of time surrounding the Rideout trial, rape itself was “a feminist issue.”²²³ Feminists emphasized gender, power, and structural dimensions of violence between men and women. Rape was reconceptualized by moving away from individual psychological characteristics and, instead, looked for blanket, systemic reasons for violence against women.²²⁴

While looking for sources of violence against women in institutions that perpetuated the idea of male domination, feminists found power and control at the root of the problem.²²⁵ As a form of violence against women, most feminists theorize that rape is a form of social control used to keep women subordinate to men. Most feminists argue that societal institutions reflect patriarchal values that encourage attitudes and behaviors leading to this systemic subordination. Looking at partner violence through this feminist lens involves taking into consideration the institutionalization of patriarchal values and how those values are communicated.²²⁶ Some of these values include: the male head of a household should hold all power; women pose a threat and need to be controlled; female sexuality is a particular threat to male power and should be controlled by men, specifically fathers and/or husbands.²²⁷

Whatever the specific act of violence, however, the majority of feminists argue that common themes emerge.²²⁸ One such theme is that violence is a pervasive, daily event in many women’s lives. Second, in all forms of violence between intimate partners, women are most

²²³ Marin, A.J. and Russo, N.F. (1999). Feminist perspectives on male violence against women: Critiquing O’Neil and Harway’s model. *What Causes Men’s Violence Against Women?* (p. 19). Thousand Oaks: Sage.

²²⁴ See Brownmiller, 1975 and Russell, 1975.

²²⁵ Marin and Russo, 1999, p. 19.

²²⁶ Marin and Russo, 1999, p. 35.

²²⁷ *Ibid.*, p. 20.

²²⁸ Koss, M.P., Heise, L. and Russo, N.F. (1994). The global health burden of rape. *Psychology of Women Quarterly*, 18(44), 509-537.

likely victims to male perpetrators. Third, the majority of abused women are abused by people in their daily environment. Fourth, the social and cultural landscapes encourage using violence to maintain dynamics in a relationship. Fifth, social institutions also trivialize or ignore male violence against women. Lastly, male violence has destructive effects on women victims.²²⁹

As evidenced above, one mainstay of mainstream feminist theory asserts that rape is a crime of power and control—having little to do with sex. Brownmiller stated in her groundbreaking work that rape is merely an act of intimidation to keep people in a state of fear.²³⁰ This act of controlling others resonates in representations of rape in which women are depicted as powerless and subordinate. Also depicted are feminist theories that society reflects the view that men should be in control—both of household matters and of sexuality, in regard to women. *Rape and Marriage* illustrates feminist themes of power and control with its depictions of Greta and John’s relationship and Greta’s relationship with people outside of her marriage.

As a nod to the changing times, *Rape and Marriage* incorporates feminist ideas about violence against women in its representation of the trial. Although the initial intent was more than likely to give the story “balance,” the outcome was very different. The previously mentioned traditional forms of rape depiction and representation were male-centered and fell into a category associating perpetrators with empathy. However, the feminist approach to rape laid blame at the doorstep of male perpetrators and treated violence against women as a systemic social issue, rather than an individual one. In turn, this new view made it difficult to have empathy or sympathy for the perpetrators. However, by merging all these themes into one story made it difficult to find any rationalization for the alleged crime—let alone someone to blame.

²²⁹ Marin and Russo, 1999, p. 21-25.

²³⁰ Brownmiller, p. 15.

Therefore, what could have been a useful approach to the trial—the feminist view—turned into one that added to undermining the integrity of marital rape victims.

The sexual tension between Greta and John, which is illustrated by the pull and push of their non-verbal and verbal exchanges, created the underlying elements of control, female subordination, and powerlessness that characterize feminist representations of violence against women. During their arguments, John constantly pulls Greta toward him as she pushes him away. He shoves her against walls and she ends up pulling him close when he reverts back to being sweet. Verbally, their conversations tend to start out as loving, but quickly escalate into personal attacks which are inevitably about money or sex.

The movie establishes its narrative arch by juxtaposing two arguments by the couple: the first is off-screen, the second is visually depicted. Opening titles appear on a blank screen with the following voice over: A woman says, “Oh, no, you’ll hurt me and I don’t want you to touch me.” A man responds with, “I never mean to hurt you. I love you.” The woman then gasps, “I know...I know you don’t mean it. But...it can’t always be when you want it.” As the movie emerges from the blank screen, Greta and John are shown in a car caressing and snuggling with one another. The scene fades away and then comes back up on the couple riding back into town. An argument commences that then breaks into Greta ranting about John not finding a better-paying job. We find out that he is attempting to go back to school and get his high school degree. The argument escalates into personal attacks on both parties as the car speeds into the apartment complex and both of them slam their car doors when they exit the vehicle. Control is illustrated as each of them attempt to have the last word and be heard over the other. Each are attempting to control the argument, and by extension, the other person through yelling and attacking each other verbally. This forceful regulation quickly overflows into their sex life in the following scene.

They enter their scarcely furnished apartment, and Greta heads into Jenny's room and begins cleaning. John follows her and another argument ensues about how he doesn't attend school and instead goes to the pool hall. He raises his voice as he says, "Look, I'm the man and I can do whatever I want to do!" As Greta tries to leave the room, John grabs her and shoves her against the wall, grinning.

Greta: Get away from me, damn you! Get your filthy hands off me!

John: Baby, you—you really turn me on. I love it when you get sore like this.

Greta: Yeah, 'cause then you can get rough. Well, I don't like it rough.

John (softer, pressing against her): No, huh?

Greta: You know I don't because I never know what's going to happen next and I can't stand it!

John (backing off and yelling again): Well, I can't stand you!

Greta: Then why don't you leave?!

John (sighs, smiles, and touches her cheek): Because I love you.

At this point, Greta sighs, closes her eyes, and leans her head back against the wall. John cups her face and kisses her. After Greta pushes him away, he kisses her again and smiles. Greta then appears to acquiesce and wraps her arms around him as the scene fades. Thus, we are given plenty of cues that the relationship between Greta and John is dynamic and their sexual relationship is one of exceptional ups and downs. However John is the one who gets his way in these situations. He has power over Greta, and she literally shows her subordination to her husband in this scene.

Even after the case is underway, the audience is still privy to the love-hate dynamic of the couple's relationship. Considering that they are essentially attacking one another through the court system, it is interesting to point out that the movie depicts them as still caring deeply for

one another. The movie, therefore, negates the violent aspect of control that is theorized to be a part of rape and has turned it into an aspect of love and adoration.²³¹

The aspect of control is a thread woven into other aspects of their lives as well. Not only does John attempt to control Greta, but John and Greta are both puppets of other people. One example is when John tells his lawyers that he doesn't mind being made to look good so that he can be acquitted, but he does not want them to make Greta look bad and, in turn, hurt her. His lawyers completely ignore what he has asked of them, and in one scene go on to discuss sleeve cuffs for the trial—essentially showing the audience that John is caring, but his lawyers do not heed his well-intentioned wishes. His lawyers are manipulating the circumstances in order to control John and the outcome of the trial.

Another example of control is when Greta expresses her wishes to the women at the crisis center. Things become very intense for Greta during the trial and she tells the women that things have gotten out of hand. “All I want to do is go home,” she says. “God, I wish I could see John. I just want to go home.” The women do not explain—nor does the movie—that this could be a part of the cycle of the Battered Wife Syndrome.²³² Instead of illustrating how these scenes are part of the honeymoon within battering relationships, the women shush Greta's concerns and continuously explain that the tribulation is all for the better good.²³³

The seemingly unconcerned women at the local crisis center represent the stereotypical feminists of the late 1970s. They appear independent, strong-willed, jaded, and out to get what they want. In fact, they represent another element of control within the movie. Even though they

²³¹ Note that this is also one of the lay theories of rape. The film conflates all these rationalizations for rape and makes it difficult to discern truth from simple rationalization.

²³² Even though Walker did not introduce Battered Wife Syndrome until 1979 (one year after the actual trial), the movie was made in 1980. Therefore, the syndrome had been introduced to the public by that point.

²³³ It also adds to the notion that Greta lied about the rape and perpetuates the stereotype that battered women are not smart and therefore return to their abusers.

should be fighting for Greta to win back control over her own life, they end up being portrayed as another one of Greta's controllers. Taking into account feminist theories of representations of rape, the feminists step into the role of the perpetrator within the movie. They take advantage of Greta's situation and use it for their own success. By portraying the feminists in this light, the perception of them as "man-haters" is perpetuated further. The perception of victim-as-subordinate is also perpetuated because the victim is controlled by seemingly everyone.

Another example of how Greta is controlled by others occurs after the rape takes place. With a visibly black eye, Greta runs to a neighbor's house to call the crisis center. She is instructed to call the police. After doing so, she calls the center again and tells Wanda, one of the volunteers, that John beat and raped her. She explains that she feels ashamed, and Wanda explains that it's normal to feel that way, but that "rape is a crime." Then she puts the question out there: "Have you thought? Are you going to go for a rape charge?" Greta, stopping for only a moment to think it over, responds, "Uh...yes. He raped me."

The conversation with Wanda further perpetuates the idea that Greta is being controlled by feminists, and not by her own accord. The feminists are portrayed as viewing Greta as an opportunity to further their own purpose. But the feminists are not the only ones vying for control over Greta's actions. When Greta goes with Helen to report the crime, she is questioned by two very relaxed looking policemen who attempt to deter her from filing rape charges. The two officers are both sitting, without pen or pencil, bodies angled, and each seeming to hold up their heads with their fists. She says that she's afraid John will kill her. Helen then says, "She wants to press charges now—rape charges."

Officer 1: Yeah, we got that. And let the lady speak for herself.

Greta: I am speaking for myself. I'm scared to death. I want you to arrest him.

Officer 1: Mrs. Rideout, we understand that. But we want you to understand that in what we call battered wife cases, we usually make the practice of giving the women a few days to think about it.

Officer 2: See, they change their mind a lot of the times and it saves on the court cost—

Helen: Chauvinistic bull! Greta was raped! She was beaten into submission. We want—she wants to file rape charges now.

Officer 1: Look, Mrs....?

Helen: Bebelheimer.

Officer 1: Yeah, right, uh...the thing is we can arrest John Rideout today, for assault. She's got a nasty shiner. But then we won't be able to up the charges to rape.

Officer 2: Wait a couple of days, then you can pursue the rape charge, should—if she still wants to.

Greta: But he could kill me in a couple of days.

Officer 1: Ah. Going by the law of averages, I'd say it's unlikely.

Helen: The law of averages? He damn near killed her today. Will you look at her face? (the officers look disinterested) All right, all right, you're the police. What do you suggest?

Officer 2: Just like I said, give her a couple of days.

Helen: Greta, you'll stay with me.

In this instance, neither “the feminist” (Helen) or Greta are given control over the situation. They are forced—through complacency—to not file charges right away. In fact, Helen's comment: “All right, all right, you're the police. What do you suggest?” brings to light the fact that even though they are clearly not accepting Greta's story, Helen views them as authority figures because they represent an authoritative institution. She does not make the comment with sarcasm; she says it as though they will willingly do whatever they police suggest. The police, as an extension of the system, have taken control over both the feminists and Greta in

this instance. Throughout the movie, people are using the rape as a way to gain control over one thing or another.

Back at Helen's house, Greta admits that she's scared and wonders if she should forget the charges and go back home. Helen tells her that she can't forget it and end up proving the cops right. She explains to her that "courage in standing up to him will be a model for all those frightened wives who do go back." Helen is now attempting to take back control over the situation—and Greta. Greta's stand against rape isn't a personal matter, it is something entirely different. She has become a mouthpiece for other people and represents an entire host of people having nothing to do with her situation.

Additionally, the women at the crisis center are shown to have decided for Greta that she must get a divorce. In fact, they hired a lawyer to handle the divorce without telling Greta. "You can't expect anyone to take your rape charge seriously if you don't file for divorce," Helen clarifies. The lawyer explains that she will become a target for ridicule and harshness from both women and men. Later in the movie, the DA, Gortmaker, pleads with Greta to drop the charges. She responds that she doesn't think she can back down at this point. "I can't let everybody down." She has finally admitted, then, for the audience that she is going forth with the trial simply to appease other people. This, of course, is a testament of how Greta is being controlled by others—after she tried to take control of her own life by reporting the incident in the first place.

As previously evidenced, even the women at the crisis center appear to have lost the main concern of the trial. A vivid example of this is when the jury is not sequestered, but instructed to not watch or read the news over the Christmas break, the movie cuts away to the Center. The women at the crisis center are sitting around, looking depressed, and looking through

newspapers. They are not discussing Greta. In fact, she isn't present, nor does the movie show what she feels about the holdover of the trial. Just as they had encouraged her to go forward with the charges in the beginning, they are now more concerned with how the outcome of the trial will affect other women instead of how Greta feels at this moment. By not concentrating on what or how Greta is doing at this point, the women are painted, once again, as the ones having—or wanting—control of the trial, not Greta. She has been manipulated and has lost her voice through the rape trial. Instead of the case being about Greta and John, it has become about all abused women. However, note that this slight shift of attention is the basis of one of the feminist themes: abuse is systemic, not individual. The feminists are within their “characteristics” to assume the case is about more than just this one couple. However, the depiction of such a blanket notion takes away the empathy that could be felt by audience members. The audience may read this as a preventable tragedy because of Greta's doubt and the push of the feminists. If Greta had not filed the charges, then she, John, and their daughter would likely be together for Christmas. Because Greta has allowed herself to be controlled by so many people, she has created her own heartache and hardship.

In essence, the feminist element of control, which is usually placed upon the perpetrator, has been displaced in this instance. Control has taken many forms: physical and sexual control, manipulation, and also emotional and mental control. Each person Greta should be able to trust within the film becomes someone who is attempting to use the situation for his or her own good. Greta herself attempts to take control over the spiraling situation, only to have it backfire. The reconciliation at the end of the movie underscores this claim: when Greta attempts to step out of the role she has been living and gain control over her own life, she ends up back in the same situation.

Conclusion

Rape and Marriage followed three basic forms of traditional rape scripts within a prime-time narrative. However, what is interesting about this narrative is that the movie uses all three forms: biological and lay theories of rape, rape myths, and feminist theories of rape. One script is not privileged over another. Instead, all three are woven together to create a cohesive and less obvious rationalization for the rape. The three scripts work separately to create ideas about why the rape occurred—if it occurred at all. Biological and lay theories established rationalizations about how rape has been around for as long as humankind, but these theories have come about as cause-effect relationships. In other words, first came rape, then came the reason. Rape myths were also prevalent in the movie. These myths developed as a consequence of the attempt to rationalize the causes or commonalities of rapes. Myths such as “she lied about it” have been perpetuated because the public could not fathom a reason that such a crime would occur. On the other hand, feminist beliefs about rape have to do with the actual *cause* of rape. They came about as an answer to the rationalizations mentioned previously and counter those arguments with a more fundamental approach. Feminism argues that violence against women exists because social institutions are based on patriarchal principles.

In this case, using all three rape scripts created doubt about the other forms. Therefore, greater understanding and reasoning behind rape was consistently undermined in the film. In the particular case of Greta Rideout and *Rape and Marriage*, the individual crime of rape was subtly invalidated because there was no one central reason or train of thought about the case.

Combining all three scripts into one text creates doubt that any single script is a true rationale.

Biological and lay theories of rape were used to rationalize the rape and help connect audience members’ internalized beliefs with the actual story of the 1978 trial. Through these

theories, it was reasoned that rape is a natural expression of desire and an uncontrollable act of nature. In other words, if a woman denies a man's consent, then it is only natural for a man to use force. Also expressed was that there is always a reason for why a woman gets raped. In other words, there is always a way to blame the woman for her own victimization.

Entangled with these biological and lay theories of rape, rape myths emerged in the narrative. The most prominent of the four, "she lied about it," is also the one that does the most damage to the story and validation of rape charges in general. By continuously undercutting Greta's credibility, the movie invalidates both Greta's rape and those of other victims. For the viewer, an underlying sense of doubt is always present when it comes to Greta's story. Therefore, when the jury in the movie reaches its verdict—based on reasonable doubt—the viewers are able to empathize with the twelve members because they have been given the visual resources to feel the same doubt.

Although it can certainly be said that the movie did not set out to live up to feminist ideals of rape representation of the time, it is important to point out that as one of the earliest depictions, *Rape and Marriage* falls into the categories of powerlessness and control that feminist theorists discuss. Greta is portrayed as powerless and subordinate to not only John, but to the women at the crisis center, her friends, and the District Attorney. What is interesting about this portrayal is that the movie validated some people's perceptions about feminists or it challenged those prejudices by attempting to give viewers a glimpse at "real feminists." These feminists, however, were not shown in the best light. As described earlier, they did not care about Greta as a person. Instead, they used her—just as John allegedly did—to get what they wanted. So not only did the movie use control and subordination to describe the rape—as

feminist theorists suggest—it also used those same forces to create a perception of the feminists within the movie itself.

With all of these schemas combined, along with the effort to depict “both sides” of the incident, the opposing views appear equal within the text. The egalitarian approach undermines the claim of rape. But the varied rationalization created by the movie disperses the blame. All in all, the made-for-television movie allows for doubt of the rape claim by creating so many openings for audience members to doubt Greta’s story through various themes of rape.

Conclusion

In October of 1978, a young woman called her local police department to report that her husband had beaten and raped her. She pressed charges against him and two months later had to face a judge, jury, her husband, and the media in a small courtroom in her hometown. The media buzz that was generated throughout the trial sparked national press coverage of the case and a made-for-television movie. In order to gain a perspective of how the media treated the case, local and national newspapers and the movie were analyzed to answer the following research questions:

- (1) How was “marital rape” framed in the coverage of the trial?
- (2) How were Greta and John Rideout framed in the coverage of the trial?
- (3) How was the verdict framed in the coverage of the trial?

The analysis revealed that the depiction of the trial remained well within the traditional and stereotypical press frames surrounding violence against women, specifically rape. A few challenges to these traditional and stereotypical perspectives appeared. However, the challenges were overpowered by the sheer volume of the traditional scripts that were present across these texts. The findings indicate that the execution of various rape-centered scripts led to an invalidation of marital rape and specifically Greta Rideout’s claim of rape.

It was important to devote a segment of the analysis on the Salem, Oregon, area newspapers because the trial took place there. In order to do so, the following newspapers were searched for articles relating to the Rideout trial: the *Silverton Appeal-Tribune*, the *Oregon Statesman*, the *Stayton Mail*, and the *Woodburn Independent*. As previously stated, the *Oregon Statesman* was the only daily newspaper. Therefore, the majority of the articles being examined came from the *Statesman*. Analysis of all the articles suggests the following media frames

emerged: marital rape was seen as less significant news; the news overshadowed identity markers and details; it provided reasons for victimization; and the media was fascinated with itself. The trial coverage proved to be less significant news than many other stories of the time. For instance, one newspaper did not detail the trial at all. Another newspaper blatantly opposed the trial altogether and refused to report on it. Overshadowing identity markers and details helped to create a sense of invalidation for Greta Rideout herself. Greta was marked as a wife and a victim—markers that already held connotations for readers at the time. Instead of being presented first as herself, she was tagged by her association to someone else. Details in the articles were most often overwhelming. Readers found out about Greta's past relationships and they heard speculation about her personal life. However, John's past was not on display in the newspaper coverage. As with many rape cases, it was the victim's life that was put on trial, not the perpetrator's life. The last theme of the coverage that created invalidation was the media's fascination with itself. Local articles about how media correspondents descended upon the town of Salem peppered the newspaper. Instead of focusing on various aspects of the case, journalists basically chose to discuss themselves.

Through the above-mentioned themes, the local newspaper coverage of the Rideout trial framed a stereotypical view of the case and downplayed the importance of the trial to domestic violence issues and rape law reformation. Therefore, the local coverage perpetuated traditional perceptions of women, their roles, and overall patriarchal ideals. In this way, Greta's claim of marital rape was invalidated.

The analysis of the national newspapers revealed that the press coverage of the Rideout case shifted significantly. During the pre-trial proceedings, the press frames emphasized the newly revised law and rape reform. Journalists took the time to research the change in law and

the women's rights activists who helped to secure the bill. Readers were privy to why the case was important and how the case came to be. The trial itself, however, brought a focus on and attack of Greta's character. Reports began to publish sensational ideas and phrases used by John's defense attorney to attack Greta's character. However, these ideas and phrases were never questioned by the journalists. They were simply printed repeatedly. By the end of the trial, there was a distinct split between frames emphasizing either Greta or John's side of the story. Some reporters chose to stick to the defense's arguments and run with the notion that John was "innocent." Others chose to get statements from Greta and women's rights activists to learn where the reform movement would head. Altering emphasis in the case led to the perpetuation of traditional stereotypes, creating an invalidation of marital rape.

The analysis across the local and national newspapers reveals some interesting points about how these two levels of news handled the trial. The local and national newspaper analyses had some common themes. Both local and national newspapers presented Greta as a liar and possibly manipulated by the women at the crisis center. In turn, marital rape victims were represented as abnormal women who attempted to use the judicial system to seek vengeance against their husbands. Both the local and national newspapers also pointed out Greta's supposed "sexual problems" and did not spend much time finding out what those were. The illusive problems created more doubt that "normal" women would not have had such problems in their marriages. Throughout the coverage, Greta was portrayed as an outsider, lending credence to the idea that regular women did not behave the same way and would, therefore, not have the same problems she did. Women who stayed between the lines created by traditional gender roles would not have ended up in her situation—whether or not the rape occurred.

On the other hand, national coverage of the trial did not consume itself with how the press had descended upon Salem. Also, local coverage did not concentrate too much on the legal ramifications and recent changes to rape law that enabled the charges to be made in the first place. Of the two types of reporting, the national newspapers appear to be more compelling because it began coverage with the “big picture” and did not obsess over mundane minutia. National newspapers were able to allocate more time to the importance the case had to ideological matters, because they were not as engrossed in the smaller details of identity like the local papers were. National papers focused on the newly revised law, what it meant, and why women’s activists had set out to change it. Although it eventually pointed fingers at Greta, it presented an overall macro-approach to reporting, as one would expect from national papers.

The made-for-television movie depicted three basic forms of traditional rape scripts: biological and lay theories of rape, rape myths, and feminist theories of rape. However, what is interesting about this narrative is that the movie uses all three forms, with all scripts carrying the same weight. The three scripts work separately to create ideas about why the rape occurred—if it occurred at all. Biological and lay theories established rationalizations about how rape has been around since the beginning of humankind. Rape myths, also evident in the movie, historically developed as a consequence of the attempt to rationalize the frequency of rapes. The third element, feminist beliefs about rape, takes a more fundamental approach and deal with the cause of rape. Feminism argues that violence against women exists because social institutions are based on patriarchal principles.

Within the movie, marital rape—specifically Greta’s rape—is invalidated because the three implied forms of rape in tandem created doubt about all of them. Greta’s claim of rape was subtly invalidated because there was no *one* reason for why it would have occurred or did not

occur at all. Combining all three scripts into one text creates doubt that any single script is the one reason for why the rape would have occurred. The docudrama form of the film mirrored the format of a trial, building in its own burden of proof and reasonable doubt. Therefore, it left viewers with doubts as to whether or not the rape occurred.

Taking all three into account—local coverage, national coverage, and the movie—it is clear that a lot was happening during the time of the trial—culturally, politically, and legally. The rape reform movement was in swing. Traditionalists were battling against progressives. Laws were beginning to change as women asserted their rights. Women were coming forward to tell other they had been victimized. Everyone was looking for the reason why. For the Rideout case, Greta's claim of marital rape was invalidated through these three types of media coverage, even though the concept of marital rape was finally presented to the public.

This analysis provides a look at how the media covered the first true test of the changing marital rape laws. The analysis proves once more that media do become ensconced in their own narrative hegemony. In this case, the media stuck to conventional views, even though few exceptions were present. It also suggests that journalists and editors should take a look at articles with a critical and trained eye. Contemporary journalists should be cognizant that their presentations of trials and issues help lead to the public's interpretations of such issues. Therefore, journalists should ask questions not only during interviews to illicit more detailed and telling responses, but also about their own writing. Are certain "authority figures" being privileged over others? Is partiality present? Even though the Rideout trial occurred in 1978, issue-oriented trials take place frequently. The Rideout case is a study in how we can use the past to move toward a better future.

With present studies of marital rape, the issue falls under the umbrella of domestic violence. However, as with acquaintance and date rape, marital rape does not appear as often as stranger rape in the news. Stranger rape is considered more brutal and brings up feelings that many people do not associate with intimate partner rape. However, domestic violence organizations consider all incidences of rape to be serious crimes. The coverage of the Rideout trial helped to thrust the “new” issue of marital rape into the public eye. But its depiction could have done more to promote marital rape as an issue that the public should pay more attention to. A lack of coverage of the first trial of its kind helped to drive marital rape under the umbrella of domestic violence. Since then, it has been maintained there. However, with so many issues occupying the realm of “domestic violence”, marital rape does not often stand alone as an important health and social issue. Unfortunately, there are so many forms of domestic violence it is difficult to give them each a voice. Pulling them altogether can create an empowered form of advocacy, but can also create greater noise, distracting from the particular needs of women who suffer from marital rape.

As with any study, there were limitations to this analysis. First, this analysis did not take into account *all* newspaper coverage of the trial, nor did it focus on broadcast coverage. Therefore, a complete analysis should be done which would include these texts to better understand the various mediums and their frames of the case. Second, the analysis did not look at coverage of John and Greta Rideout past January of 1979. The couple did reconcile, only to have the marriage end in divorce, and at one point, John Rideout was sent to jail for trespassing in Greta’s new home. For future research, it would be productive to include an analysis of that coverage. However, those details were not within the scope of this project. Also, in the future, it

would be interesting to find out how someone else, with a different lens—perhaps a male, would analyze the texts.

With everything taken into account, there looked to be hope for media coverage of rape, specifically marital rape. Even though traditional and stereotypical coverage was the loudest voice, there were still a few whispers of a more progressive voice. Hopefully, those voices will increasingly become louder and will continue to challenge traditional views of domestic violence.

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