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Book Review

Review of Hannem, Stacey & Schneider, Christopher J. *Defining Sexual Misconduct: Power, Media, and #MeToo*. Regina, SK: University of Regina Press. 2022. 285 pp. \$34.95 (Paperback). ISBN 978-0889778092.

Media coverage of sexual misconduct has increased in frequency and duration. Sexual misconduct can define a wide spectrum of sexualized acts, from consensual but socially taboo behaviour, such as adultery, to sexual assault. Not only does sexual misconduct lack clear definitional consensus, the conditions of its emergence as a social construct are underexplored. In *Defining Sexual Misconduct: Power, Media, and #MeToo*, Stacey Hannem and Christopher J. Schneider address this scholarly gap by tracing the sociopolitical conditions that gave rise to the popularization of sexual misconduct in mass media, providing a timely analysis of the shifting power relations of media and criminal processing systems, through which sexualized harms are interpreted and (re)defined. Framed by their symbolic interactionist, standpoint feminist theoretical approach, the authors engage in a qualitative media analysis of mainstream news coverage from *The New York Times* and *The Washington Post*, spotlighting a number of high-profile cases, including the trials of Jian Ghomeshi and Bill Cosby, the 2016 US presidential election, and the allegations levied against Harvey Weinstein, Donald Trump, Aziz Ansari, and Louis C.K. Additionally, Hannem and Schneider investigate the contested discourse of sexual misconduct on social media by analyzing algorithm-generated top tweets under the #MeToo hashtag on Twitter.

Whereas sexual harassment and sexual assault are clearly demarcated through workplace policies, human rights legislation, and criminal law, sexual misconduct has emerged from mass media and has not been widely ratified into law or policy. Rather than attempt to uncover the term's essential meaning or call for its institutionalization, Hannem and Schneider argue it is the "ambiguous nature" (p. 14) of sexual misconduct that gives it the discursive power to broaden public recognition of a wider array of sexualized harm as a pervasive social problem. The authors investigate how social power and interactions

come to be “interpreted and defined as sexual misconduct” (p. 15) through an application of Altheide and Snow’s (1979) media logic. Media logic is crucially concerned with the way information is organized, presented, and abbreviated in media to transform how people interpret social problems. Centrally, they argue it is the “grammar media of communication” (p. 5) that has informed how sexual misconduct has entered into popular discourse today. With the authors’ argument and approach established, this review will focus on three key contributions *Defining Sexual Misconduct* provides to the intersecting literature on media, power, justice, and sexualized harm.

First, Hannem and Schneider trace the discursive emergence of sexual misconduct in mass media and identify how media principles become interactively embedded into criminal legal procedures. The sexual affairs of high-profile celebrities and politicians were once considered a private matter. A cultural sea change has occurred over the last several decades as sex scandals and allegations of sexual misconduct have become newsworthy issues. The emergence of sexual misconduct in 1980s news coverage framed the issue first as “sexual behaviours that were viewed as worthy of moral censure” (p. 39) that “almost always centred on sex acts that occurred outside of the context of heterosexual marriage” (p. 37) and then as a term connected to the numerous political sex scandals that punctuated the 1990s’ media landscape. The ‘scandalization’ of sexual misconduct within media frames, exemplified by the landmark testimony from law professor Anita Hill against Supreme Court nominee Judge Clarence Thomas and the Clinton-Lewinsky sex scandal, amongst others, laid the foundation for the concept’s contemporary application to a wide range of coercive, criminal, harmful, or otherwise unethical sexual behaviours from men towards women, particularly in the context of institutional power imbalances.

Today, mainstream discourses of sexual misconduct sustain heteronormative assumptions about the nature of sexualized harm. However, early news coverage rarely used the language of sexual misconduct to describe sexualized harm in heterosexual relationships. Rather, sexual misconduct was initially applied to child sexual abuse in the Catholic church by *The New York Times* and in news stories about legally prohibited non-procreative sexual acts, such as oral and anal

sex. Such media framing provided a public discourse that justified continued legal discrimination against the LGBTQ+ community by implicitly connecting homosexuality with pedophilia, hebephilia, and other criminalized sexual acts outside the terms of heteronormativity. Hannem and Schneider reveal the influential role of media principles in shifting sexual misconduct from serving a social control function over homosexuality to the contemporary marginalization of LGBTQ+ perspectives within this discourse.

Media does not merely come to represent objective observation, it holds a reflexive character with social reality and institutional form. In other words, “mass media narratives may shape criminal justice responses” (p. 54). The trial of Jian Ghomeshi and Bill Cosby are notable examples of a new tendency for sexual assault allegations to be reported in media before criminal charges are laid. Yet, the way a sexual misconduct allegation is interpreted and presented in mass media is incompatible with the logic of the criminal processing system. In media, victims must often provide simplified explanations of their assault and fall back on dominant rape myths to curry favour with the public. In criminal justice, victims who disclose information that may make them appear an unsympathetic figure to the public eye are considered “more trustworthy and credible than one who omits information so as to save face” (p. 66). The very omissions made by victims in order to fit a media frame were then used by Ghomeshi’s defence attorneys during cross-examination to indicate deception. While mass media “may seem like an egalitarian and instrumental way of getting attention” (p. 89), it may do more harm than good for victims. Although the media publication of Andrea Constand’s civil suit against Bill Cosby would motivate other victims to come forward, the deposition provided by Cosby that established its success became the element that would unravel his criminal convictions as a violation of his fifth amendment rights against self-incrimination. The complicated realities of victims’ accounts result in a “difficult and frustrating Catch-22” (p. 66) that highlight how the entangled nexus of media and criminal justice often work in lockstep to reinforce dominant rape myths, discredit victims, and insulate high-profile men from consequences.

Second, Hannem and Schneider explore the role of media in processes of stigmatization that differentially lead to criminal convictions. Applying Goffman's seminal work on stigma to the so-called Weinstein Effect, the authors query why allegations levied against Weinstein led to his social ostracization and eventual incarceration while similar allegations did not impede Donald Trump's political prospects. A confluence of factors may explain this phenomenon, including the response of powerful others, perceived hypocrisy, and the compatibility of a victim's identity markers to the market orientation of mass media. Powerful colleagues can serve as a strong "insulating factor in the stigmatization process" (p.115). Contrast how Weinstein was effectively blacklisted from Hollywood to the Republican Party's defence of Trump. It was not the nature of the allegations more so than the revelation of a 'hidden identity' that contravened with Weinstein's public image as a progressive champion of women's rights that led those around him to "intensify their reaction of disgust and disassociation" (p. 126). The interactional nature of stigmatization, depending on the definition of the situation, influences conventional criminal justice responses (or a lack thereof) to sexual misconduct allegations against high-profile men.

The relative standing of the victim within the interlocking power relations of media also influences the stigmatization process. Extending upon sociologist Nils Christie's concept of the 'ideal victim,' Hannem and Schneider posit that mass media creates a hierarchy of victims through which "some claims of victimization become accepted as more legitimate and worthy of response than others" (p. 57). Such "determinations of legitimacy" (p. 57) rely on the market interests of media that deem stories newsworthy depending on a victim's level of celebrity, gender, race, sexuality, and class, sustaining cultural dichotomies between deserving and undeserving victims. While Weinstein's case focused on accusations from predominantly white, well-known celebrity women, media coverage about Trump's focused on his misogynistic remarks in the now infamous *Hollywood Access* tape, rather than on the relatively unknown women who accused him of assault. Media interests set the parameters on what information will be included and prioritized, informing popular discourse about sexual misconduct, public perceptions of the seriousness of allega-

tions, and ultimately social censure of — and legal recourse against — high-profile men.

Third, Hannem and Schneider turn attention to social media and the contrasting power relations between individual agents under the #MeToo hashtag and the algorithm-based digital infrastructures organizing how discourses of sexual misconduct are amplified and suppressed. The #MeToo movement has provided an “interpretive frame for individuals who have not previously conceptualized themselves as victims or survivors of sexual misconduct to revisit and redefine their experiences and themselves through this discourse” (p. 11). People can demonstrate and perform this identity with others in ways not accessible within conventional media landscapes. The proliferation of sexual misconduct discourse through social media has also created “new ways of thinking about justice both within and outside the parameters of the legal institution” (p. 189). #MeToo has proven a powerful discursive space for victims and feminists to challenge the individualist logic of criminal justice by instead raising consciousness about the structural conditions that give rise to sexual misconduct and generate alternative conceptions of justice that center victim and survivor needs and desires.

However, social media is still overlaid by the power relations of conventional media while introducing new algorithmic technologies that reflect the values of the (predominantly) white and male-dominated private companies that operate them. Therefore, the resistant power of victim narratives through hashtag feminism remains constrained by the technologies through which they are uttered. The pursuit of justice through hashtag feminism is, at its best, fraught by the dangers of replicating the retributive tendencies of criminal justice within online tactics of social censure. The authors highlight the case of comedian Aziz Ansari to reflect how, in the absence of legal parameters around the concept of sexual misconduct, ‘cancel culture’ is “standing in as proxy forms of punishment for perpetrators of sexual misconduct” (p. 188). Ansari’s continued attempts to instigate sex with a woman going by the pseudonym Grace were subject to heavy online debate about whether his actions constituted misconduct or if the situation was merely an awkward sexual encounter. While social censure by way of ‘cancellation’ has become the dominant means of re-

sponding to cases like Ansari, Hannem and Schneider caution that “any approach to justice rooted in retribution and without legal boundaries risks reifying the existing structures of racism and inequality that have characterized criminal processing systems” (p. 192). Instead, the authors ask us to consider what we “accomplish when we cancel someone who has transgressed a boundary or engaged in overt sexual abuse?” (p. 183).

The case of Ansari illuminates how quotidian elements of modern dating that emphasize men’s sexual persistence and women’s passive acceptance create conditions for heterosexual encounters to routinely enter into the nexus of sexual misconduct. The problem of sexual misconduct, as exemplified by the case of Ansari, is a cultural one that individualized tactics of cancellation are ill-equipped to resolve. While cancel culture may be a “non-violent form of vigilante justice” it is still “largely controlled by men and shaped by male-centric conceptions of justice” (p. 188). Furthermore, as an informal tool of social retribution, cancel culture does little to advance a feminist politics of justice for victims and survivors. Instead, Hannem and Schneider advise extending beyond the limited terms of punishing violence through social or legal retribution to the more transformative goal of recentering a politics of sexual agency, desire, and communication into feminist discourses of sexualized harm.

Hannem and Schneider raise an overarching challenge for readers to consider both the possibilities and the dangers presented by the conceptual net-widening of sexual misconduct discourses in mass media and everyday vernacular. The conceptual ambiguity of sexual misconduct risks expanding criminalization to a broader array of sexualized behaviours that, as an individualizing response, obscures and extends upon many of the structural root causes of sexualized harm; that is, patriarchy, capitalism, and colonialism. At the same time, the “broad umbrella” (p. xiii) of sexual misconduct offers a promising extra-legal “possibility to discuss and take seriously various forms of harm that do not meet the bar for criminal prosecutions of sexual assault or harassment” (p. 2). Raising consciousnesses about these murkier forms of sexualized harm helps to both reveal and problematize everyday aggressions, hostilities, and harms that work to sustain gendered power inequalities and rape culture more broadly.

Hannem and Schenider recognize the trap of essentializing gender within a feminist analysis of sexualized harm to the exclusion of race, class, and sexuality. Yet, their empirical approach may inadvertently replicate the problems they seek to avoid. It is unclear why Hannem and Schneider narrowed their analytical scope to focus solely on the mainstream media sources they argue have slanted in a “heteronormative trajectory” (p. xv). For instance, they note how #MeToo has been critiqued for “failing to attend to diversity and intersectionality” (p. 21). It is curious why Hannem and Schneider did not seek to address these concerns by including in their analysis the various socially mediated spaces where intersectional and decolonial discourses of sexual misconduct are occurring. The #SayHerName campaign and #NoMoreStolenSisters bring into sharp relief sexualized harms and structural violence experienced by racially marginalized women, girls, Two-Spirit, trans, and gender-diverse people. Alongside #BlackLivesMatter, these movements could be argued to have influenced the viral trajectory of #MeToo by setting the conditions for social media to be considered a legitimate tool for social justice and a newsworthy domain of discourse creation about social problems. Although the authors do well to empirically analyze numerous cases across racial, gender, and sexual difference, the lack of attention to how these other socially mediated spaces produce counter-discourses that challenge hegemonic ideas about sexual misconduct ultimately limits the authors’ intersectional contributions.

Defining Sexual Misconduct offers a unique and much-needed contribution relevant to the fields of sociology, criminology, law, gender, and communication studies. Hannem and Schneider offer experts and introductory learners alike a clear analysis of the reflexive relationship between the resistant power of victim’s agency and the structural constraints of law and media in the emergence of sexual misconduct as an ambiguous, yet powerful, social construct. Ultimately, *Defining Sexual Misconduct* is an insightful and unique addition to the growing body of work on media and #MeToo, while taking to task the legal and extra-legal technologies through which sexual misconduct has been complexly integrated and (re)defined.

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