“Too Drunk To Say No”
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Binge drinking, rape and the Daily Mail

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In recent years, both the media and the government in the UK have been increasingly preoccupied with the problem of rape involving alcohol. For example, in order to increase low conviction rates, the government proposed, yet eventually rejected, reforms equating drunkenness with incapacity to consent to sexual intercourse. Research evidence, for example studies by Benedict (1992) or Finch and Munro (2005, 2007), suggests that conviction rates are influenced by an interplay of cultural discourses and legal arrangements. This article uses discourse analysis to identify and critically examine the major discourses which are produced around rape involving alcohol in one major daily newspaper, the Daily Mail. This conservative paper disapproves of women’s binge drinking and is unsympathetic to victims of rape involving alcohol. The analysis indicates that its discourses deprecate and delegitimise victims by a) reinvigorating and refashioning old rape myths, b) re-gendering rape involving alcohol as a problem of female drinking rather than male sexual violence, and c) masquerading women’s responsibilities and risks as rights. These findings open up the possibility for research into the popularity of these discourses across contemporary culture and their impact on cultural consumers, including those involved in legal decision-making processes.

KEYWORDS rape; binge drinking; Daily Mail; discourse; alcohol; media

Introduction

Binge Drinking and Rape

Binge drinking is a popular cultural term which refers to the sessional consumption of large quantities of alcohol in a relatively short space of time, where drinking is an end in itself and getting drunk is often the outcome (Lyons, Dalton & Hoy 2006). In the UK, binge drinking is a common cultural phenomenon which large numbers of people across socio-economic and gender backgrounds engage in (Measham & Brain 2005). Binge drinking—as a term capturing drunkenness and heavy alcohol consumption generally—and rape are increasingly connected and high-profile topics in the contemporary British public sphere. They are commonly talked about in the media, by pressure groups, politicians, and other claims makers. Alcohol consumption has long been known to be involved in a significant percentage of rape cases (Finney 2004), but there are specific circumstances driving current popular interest. Firstly, concerns about binge drinking have been fuelled by changes in licensing laws in November 2005 because increasing sexual violence has been identified as one potential problem of extended licensing hours. Secondly, there have been several
high-profile rape cases involving drunken victims, all resulting in acquittal. Thirdly, between 2005 and 2007 the Blair government considered, and eventually rejected, rape law reforms in order to deal with such cases more adequately (Convicting Rapists and Protecting Victims 2006, 2007).

This article uses the Daily Mail as a case study to examine how a conservative newspaper connects the two phenomena of binge drinking and rape. It provides an intricate picture of the discourses produced around rape involving alcohol and explores the meaningful and normative ways of thinking and talking about the issue which discourses generate. It is argued that cultural discourses around rape involving alcohol allow the Daily Mail to re-gender the social problem (as one of female drinking, not male sexual violence), to reinforce otherwise unacceptable rape myths, and to disguise women’s risks and responsibilities as rights. Risk theory (e.g. Dean 1999) will be drawn on to analyse the ways in which risk is central to the Daily Mail’s framing of rape involving alcohol, for example, what and who the paper identifies as a risk, as at risk, or as responsible for risk management. As a discursive study of one newspaper, this article opens up possibilities for further research into the popularity of discourses across contemporary culture and their impact on cultural consumers. I will use the term “rape involving alcohol” throughout this article to refer to all rape cases where victims were intoxicated due to alcohol consumption. This term avoids victim blaming connotations and is inclusive, allowing for consensual as well as non-consensual drinking (e.g. being given a stronger drink than asked for) and different levels of consumption and drunkenness.

Research

This research focused on one national UK newspaper, the Daily Mail. It spanned eighteen months from October 2005 to March 2007, a period which captured the introduction of new licensing laws as well as the government’s key report Convicting Rapists and Protecting Victims (2006) which proposed relevant rape reforms. The Daily Mail is the second biggest selling daily newspaper in the UK with an average circulation of 2.3 million (ABC Group Product Report 2007). It is a conservative mid-market paper which sees itself as representing “Middle England” and its traditional values such as respectability, decency, and diligence. The Daily Mail is known for its right-wing agenda and moralistic stance, which are exemplified in a staunch anti-immigration position and dislike of the Labour Party, the European Union, and the BBC. The paper supports traditional family models (e.g. the nuclear family, traditional gender roles), the monarchy, the Conservative Party, and law and order initiatives such as more policing.

The Daily Mail was chosen for several reasons. As a morally conservative newspaper it is generally censorious about much of women’s behaviour and normatively limits the kind of roles and practices women can legitimately engage in.

Women binge drinkers contravene values such as moderation, self-restraint, or decency, which are central to conservative ideals of appropriate selfhood, especially for women (Hey 1986). Moreover, women who binge drink—and the popular image is one of drinking which takes place in public places and in groups—violate a number of norms of femininity, such as passivity, quietness, or fragility (Whelehan 2000). We can expect, therefore, the Daily Mail to disapprove of women’s binge drinking and be unsympathetic to rape victims who have consumed alcohol; and these attitudes have the potential to produce discourses which are damaging for victims. The Daily Mail’s views of rape involving alcohol
are also important because it is a mainstream paper whose attitudes may indicate a wider cultural mood. And finally, the Daily Mail is particularly relevant because it has been at the forefront of pertinent debates by fighting a vigorous campaign against binge drinking and the introduction of extended licensing hours across premises such as clubs, pubs, and supermarkets (e.g. Hickley 2005; Slack 2005; Thompson 2005). The government and the Daily Mail predict different consequences of extended opening hours; while the former believes such changes would curb binge drinking and reduce violence as closing times become staggered and consumption less intense (Time for Reform 2001), the latter claims they would increase binge drinking and intensify associated problems, including sexual violence.

The research process involved gathering relevant articles through the Lexis Nexis database. A total of forty-eight articles substantially dealt with rape involving alcohol and all of these were analysed. In all articles the victims were female. Eight articles were classified as opinion articles, ten as feature articles, and thirty as news articles (Fowler 1991). The discourses identified in this paper are the common ones repeated across the Daily Mail and deviating attitudes will be highlighted where present. Quotes from all types of articles are reproduced here to provide a sense of the topic being discussed across newspaper sections. However, the majority derive from opinion columns because they play a particularly important role in the discursive construction of social problems by openly taking normative positions and offering “newsreaders a distinctive and authoritative ‘voice’ that will speak to them directly” (Greenberg 2000, p. 519). Power also derives from opinion articles being highly subjective while carrying an objective-like status (Greenberg 2000), which is rooted in their blending of social facts with normative judgements (van Dijk 1998). Their evaluative nature means that opinion articles are preoccupied with assigning responsibility and blame (Greenberg 2000), which are central issues in the construction of rape involving alcohol. Notably, all of the Daily Mail’s opinion columnists writing on this topic were female.

Newspaper articles were primarily analysed through discourse analysis in order to identify the Daily Mail’s discourses around rape involving alcohol. Discourses are understood in a Foucauldian sense as systems of representations which produce and sanction particular ways of thinking and talking about something (Hall 2001). These systems are symbolic as well as material, including not only written texts or spoken conversations but also social practices. My focus is on discourses produced in written media texts; critical discourse analysis (e.g. Fairclough 1989; Fowler 1991; van Dijk 1998) directs research to the analysis of the semantics and structures of language and their relation to social contexts. In this case the analysis connected the linguistic framing of rape involving alcohol in the Daily Mail to larger societal issues, such as gender, rape myths, or risk. Discourse analysis was supplemented with basic content analysis where useful (Weber 1990). All forty-eight articles were categorised in three ways: according to article type, main theme, and overall opinion. As a quantitative method, content analysis helped establish the popularity of opinions and discourses across the Daily Mail.

The Legal Context

Government proposals to change rape laws in relation to drunkenness and consent (Convicting Rapists and Protecting Victims 2006) have to be understood against the backdrop of rape conviction rates. When alcohol is involved, it is assumed to be even lower than the general rape conviction rate of 5.6 per cent (Kelly, Lovett & Regan 2005) because...
the dynamics of legal and cultural discourses make it difficult to convict defendants (Kramer 1994). Kelly, Lovett and Regan’s (2005) Home Office report indicates that alcohol consumption is a significant factor in all stages of the attrition process, with complainants who have been drinking being more likely to have their cases dropped, more likely to withdraw their cases, and less likely to achieve a conviction in court.

In most rape cases both parties agree that sexual intercourse has occurred. In this situation the law assumes consent and the complainant has to prove that she was not consenting in order to achieve a rape conviction (Lees [1996] 2002). These arrangements result in low conviction rates because prosecutions can use discrediting the complainant as their key strategy (Temkin [1987] 2002). In rape cases involving alcohol this is very effective as the victim’s memories can be discredited as unreliable because of heavy intoxication (Kramer 1994). The lack of credibility associated with intoxication affects both defendants and complainants, but the latter’s case is much more weakened as the burden of proof is on her. And in cases where defendants have not consumed alcohol, they are doubly advantaged by being presumed innocent and possessing the more reliable account of events in the eyes of the law. Hence the current law makes it extremely difficult for victims of rape involving alcohol to achieve convictions.

During the time of research three high-profile court cases, namely the Dougal case (November 2005), the Hagan case (November 2006), and the Bree case (December 2006 and March 2007), illustrated these issues. In all cases the complainants were heavily intoxicated and the defendants, who admitted having had sexual intercourse but denied rape, were acquitted. In order to improve the legal system’s handling of such cases, the government proposed defining drunkenness as a state where individuals are incapable of consent (Convicting Rapists and Protecting Victims 2006). This would have made sexual intercourse with a drunken person rape. However, in late 2007, despite the consultation process showing two-thirds of expert respondents to be in favour of these reforms, the government decided not to implement them (Convicting Rapists and Protecting Victims 2007). It argued that the court of appeal in the Bree case had provided the necessary guidance for the more effective implementation of already existing laws regarding rape involving alcohol.

Low conviction rates for rape involving alcohol are influenced by cultural discourses as well as legal arrangements (Kramer 1994). For example, binge drinking is widely seen as unfeminine and inappropriate for women (Whelahan 2000), despite the fact that large numbers of women engage in it (Measham & Brain 2005). Finch and Munro’s (2005) research into legal decision-making processes has found that jurors’ attribution of blame in rape cases involving alcohol is based on stereotypical views of appropriate gender behaviour. Similarly, Benedict (1992) has identified engaging in “unfeminine” activities as one criterion which encourages a conceptualisation of raped women as vamps and makes convictions less likely. It is, therefore, reasonable to hypothesise that cultural discourses around rape involving alcohol can shape legal outcomes. While gender norms play a significant role in these discourses, views on alcohol are also important. For example, the normalisation of alcohol as an element of socio-sexual interactions discourages jurors from identifying the strategic use of alcohol to facilitate sexual intercourse as a rape tactic (Finch & Munro 2007). While rigorously testing the hypothesis is beyond the scope of this article, this research explores in detail the cultural discourses around rape involving alcohol as produced in the Daily Mail, thereby facilitating further research into their popularity across contemporary culture and their impact on cultural consumers, including those involved in legal decision-making processes.
Data Analysis: Discourses around Rape Involving Alcohol in the Daily Mail

Binge Drinking, Casual Sex, and Consent

Research shows that the Daily Mail produces several cultural discourses around drinking and gender which set rape cases involving alcohol apart from other rape cases. One key issue is the connection between alcohol and sex. In popular culture, binge drinking is often associated with flirting and casual sex because it is a social activity of the night time economy which predominantly takes place in pubs and clubs where people are out to drink, talk, flirt, and engage in sexual encounters (Hutton 2006). These encounters are classed as casual and superficial, purely engaged in for temporary sexual pleasure. Opinion columnists in the Daily Mail make persistent connections between binge drinking and casual sexuality. Ruth Dudley Edwards for example, a regular guest columnist with a serious traditional and conservative outlook, presents the two behaviours as inseparable companions of a night out:

If a woman goes out half dressed, exchanges raunchy sexual banter with eager young men, drinks ten large vodka and Red Bulls, takes someone home and snogs him enthusiastically, she should not be staggered if he gets the wrong idea. (2006, p. 14)

Her concluding sub-clause even suggests that sex is the inevitable outcome of binge drinking. The equation of drinking and sexual availability applies to all sexes, but it is more forcefully claimed for women, possibly because it connects the two powerful myths that women a) lack the ability to directly communicate sexual desires and b) become more sexually promiscuous under the influence of alcohol (Kramer 1994). And while Dudley Edwards sees heavy drinking as “risky business,” she fails to mention that these risks mostly accrue to women.

The above quote also implies that women who binge drink are “asking for it” (Benedict 1992). According to this myth, women provoke rape through their behaviour, which “leads men on” by suggesting sexual availability. This scenario can be easily construed in rape cases involving alcohol because drinking can be presented as inextricably linked with sexual behaviours such as flirting, which men can “misinterpret” as consent to sex. Moreover, drinking women can be conceptualised as loose women, that is, the type that would lead men on. Lyons, Dalton and Hoy (2006), for example, have shown that women who drink are represented as either “goodtime girls” or “someone who sleeps around,” and that the latter image is heavily perpetuated in men’s magazines. And according to popular myths, women categorised as loose cannot be raped because they have already agreed to sex (Hester & Westmarland 2004).

If being part of the drinking culture becomes the equivalent to consenting to sex, then women are effectively held accountable for rape involving alcohol. Carol Sarler, who frequently devotes her columns to issues around rape, makes this point directly:

I say that you were exercising entirely free choice when you elected to get drunk in the first place. Your moment of independent decision was taken not when you got into the strange bed you can’t remember, but back in the pub when you accepted the fifth large vodka knowing you can’t handle more than three. (2006, p. 66)

Sarler is a regular columnist for the Daily Mail, where she occupies the role of a provocative populist. Her opinions reflect a populist conservativism and she is openly
anti-feminist. She does not radically challenge her newspaper’s politics, but rather provokes through her blunt style. She presents herself as a “no-nonsense” commentator who dares to say what other columnists think; in this sense she most openly assigns blame to rape victims while others suggest it indirectly.

The *Daily Mail* encourages victim blaming by never quite taking rape involving alcohol seriously. Just like drug-assisted rape, it is not considered “proper” rape (Lees [1996] 2002) and widely trivialised. For instance, men who rape drunken women are called “pathetic scumbags” (Dudley Edwards 2006, p. 14) and rape involving alcohol is described as “leading women astray” (Platell 2006, p. 13), “[taking] advantage of a drunken woman” (Dudley Edwards 2006, p. 14), and “acting in an ungentlemanly way” (Doughty 2006, p. 24). Moreover, rape involving alcohol is categorised as “nasty consequences” (Dudley Edwards 2006, p. 14), “unhappy ending” (Platell 2006, p. 13), or “unwise sexual encounters” (Sarler 2005, p. 28). The central issue of consent is described as a “confusing issue” (Shipman 2006, p. 4). Such language exonerates men by omitting their violence. It trivialises the criminal nature of rape involving alcohol by using nebulous and euphemistic expressions which can refer to any course of action deemed “inappropriate,” thereby perpetuating the myth that rape is not about violence but “sex gone a bit wrong” (Benedict 1992).

There are some rare exceptions to these discourses, most notably a column by Suzanne Moore, the liberal voice of the *Daily Mail*. Her opinions and perspectives tend to go against the conservative grain of the *Daily Mail’s* coverage, regardless of topic. In her article “It’s still rape when a girl just can’t say no” (Moore 2005, p. 29), she directly challenges her newspaper’s dominant discourses by maintaining that drunkenness cannot be equated with consent to sex and that drunken women need societal protection from rape, rather than blame:

> Being too drunk to say no does not constitute consent. Girls need to look after themselves, yes, but the ones who don’t and the ones who can’t also need to be looked after by a system that assumes a good night out does not end in assault. We cannot blame the victim. (Suzanne Moore 2005, p. 29)

While a liberal and feminist perspective can be found in the *Daily Mail’s* writing about rape, the data analysis revealed it to be a minority opinion quantitatively outweighed by conservative voices. Moore’s influence is limited because high volume and repetition are central to how discourses make an impression on readers (van Dijk 1998). Moreover, her effect is far from radical. Her columns cater for and retain the more liberal readers, and her article contains numerous disclaimers such as “Girls need to look after themselves” or “I’m not advocating the behaviour of clearly ‘out of it’ girls” (Moore 2005, p. 29) which soften the messages and make it more acceptable to the *Daily Mail* (van Dijk 1998).

*From “Proper” Rape to “Crying Rape”*

Amanda Platell, a well-known journalist, television presenter, and regular columnist at the *Daily Mail*, is one of many commentators who do not see rape involving alcohol as “proper” rape. She generally frames herself as a modern conservative with a feminist side, but her feminism is clearly limited. She conventionally defines rape as a stranger attack which involves weapons and inflicts visible injuries. As rape involving alcohol often does
not meet these criteria, for example it tends to occur between acquaintances and involve a process of taking advantage (Testa & Parks 1996), it is excluded from the category of “proper” rape:

Even to use that word [rape to refer to rape involving alcohol] is to insult those women who have genuinely been subjected to the terror and degradation of a sexual assault under threat of physical harm. Women like Jill Saward, who was repeatedly raped and assaulted by three strangers who broke into her father’s Ealing vicarage, wearing balaclavas and carrying knives. HOW can you possibly compare what Jill endured to an encounter that takes place between two adults who flirt together, drink together and then have sex together, but which one of them later claims took place against her will? (Amanda Platell 2006, p. 13)

Platell ignores feminist insights that rape is mostly perpetrated by intimates and acquaintances, and that these types of rape can have even more severe effects on the victim because of the betrayl of trust entailed (Setting the Boundaries 2000). Rape involving alcohol is also not considered “proper” rape because the victim’s drinking is assumed to be voluntary. Sarler’s statement, quoted earlier, emphasises this view when she argues that “you were exercising entirely free choice when you elected to get drunk.” When this assumption is coupled with the belief that drinking equals general consent to sex, then rape involving alcohol does not qualify as “proper” rape. Platell’s comparisons above further suggest a) that rape myths (e.g. “asking for it”) can be openly perpetuated in rape cases involving alcohol because they do not count as “proper” rape, and b) that rape myths (e.g. stranger danger) function to set aside “proper” rape from not “proper” rape.

Marcelle D’Argy-Smith is the only voice in the Daily Mail to challenge the narrow definition of “proper” rape. She is a usually unpolitical commentator, mostly concerned with fashion issues, but has personally experienced attempted rape. By describing rape involving alcohol as a “man forcing a woman to have sex” and “inserting his body into hers against her will” (D’Argy-Smith 2005, p. 48), D’Argy-Smith emphasises the violent nature of the act and clearly positions it as rape. In addition, many feature articles deal with victim stories, and include detailed graphic descriptions of rape involving alcohol; but while this illustrates the serious nature of the offence, the readers’ attention is not drawn to this point.

The idea that rape involving alcohol is not “proper” rape constructs victims as exaggerators and liars. There is a fundamental disbelief of their accounts. The “cry rape” myth claims that women falsely accuse men of rape in order to get revenge (Benedict 1992). Binge drinking fuels this myth by adding a new “reason” as to why women cry rape out of shame, embarrassment, or regret and to reclaim their (sexual) reputation which has been tarnished by casual sex. This is certainly what Amanda Platell suggests in her column:

The woman involved [in drunken casual sex] may well be embarrassed by her actions. She may wish the encounter had never taken place. Heaven knows, we’ve all said and done things under the influence of alcohol that we later had cause to regret. This is the sorry side of a sexual free-for-all. What it most certainly isn’t, though, is rape. (2006, p. 13)

Moreover, this reasoning has been used to make the case against the government’s proposed rape reforms. A news article in the Daily Mail for example reports that:

[O]pponents of the proposals [of rape reforms] fear they may encourage some women to allege rape when they regret having had sex while drunk. (Kirsty Walker 2006, p. 19)
These claims are based on cultural discourses around binge drinking and sexuality. Drunkenness is widely seen as impairing individuals’ cognitive and physical capacities and lowering their inhibitions (Ettore 1997). As Platell’s comment illustrates, it is believed that intoxicated persons do things they would normally refrain from and regret once intoxication has worn off, such as behave in a more sexual way or engage in sexual activities (Testa & Parks 1996). The cry rape myth is also based on the ancient idea of women as naturally deceitful, which is compounded by a belief that alcohol consumption impairs your memory (Ettore 1997). The media reinforce the stereotype of woman as liar by reporting a huge number of false allegation cases (Lees [1996] 2002). In this study, ten out of forty-eight articles (i.e. 20 per cent) centred on false allegations and the idea featured even more widely across all types of articles. Firstly, there were frequent mentions of acquittals, which can be read as untrue accusations. Secondly, five further news articles focused on “date-rape” drugs as a myth deliberately fabricated by women who were drunk at the time of rape. Thirdly, there were many comments on the problem of false allegations and direct mentions of women’s dishonesty. For example, when the Sexual Assault Research Summary Report (2005) found that one-third of British people believe victims of rape are at least partly to blame, Sarler criticised its one-sidedness by emphasising the widespread nature of false allegations: “And here in Britain, there are thousands of inebriated women who crawl into bed with a man but who cry foul if sex ensues” (Sarler 2005, p. 28). The constant repetition of the concept of false allegations creates the impression that women commonly lie about rape. And no one in the Daily Mail openly challenges this widespread discourse.

Responsibility and Blame

Thanks to feminist campaigning it has become relatively unacceptable to openly embrace the myth that women are to blame for rape (Benedict 1992). However, when asked anonymously, significant minorities of between 20 and 34 per cent partially or fully blame women for rape because of factors such as drunkenness, wearing revealing clothes, or being in dangerous areas (Sexual Assault Research Summary Report 2005). This underlying culture of blame shows itself in the Daily Mail’s coverage of rape involving alcohol. It is suffused with a sense that women are responsible for their own safety, as illustrated in headlines which directly blame victims (e.g. “Too Drunk To Say No” [Nisbet 2005]), shift blame by questioning the blameworthiness of perpetrators (e.g. “It’s Not Always Rape If A Woman Is Drunk” [Doughty 2007]), or attack the “culture of excusing women” to tell readers that at least some women are responsible (e.g. “Why Is It Never A Woman’s Fault?” [Sarler 2007]). Moreover, the notion of “sharing” responsibility makes rape victims shoulder some of the blame (see pp. 30–31 of this article). Binge drinking feeds into the blame culture because it impairs women’s ability to provide their own safety, makes them vulnerable, and therefore constitutes irresponsible and unwise behaviour. While this is the opinion of many Daily Mail columnists, in news and feature articles the links are usually expressed by presumed experts such as police or medical professionals:

“We’re seeing a lot more women drunk than we used to,” says one local police officer. “As well as the drink-driving and street violence, the amount women are drinking is putting them at increased danger and is a particular worry. Women take risks getting into unlicensed cabs and are particularly vulnerable to sex offences when they are under the influence.” (Andrea Thompson 2005, p. 26)
This discursive strategy transfers expert status and authority to the argument, which is nevertheless problematic. It implies that if women want the same rights as men, they have to take responsibility for risky behaviour and deserve its consequences, namely vulnerability and rape. The fact that men bear no equivalent risk is ignored, and men are not expected to modify their behaviour. Further, women are effectively held responsible for male behaviour. And as responsibility is closely linked to blame (Douglas 1992), they are blamed for rape involving alcohol because it was their duty to prevent it by not drinking. Moreover, double standards are operating, for research has shown that the wider public considers rape victims more blameworthy when they have been drinking, while rapists under the influence of alcohol are more readily excused (Finch & Munro 2005; Kramer 1994). Responsibility and blame are assigned to victims in all but the most liberal opinion articles of the Daily Mail. Carol Sarler’s provocative populism produces the most open endorsement:

So if we are expected to take some responsibility for protecting our material possessions, how can we possibly not also be expected to take responsibility for protecting our bodies?

. . . [I]t is bound to affect a jury’s judgement if they feel exasperated when confronted by a young woman “victim” who they consider may have been reckless in her own behaviour. If she didn’t look out for herself, why should they? (2005, p. 28)

In this article, “reckless” behaviour refers to binge drinking. Rape victims are blamed a) via the questioning of their victim status and b) through an emphasis on their failure to protect themselves. This seems to be acceptable because of the victim’s drinking which, as we have seen before, is understood as a voluntary increase in vulnerability. The fact that drunkenness is not always voluntary and evidence that some men strategically use alcohol to intoxicate their victims to facilitate rape (Kelly, Lovett & Regan 2005; Testa & Parks 1996) are conveniently ignored.

Responsibility and blame are assigned on the premise that alcohol makes a person lose control over their physical and cognitive capacities and therefore produces vulnerability. While this is the case, it is also true that women are much more likely to be raped a) when they frequent places where alcohol is consumed (e.g. bars, restaurants, clubs) and b) when their alcohol consumption is witnessed by men, because men perceive women who drink in ways which encourage rape (Testa & Parks 1996). Hence it is not simply alcohol consumption which produces vulnerability but also the setting in which it occurs and men’s reactions to women’s drinking; in fact, these three factors are so deeply intertwined as to make it difficult to extract alcohol consumption per se as a necessary risk factor (Testa & Parks 1996). Moreover, the premise of alcohol consumption producing vulnerability is selectively applied. It is not applied to men, whose binge drinking is seen to cause aggressive and loutish behaviour. It is not applied to all women either. Many female binge drinkers are classed as ladettes (Whelhan 2000), that is unfeminine women, whose drinking makes them loud, forceful, and aggressive. It appears that only some women are portrayed as becoming vulnerable to rape through drinking, especially those identified as at risk of rape (e.g. those classed as more feminine or deemed generally respectable), and rape victims are retrospectively framed in this way. The logical chain is clearly not a universal law but a social tool which can serve to blame victims.

There is also a moral element to the loss of control. Hey (1986), in her study of pub culture, made the point that women’s reputations derive from controlling themselves. By implication the voluntary loss of control associated with binge drinking entails—at least for
women—a loss of reputation. This ignores research (Measham & Brain 2005) showing that men and women tend to get drunk in a controlled way. Binge drinking is aimed at intoxication but managed by both genders for various reasons, one of them being personal safety concerns. This suggests that the media image of the victim who is so drunk as to be unconscious is not the norm. Currently, widespread and increasing female binge drinking (Lyons, Dalton & Hoy 2006) indicates that women do not stop engaging in behaviours which threaten their reputation, thereby refusing to control themselves and be controlled by (male) public discourses. In this context the current laws regarding rape involving alcohol can be seen as a punishment to women who do not conform to gendered norms of behaviour.

The Re-Gendering of a Social Problem

In the *Daily Mail*, rape involving alcohol is reconfigured as a problem of female binge drinking, rather than male rape. This is achieved through three discursive strategies: a) direct statements, b) a focus on women’s drinking and omission of male violence, and c) the constant repetition of connections between female binge drinking and vulnerability to rape. All three strategies become clear in a feature article where these opinions are given further authority by being attributed to a medical professional and backed up by statistics:

“The truth is these women do lay themselves open to date rape,” he [paramedic] says . . . “The majority of people I treat, particularly on student nights, are girls who have all been drinking excessively.” *And that, it seems, is the problem.* A recent survey released by the European School Survey Project revealed that young British adults are the world’s worst binge-drinkers. (Natasha Pearlman 2006, p. 50; italics mine)

This widespread re-gendering is summed up in headlines such as “Too Drunk To Say No” (Nisbet 2005, p. 29): men rape women but the real problem is that drunken women cannot defend themselves. Even the few liberal voices in the *Daily Mail* are involved in this process because they, too, problematise women’s drinking and vulnerability. The refocusing process has a long history, for instance “drug rape” discussions often blame the drug and take the emphasis off men (Berrington & Jones 2002). But re-gendering of rape involving alcohol is a more complex, two-step process. Firstly, there is a shift in focus on the gender-neutral aspect of drinking (a practice widely engaged in by men and women in the UK), which downplays the gendered aspect of rape. This de-gendering allows us to ignore gender as a fundamental issue. In a second move, the focus on drinking re-genders the social problem in reverse because only women’s drinking is at stake. Articles by conservative columnists reveal a deep-rooted dislike for women’s binge drinking and sexualised behaviour, presumably because it contravenes their notions of appropriate femininity:

We may regret that the present young generation enjoy binge-drinking and one-night stands and that many ladettes showing off bottoms, breasts and navels are as sexually rapacious as young men. But that’s how things are at present, and—in consequence—some of them end up raped. (Ruth Dudley Edwards 2006, p. 14)

The re-gendering of rape involving alcohol legitimises such disapproval, which almost presents rape as a deserved consequence of binge drinking. Generally speaking, re-gendering constructs women as accountable not only for their own behaviour (i.e. making
themselves vulnerable) but also for the rapist’s behaviour (i.e. not being able to stop him from attacking her). This excuses male behaviour, frees men from taking responsibility, and obscures the real, underlying problem which made women’s drinking an issue in the first place: male rape. Further, a female solution is devised to combat the “female problem.” Amanda Platell suggests that if women stopped drinking and engaging in casual sex, rape would become less frequent or even cease:

You would think the morally upright Tony Blair might want to educate young women on the dangers of binge-drinking and the heightened threat of sexual attack when drunk. But no . . . Instead of widening the definition of rape so far that it becomes meaningless, shouldn’t the Government be trying to educate and warn women about the dangers of casual, drunken sex? (2006, p. 13)

This argument is clearly flawed. Individual actions do not solve social problems, and they are especially ineffective when they do not target the motives and causes of male rape, such as patriarchal structures, misogyny or the desire to exercise power and control (Ellis 1989).

The re-gendering of rape involving alcohol also reinforces the myth that only “loose,” “sluttish” women—those who binge drink—get raped (Benedict 1992). This is of course untrue, but rape is increasingly talked about in relation to binge drinking and this has implications for all rape victims. For instance, all victims have their cases evaluated in accordance with the media’s definition of “proper” rape. Moreover, certain voices inside and outside the Daily Mail suggest that avoiding alcohol is a general solution to rape:

A senior police officer was criticised yesterday for telling women they’ll have less of a chance of being raped if they don’t get drunk . . . Mr Richardson insisted he was not blaming women for being raped but claimed they would be safe if they did not allow themselves “to be in a vulnerable position.” (Jamie Livingstone 2006, p. 24)

This quote is derived from a news article in which the Daily Mail indirectly aligns itself with the police officer’s views. It devotes the majority of space to his arguments and supporting evidence and presents his position as being generally held by the police. The critical voices referred to are feminists and anti-rape campaigners, whose opinions are briefly summarised at the end. The quote illustrates the complex dynamics underlying rape myths and their reinforcement in rape cases involving alcohol. Re-gendering creates the impression that only loose women—those who go out and binge drink—become victims of rape, and not drinking is presented as a general solution to rape. By implication all rape victims become loose women. Discourses around rape involving alcohol perpetuate rape myths which shape a general cultural understanding of rape and affect all victims.

Rights, Risks, and Responsibilities

Contemporary governmental and popular understandings of sexual violence are suffused by risk. In modernity and late modernity, risk has become a technical and scientific concept; risks are categorised, their probabilities calculated, and statistically expressed (Lupton 1999). According to the governmentality perspective (e.g. Dean 1999), risk has developed as an actuarial technique of governance where strategies and decisions are based on the calculation of risk probabilities. Risk, therefore, produces a technical approach to the regulation of social issues which is largely devoid of meanings such as gender or
power (Chan & Rigakos 2002). In the case of rape involving alcohol, the risk perspective both erases and recognises gender in complex ways, and turns it into a technical issue (Phoenix & Oerton 2005). In the process it contributes to the perpetuation of rape myths and re-gendering.

The Daily Mail’s understanding of the risk of rape involving alcohol is gendered in terms of the victim but not the perpetrator. Women are identified as those who put themselves at risk but there is little recognition of men as the risk. This makes it possible to present female binge drinking as the problem, perpetuate female blame, and trivialise rape while appearing non-discriminatory. Key to this is the idea of shared responsibility. All but the most liberal commentators in the Daily Mail demand that in rape cases involving alcohol both men (perpetrators) and women (victims) share responsibility. For example:

[S]he and he should know that if they get drunk, there may be nasty consequences. As for the latest government’s initiative [proposed new rape laws], I suggest it ought to try to get across the simple message that all people—women and men—must take responsibility for their own actions. (Ruth Dudley Edwards 2006, p. 14)

Sharing responsibility is presented as fair because both parties acknowledge their fault. The Daily Mail balances male rape and female drunkenness against each other in a calculation of risks and responsibilities. The technical nature of the risk approach allows for the comparison of such vastly different practices as if they were of the same meanings and consequences, to ignore that rape is a violent crime while binge drinking can at worst be classed as deviant behaviour. Rights are also compared and equated. In the Daily Mail this mostly happens in news articles, which deal with what is seen as “hard” news and facts (Fowler 1991). For example, the Daily Mail reports that “Women were warned yesterday that binge drinking could cost them the right to complain of being raped” (Daily Mail 2005, p. 4). In this calculation, meanings are omitted (e.g. the violence of rape, or the suffering of victims), allowing for presenting the removal of one right in the name of another as a technical, neutral measure. Also at stake is the message that women cannot have it all; if you want one right, you have to give up another one.

In a further move, the risk approach facilitates the disguise of women’s risks and responsibilities as rights. Or, to put it differently, it conceals that women’s rights in practice tend to become risks and responsibilities because of the rules and applications of the law. For instance, when the case of a woman who has been raped while drunk enters the current legal system, then her right to get drunk and consent to sexual intercourse turns into her responsibility to prove non-consent and justify her actions and her risk to lose the case. In this sense rights can be risky; the government had recognised this in its proposals to equate drunkenness with incapacity to consent which aimed to protect drunken women from a legal system whose rules make rape convictions extremely difficult. These reforms would have undoubtedly been fraught with difficulties (Finch & Munro 2005). But the point here is that the risk perspective allows opponents of reforms, such as the Daily Mail, to frame themselves as the champions of women’s rights: their right to consent to sexual intercourse when drunk:

The judge said it would not be right to lay down rules “some kind of grid system” that say a woman who has reached a set level of drunkenness is incapable of consent. He added: “Provisions intended to protect women from sexual assaults might very well be conflated
into a system which would provide patronising interference with the right of autonomous adults to make personal decisions for themselves.” (Steve Doughty 2007, p. 1)

In contrast, supporters of law reforms are constructed as interfering left-wingers who deprive women of their autonomy. These arguments only work if the power-suffused nature of the law and its practice are ignored, and if rights are conceived as technical entities which can be straightforwardly exercised. The risk perspective facilitates such understanding by promoting an actuarial conception of the social world. In addition, risk is important because it has especially proliferated as a central technique of neo-liberal governance (Dean 1999). This political perspective contends that society can be largely regulated through market mechanisms and individual self-governance, and that direct state interventions should be reduced to a minimum (Lupton 1999). With the ascendancy of neo-liberalism in the UK since the 1980s, the state has withdrawn from many areas of socio-economic life and as a consequence risks have become individualised (Dean 1999). Individuals are increasingly expected to manage their own risks, ranging from unemployment to becoming a victim of crime. The intention is to “responsibilise” individuals, that is to make them behave in more responsible ways and hold them to account if they fail to do so (Lee 2007). This climate arguably further intensifies the risk of rape victims to be blamed for their victimisation and not achieve a conviction. In this way neo-liberalism and risk thinking do not only conceal the risky nature of rights but the fact that their influence has made them even riskier.

Conclusion

The Daily Mail constructs a specific set of discourses around rape involving alcohol which allow for the relatively open perpetuation of rape myths, the re-gendering of rape involving alcohol, and the masquerading of women’s risks and responsibilities as rights. The discursive connections between binge drinking and rape provide new narrative strategies which maintain rape myths by making them credible. For instance, discourses in the Daily Mail stipulate that binge drinking makes women vulnerable, which in turn allows for fashioning it as irrational, unwise behaviour for women, rape as the consequence of this behaviour and as the fault of women who binge drink. To use another example, discourses around binge drinking and rape provide a new reason why women should cry rape, namely out of regret and to reclaim their sexual reputation. The re-gendering process arguably represents the most successful instance of this phenomenon; here, the cultural discourses do not simply reinvigorate old rape myths but produce the new, overarching myth that the problem is one of female binge drinking instead of male rape.

Risk thinking suffuses the Daily Mail’s constructions of rape involving alcohol. The actuarial nature of risk approaches works because risks, rights, and responsibilities are not only calculated in their own right but are compared between the two issues of binge drinking and rape. As a consequence, responsibility and blame can be shared, rights can be weighed up against each other, and risks and responsibilities can be presented as rights. The omission of details and meanings in the Daily Mail’s articles as well as legal debates makes it possible for sound bites such as “equal responsibility” to seem reasonable. Analysing the law’s handling of sexual violence, Lees ([1996] 2002) has argued that men’s rights are preserved in the name of a fair legal system which actually works in their favour. The risk perspective arguably contributes to the maintenance of such a system by allowing
for discursive strategies which disadvantage women while presenting themselves as unbiased or even as working in women's interests.

This article indicates two major directions for further research. Firstly, it needs to be established how widespread the Daily Mail's discourses around rape involving alcohol are in contemporary culture, and to what extent they are actively challenged. Secondly, this research was inspired by low conviction rates for rape involving alcohol and the occurrence of several cases where the accused were acquitted largely because the victim was drunk. The Daily Mail's discourses diminish the reputation of victims, discredit their stories, and delegitimize their actions; and by influencing popular opinion these discourses may influence decision-making processes in the legal system. Further research is therefore needed to establish how wider public opinion connects to the discourses (re)produced in cultural institutions such as the media and the law, especially now that the government has declared that rape cases involving alcohol are adequately dealt with by the current law.

REFERENCES


DAILY MAIL (2005) 'Why a drunk woman may not be able to claim rape', 24 Nov., p. 4.


DOUGHTY, STEVE (2006) 'Juries “reject rape claims if the woman was drunk”’, Daily Mail, 7 Dec., p. 24.


PEARLMAN, NATASHA (2006) ‘Binge drinking is so rife that most clubs now employ paramedics to treat and protect paralytic girls. Here, one gives a disturbing account of the degrading scenes he witnesses every night . . .’, Daily Mail, 25 Nov., p. 50.


SARLER, CAROL (2005) ‘Rape—are some women partly to blame?’, Daily Mail, 22 Nov., p. 28.


WEBER, ROBERT PHILIP (1990) Basic Content Analysis, Sage, London.

Anneke Meyer is Senior Lecturer in Cultural Studies and Sociology at Manchester Metropolitan University. Her research interests lie in the areas of sexual violence and paedophilia, media discourses, media audiences, childhood, governance, and moral panics. Publications include The Child at Risk: Paedophiles, Media Responses and Public Opinion (Manchester University Press, 2007) and “The Moral Rhetoric of Childhood” (Childhood, 2007, vol. 14, no. 1). E-mail: a.meyer@mmu.ac.uk