

UNNECESSARY ROUGHNESS: VIRAL VIDEO, CIRCULATION, AND PROOF IN  
THE RAY RICE CASE

by

Elizabeth Grace Booker

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Approved by:

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Dr. Daniel Grano

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Dr. Jonathan Crane

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Dr. Ashli Quesinberry Stokes

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## ABSTRACT

ELIZABETH GRACE BOOKER. Unnecessary roughness: viral video, circulation, and proof in the ray rice case. (Under the direction of DR. DANIEL GRANO)

The National Football League (NFL) is no stranger to criticism regarding their players and violence against women. One of the more publicized cases transpired following surveillance videos that surfaced 7 months apart from each other; the first depicting former Baltimore Ravens running back Ray Rice knocking his then fiancée unconscious in a casino elevator, and the second depicting Rice dragging her body out of the elevator. It was only after the second video surfaced that Rice lost his contract with the Baltimore Ravens and was suspended indefinitely from the NFL.

The videos circulated in viral patterns within news, sport, and social media, raising questions regarding the NFL's record on domestic violence issues and its integrity as an organization. Where cases of domestic violence are traditionally hidden, secretive, and private, this case exemplifies a collapse of those public/private dimensions and allowed the public to see what happened. Questions about circulation and the value of video evidence became central to the Rice case due to widespread presumptions that the NFL had the footage, and that it must have seen it before punishing Rice after the first video release.

Throughout this thesis I argue that the Ray Rice case highlights the cultural parallels associated with professional athletes and crimes of domestic violence, that the prominence of surveillance video as a media form conditions specific expectations and desires, and that the Rice case demonstrates how viral videos can operate as an explicit form of proof in contemporary society.

## DEDICATION

First, I would like to extend my gratitude toward my advisor and thesis chair, Dr. Dan Grano, for his commitment and support towards this thesis project. His advice, insight, direction, and ability to reel me back in when my ideas were too excessive were a driving force behind this thesis. I would also like to thank my committee members, Dr. Ashli Quesinberry Stokes and Dr. Jonathan Crane, for their positive words, and for volunteering their time and brilliance to my thesis. I would especially like to thank my family. To my parents, for their ceaseless love and support and for the constant reminder that perseverance and chutzpah are hereditary. To my husband, Brandon, for his patience with me on the tough days, his inherent positivity on the good days, and his love all of those other days along the way. To my son, Calvin, as I write this you are 8 months old. You have taught me that a combination of a mother's love and just a little bit of courage constitutes me as a force to be reckoned with. Lastly, this is for any woman who has ever been told she can't. Trust me, you can.

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## INTRODUCTION

On February 19, 2014, *TMZ*, a tabloid television program and website, released surveillance footage of former Baltimore Ravens running back Ray Rice dragging the limp body of his then-fiancée Janay Palmer out of an Atlantic City casino elevator.<sup>1</sup> Following the release, the National Football League (NFL) suspended Rice for two games, a minimal punishment that is typically administered to players who commit drug-related offenses. Popular reaction to the punishment was largely negative. Fans and non-fans alike believed that Rice deserved a harsher penalty, and the incident enlivened long-standing criticism of the NFL for its lax policies concerning violence against women. Months later, on September 8, 2014, *TMZ* received and published another video, security tape footage showing Ray Rice knocking Janay Palmer unconscious inside of the Atlantic City elevator on the day of the incident (Bien, 2014).<sup>2</sup> While my thesis addresses the Ray Rice case with attention to both videos it is the second video – which *TMZ* titled “Elevator Knockout” – that became the center of crisis for the NFL, insofar as that video provided visual evidence of the actual assault, rather than just an image of its aftermath.

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<sup>1</sup>Throughout this thesis I will refer to Ray Rice’s (now) wife as Janay Palmer or Janay Rice according to the timeline of the case and my analysis. When referring to the release of the first video, I will refer to her maiden name (Palmer), as that was her name at the time of the incident. When writing about the release of the second video I will refer to her as Janay Rice, as she legally changed her last name after her marriage to Ray Rice on March 28, 2014

<sup>2</sup> For the remainder of this thesis I will refer to both videos as they were labeled per their original publisher, *TMZ*. The first video entitled “Ray Rice Dragging Unconscious Fiancée” was released on February 19, 2014 and the second, “Elevator Knockout” was released on September 08, 2014.

On the day of the second video release, Ray Rice lost his contract with the Baltimore Ravens and was suspended indefinitely from the NFL. The following day NFL Commissioner, Roger Goodell, was interviewed by *CBS Sports*. During his interview when asked about why seeing the first video only merited a minimal punishment of a two game suspension, Goodell countered stating:

We certainly didn't (need to see the second video) ...what we saw in the first video tape was troubling to us in and of itself, but what we saw yesterday was extremely clear, is extremely graphic and it was sickening. And that's why we took the action we took (Wilson, 2014).

The “action” Goodell is referring to is his announcement of the NFL’s new domestic violence policy that was released two weeks prior to the second video release. Through the course of his *CBS Sports* interview and thereafter Goodell continued to claim that the NFL had not seen the second video because they had been denied access to it, a claim that is suspicious given the NFL’s security/surveillance apparatus. Sally Jenkins, a *Washington Post* columnist wrote on that same day, “The NFL claims in a statement that no one in the league office had previously seen the tape...this is a league that works with Homeland Security, confers with the Drug Enforcement Agency, collaborates with law enforcement and has its own highly equipped and secretive private security arm. You’re telling me they couldn’t get a hold of a grainy tape from an Atlantic City casino elevator?” (Jenkins, 2014).

After the release of the second video, the central question in the Ray Rice case became: who had the video, when did they have it, and what did they know? I treat this as a question that juxtaposes visual rhetorical culture with problems related to the

circulation of images. The video circulated in viral patterns within news media, sport media, and social media. These patterns were characterized by exchanges, commentaries, sharing, responses, debates and forensic examination where the public was able to pore over the details and the evidence within the video. The viral patterns of the video constituted questions regarding the NFL's record on domestic violence issues and its integrity as an organization. What makes this particular video so significant is that its evidentiary value took shape around the *patterns* of its circulation more than around its *content*. It is this connection between the shocking content of the video and the inquiries made on who possessed the video and when, that constituted the NFL's publicity crisis surrounding domestic violence and organizational integrity.

Questions regarding whether and when NFL officials had access to the footage from inside the elevator remain. The case has been characterized by contradictions between league denials and news accounts. A law enforcement official came forward stating that despite its multiple comments proclaiming that they were denied access, the NFL had received the video footage back in April- a question that still remains unanswered. Many commentators questioned NFL's officials' claims that they did not see the security footage, especially given how closely the league monitors its players. As *Sports Illustrated* senior writer Phil Taylor put it:

It was unclear if Goodell and his aides had seen the footage before TMZ posted it. If they did, their failure to come down harder on Rice before the clip became an Internet staple is shameful. If they didn't, the league is guilty at least of some very lackadaisical investigating. The idea that the Atlantic City police department and TMZ could scoop the NFL's vaunted security apparatus



strains credulity, especially considering the lengths the league seems willing to go to stamp out excessive end zone celebrations and the tiniest infringements of its sponsor-friendly uniform policies (Axon, 2014).

Questions about circulation and the value of video evidence became central to the Rice case due to widespread presumptions that the NFL had the security footage, and that NFL officials must have seen it before punishing Rice.

My thesis will examine the Ray Rice case using the concepts of visual rhetoric and circulation to highlight how videos constitute evidentiary value not only through their content but also through their circulatory patterns and forms. Video is, in its most simplistic form, an “electronic medium” that presumably delivers “direct transmission” of reality (Spielmann, 2008, p. 3). Video has evidentiary value because of its capacity to exhibit visual proof as if it were occurring in real time. The concept of video is reinforced when it is combined with circulation. Video functions as a record of past events. These past events can then be played over and over through the circulation process, as a video clip travels across different media and audiences. The circulation of the video in the Rice case is especially interesting. While the video acted as a container for evidence, much of its meaning was constituted through its circulation, as questions as to who saw it and when they saw it aligned with presumptions about the NFL’s security and surveillance capacities, and mobilized the video’s viral distribution.

Specifically, I argue that these videos were constituted as *viral proof* for publics interested in the Rice case and the NFL’s record on domestic violence issues. Viral Proof occurs within the combination of *seeing* an incident transpire through video, and thereafter being exposed to a constant circulation of video through both news media and

social media. As the video circulates it carries with it questions about access, handling, and seeing that contribute to what it *proves* beyond the details of its contents alone. I support this argument with textual evidence to illustrate the influential combination of visuality and circulation and their effects on publics. My thinking is especially influenced by Finnegan's and Kang's (2004) argument that "circulation suggests publics are themselves on the move, actively making sense of the stream of images, not captive to their power but participating in meaning-making" (p.395-396). Making this point more explicit, Hariman and Lucaites (2003) elaborate that as images circulate they become "resources for public argument" (p. 49) and that images are "moments of visual eloquence that acquire exceptional importance within public life" (p. 38).

The Ray Rice incident itself would hold as much importance without the existence of "Elevator Knockout." If the only footage available was "Ray Rice Dragging Unconscious Fiancée" there would be continued speculation as to what happened. It is with the combination of the second video release that we can see what seems like the bigger picture. "Elevator Knockout" served as *public* proof of a direct act of domestic violence, an unusual circumstance for such incidents both within and beyond sport. In most high-profile, celebrity domestic violence or sexual assault cases, *public* evidence emerges through testimony, investigations, or courtroom transcripts, but the ultimate question of "what really happened" is subject to the sphere of the *private* and the gendered politics of doubt characteristic of that sphere. Regarding these private/public dichotomies in publicized domestic violence cases, Kozol (1995) writes that media coverage brings private violence into "public spheres" and maintains "considerable power to construct and limit social knowledge" (p. 653). The second video functioned as

enough proof for the NFL to release Rice from both his team and the league all in the same day, although there have been questions raised as to when they initially saw the second video. Visual rhetoric and circulation can help us to better understand how video functions as a form of viral proof in contemporary media, and how videos depicting violence reflect especially the larger issues surrounding violence against women that are prevalent within sport culture.

In sport culture contexts domestic violence incidents are often racialized, and this was true in the case of the Rice videos. According to Enck-Wanzer (2009) “The high-profile sports figure is acknowledged widely as a likely domestic abuser due to his (often black) (hyper) masculinized form and simultaneously exonerated from complicated (and complicating) public scrutiny due to his stardom and intense cultural pressures to be aggressive” (p. 6). The combination of scholarship examining visual rhetoric with race, gender and sport can provide a better understanding of the Ray Rice videos as they endorse these assumptions made about African American male athletes. Further, it can provide insight into what those assumptions mean in the larger cultural context surrounding domestic violence and NFL players.

This study also reinforces something that is predominant to our culture today, especially in millennial culture: viral videos. There are weekly news stories regarding video footage serving as evidence, particularly surveillance video footage. The importance of viral videos in the Ray Rice case implies a larger cultural trend wherein circulatory patterns constitute compelling forms of “proof.”

## CHAPTER 2: LITERATURE REVIEW & CRITICAL STANCE

### Video and Evidence

As Vernallis (2013) writes, “Today’s audiovisually based culture tends to coalesce around contested aural and visual signs rather than verbal or printed ones” (p. 174). In the U.S. especially, video is ever-present in much of everyday life, and in recent times viral videos have become increasingly popular. Viral videos have a strong effect on the opinions of publics because of the brevity and speed of their dissemination. Within both a new-media-based and participatory culture, viral videos can affect public opinion in an instant; we are a visually based culture with the ability to quickly distribute videos across multiple platforms where we can simultaneously express our opinions on what we are sharing.<sup>3</sup>

When observing the part that video played within the Rice case it is important to note that it was specifically a *surveillance* video that was shared and circulated. Lyon (2001) defines surveillance as “Any collecting or processing of personal data, whether identifiable or not, for the purposes of influencing or managing those whose data have been gathered” (p. 2). We live in a surveillance society where this method of monitoring behavior is utilized in a multitude of ways, whether it be through the state, corporations, law enforcement or through lateral surveillance. Lateral surveillance is a form of

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<sup>3</sup> “Participatory Culture” is a fundamental concept introduced by Henry Jenkins in his 1992 book, *Textual Poacher*.

watching that is especially important in the Rice case, and for this thesis. As Andrejevic (2005) writes, lateral surveillance is “peer-to-peer surveillance of spouses, friends, and relatives” (p.481). It is not considered a revolutionary breakthrough that we as a society feel the need to monitor one another; however, this emergence of lateral surveillance reveals the culturally telling needs that we have surrounding the importance of visual evidence and the urgency to assume control over one’s own security. The video footage that was released depicting Ray Rice hitting his now wife was surveillance footage taken from the Atlantic City casino elevator in which the incident took place. Surveillance video is characterized by two things: First, there is an issue of privacy as part of the power of surveillance is that those who are subjected to it may not know that they are being watched in the first place (Humphreys, 2011, p. 576). Second, surveillance footage also functions as a way for the watched to become the watchers.

The public/private dimensions of surveillance videos can be summarized according to “what is hidden versus what is open, revealed, or accessible” (Weintraub & Kumar, 1997, p. 5). As a medium, surveillance video occupies both ends of the public/private distinction by capturing private moments of individuals in seemingly public (or semi-public) places. Within the impact of surveillance video and the alike, the lines between the public versus the private are blurred (Ford, 2011 p.555). Regarding advancements in Information and Communication Technologies (ICT’s), Ford (2011) supports these indistinct lines by writing, “Parts of life that had long been kept out of view are now part of the public discourse. (p.551). With a nod towards Foucault<sup>4</sup>, Andrejevic (2006), reiterates that the “amplification of power relies on a further

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<sup>4</sup> From Foucault’s 1975 book, *Discipline and Punish: The Birth of the Prison*.

asymmetry between observer and observed wherein the latter remains unaware of the extent and duration of the monitoring” (p. 396). People will behave in a particular manner if they suspect they are being watched.

In the Rice case specifically, Ray Rice appeared to be unaware that he was being filmed. Surveillance footage functions by collapsing those distinctions between the public and the private, and also by calling attention to the already existing power dynamics within the act of watching and being watched where those doing the watching hold all of the power. A crucial characteristic of surveillance footage as having “truth value” is that it has the ability to show people’s true colors. Exemplifying this concept of surveillance, exposing who people truly are, can be found within the foundation of reality TV and its use of “hidden cameras, perpetual surveillance, surprise, and even mild forms of torture-to extract and isolate moments of uncontrived reality” (Andrejevic, 2006, p. 400).

Regarding authenticity in reality TV, Hill (2002) writes, “part of the attraction in watching BB [*Big Brother*] is to look for a moment of authenticity in relation to selfhood” (p. 337). The collapse of the public/private distinction endorses the search for authenticity to echo throughout not only a multitude of reality TV shows but especially through surveillance footage in general. Attached to surveillance footage is the idea that authentic personhood is revealed when people do not know they are being watched.

When studying surveillance video, there is a primary focus on those who are being watched and rarely on who is doing the watching. In the circumstance of the Rice case, who is being watched is very important, but who was able to do the watching is of equal importance. This private surveillance footage, originally intended to be seen by only the officials at the Revel Hotel and Casino, had been viewed by much of the public

following its release by *TMZ*. The element of the surveillance video itself is perhaps one of the most notable components of the Ray Rice incident, however the video doesn't mean anything without highlighting the importance of *seeing* the video. Bock (2016) writes, "Whether a matter of surveillance, the gaze or witnessing, "to see" something is considered a special form of power. Modern Western culture has long favored vision as a form of knowledge and the ability to see something for oneself is especially valued" (p. 17). Being able to see the incident transpire with one's own eyes, the audience was both given the ability to participate and given visual evidence of the attack itself. Bock (2016) emphasizes, "Raw, unedited video presents a special kind of narrative artifact, because its very essence is the exposition of a sequence of events" (p.18).

Differing from the days of news crews providing us with the first video, we live in a digital age where more incidents and events are being captured and then shared by the public (Bock, 2016). The presence of social media has already added a new layer to the scholarship regarding surveillance. To borrow from Humphreys:

With the advent of the Internet and interactive media, people have similar technological capabilities previously held exclusively by corporate and state entities. As such, citizens can monitor other citizens' behavior through nonreciprocal forms of watching. Everyday people can search for information about other citizens without their knowledge or permission (2011, p. 577).

The presence of surveillance in the Rice case is thus two-fold. Primarily in the case of the release of the video footage itself, and second, echoing my previous statements regarding participating, in the sense of video sharing on social media thus spawning the

surveillance footage itself to go viral. Reflecting on the work of Peters<sup>5</sup>, Bock (2016) elaborates on the act of watching by stating, “Witnessing has a near-sacred status in public life and to testify to what one was witnessed, particularly in connection with human suffering and injustice, is a solemn act” (p. 17). Apropos to the Rice case, the public was able to violate the typically private norms of surveillance by watching the elevator footage and then being able to share the footage on social media so others could watch as well. This act of watching and sharing aided in furthering the video’s status as a piece of untampered visual evidence. Even more specific to the purity of visual evidence, Andrejevic (2005) suggests, “What people say is potentially inaccurate, uninterpretable, or illusory, the body is offered as a guarantee of some surplus beyond the manipulations of discourse” (p. 481). In relation to cases of domestic violence in general, when comparing the words of a personal testimony following an attack to the physical evidence of the attack itself, the latter proves to be more relevant. With the evidentiary value placed on visuals rather than discourse, it is unsurprising that the use of video, or film, within the court system has been utilized since as early as the 1920’s.

According to Schwartz (2009), videos in the court can be considered “more forceful than oral testimony” because they tend to “produce stronger emotions that are more connotative of truth than witnesses’ testimony where both types of evidence are in play.” Schwartz advances the power of disturbing videos by continuing that video “creates the impression of something horrible and real that detaches itself from the specific image and cannot be controlled by the judicial frame, while the indexicality of the medium makes such an image convincing” (p. 82). Video evidence is unique because

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<sup>5</sup> From Peter’s 2001 article, *Witnessing*.



unlike other forms of evidence, video appears “as a window onto events rather than as one evidentiary medium among others” (Schwartz, 2009, p. 79). Jurors who see something with their own eyes, in an apparently unfiltered or unedited form, believe they are making judgments based on what “really” happened. In the case of “Elevator Knockout” it was public viewers who were enabled to see the actual act of Rice punching Janay in the elevator, versus the first video (“Ray Rice Dragging Unconscious Fiancé,”) where viewers saw the aftermath and could only guess at the events that occurred before.

The Ray Rice incident parallels in some ways the Rodney King video from 1991. These cases have similarities in that both videos were used as evidence of a crime, and both videos were viewed by the public and elicited a strong response. In the case of King, the video was of poor quality and it did not clearly show the beating of King taking place; however, the video served as a form of proof that the beating did happen, even if the viewer could not *see* the actual event (Schwartz, 2009, p. 119). The case of Rodney King is similar to that of the “Ray Rice Dragging Unconscious Fiancée” video where viewers could discern that something happened, but didn’t have sufficient “proof” until a video surfaced and started to circulate.

Appellate video review systems used in the court system and in sport serve parallel purposes. According to Oldfather and Fernholz (2009), both have the same underlying goal: “correcting mistakes by the initial decision maker” (p. 47). This brings to light the punishment decisions delivered to Ray Rice after the release of each video. After seeing “Ray Rice Dragging Unconscious Fiancée,” the NFL administered Rice a two game suspension. Once “Elevator Knockout” surfaced (supposedly) to both the NFL and the public eye, Rice was cut from his team and the league issued an indefinite

suspension, all within just a few hours. Concerning the similarities between video review in courts and sport leagues, Mulvin writes:

The successful spread of both video-based, football style training and the replay as a broadcasting technique is evident in its popularity and signal representation in court systems today, the incorporation of the replay as the ultimate source of evidence on the field of play, and its pervasive adoption in military, industrial, and personal applications from the 1960s onward (2014, p. 55).

So, the authority of video is established through linkages between court processes, military training, sport, and other contexts where visual images provide evidence upon which sound judgments can be made. Sport leagues – especially the NFL – have acted as sites for the public representation and popularization of video replay as a means of truth determination.

The NFL is familiar with video, especially since the use of instant replay became a permanent fixture within the league starting in 2007 (Oldfather & Fernholz, 2009, p. 51). This familiarity seemed to have been absent when looking at an incident occurring off the field. The history of instant replay is viewed as an extension of existing technological solutions to managerial problems within sports management and military development. According to Mulvin (2014) “In the NFL the commissioner’s office relies on slow-motion, multi-angled video replay to determine intent on an illegal hit” where “the surveillance of a football field is offered as a response to the heightened awareness of player injuries, and video replay becomes a managerial tool- a case file- for docking pay and suspending players” (p. 45). NFL officials are especially well trained in such reading practices, and this is what caused the public to raise questions about the league’s

integrity when it claimed not to have seen the footage from inside the elevator. Publics interested in the Rice case might also be used to viewing video replay as a determinant for truth, as sporting publics are given the same visual evidence as referees or officials during live games, and become trained in referencing video as a source of judgment. With the presence of video evidence, much like instant replay during a live NFL game, the camera can “compensate for the fallibility of the human perceptual apparatus in deciding matters” (Mulvin, 2014, p.41). Viewers of the Rice videos were invited, then, into a process where close, repetitive examination of visual evidence became resources for judging Rice’s actions and the NFL’s response within the broader context of sport and domestic violence.

#### Circulation and Visual Rhetoric

My thesis responds in part to Cara Finnegan’s and Jiyeon Kang’s (2004) call for scholarship that examines circulation and visual rhetoric as coinciding concepts. Finnegan and Kang begin with Michael Warner’s influential work on the circulation of discourse and its constitution of publics. Warner (2002) writes that “a public is the social space created by the reflexive circulation of discourse” (p. 90) and that a public comes into being “only in relation to texts and their circulation” (p. 50). Finnegan and Kang (2004) move beyond Warner’s focus on discourse in order to better understand how images circulate to constitute publics. Specifically, they cite Bruno Latour’s concept of “iconophilia” as parallel to Warner’s notion of “reflexivity;” for Latour “we are iconophilic when we recognize the image’s circulation and motion” (Latour, 1998, p.

421; Finnegan & Kang, 2004).<sup>6</sup> Atkinson (2012) argues similarly that “a public emerges when individuals imagine themselves and others as members of the public addressed by a discourse at a particular time.” He continues: “the public created from circulation is therefore notional and material; it exists because its members attend to a text that circulates for a definite period of time and within a particular space, *and* because they imagine it to circulate for a definite period and within a particular space” (p. 676). With this addition Atkinson brings to light the idea that a public only exists as long as it maintains interest in a circulating text. The Ray Rice videos depicted an act of domestic violence, a problem that is prevalent within contemporary culture, and especially contemporary sport culture, but one that does not receive sustained attention. Moreover, domestic violence is rarely depicted in public, visual form. Its evidence is more typically shrouded in secrecy, invisibility, and privacy. These problems are often compounded in sport, where commentator’s direct sexist and misogynist judgments toward women accusers, depicting them as opportunistic, dishonest, or promiscuous. These problematic reading practices were present in the Rice case but the availability of video evidence uniquely shifted the center of debate away from victim-blaming, and toward questions regarding the patterns through which the videos circulated: did NFL officials possess or see them before the suspension decisions?; why did they only act decisively *after* the images were leaked?

Finnegan and Kang (2004) call for scholars interested in circulation to move past the definition of “passive transmission of ideas or people,” and recognize circulation as a

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<sup>6</sup> Latour adds to the existing research the element of visual images and their relation to “mediation,” a term that could unarguably be interchangeable with circulation.

“cultural process” whereby its “own forms of interpretation, evaluation, and cultural principles are ‘created by interaction between specific types of circulating forms and the interpretive communities built around them’” (p.192; Lee and LiPuma, 2002). Latour (1998) elaborates on the importance of the form through which a message is received and the content of that message by stating “If the medium is the message, slightly different types of media (and mediation) will produce enormous differences in types of messages” (p. 424).

The Ray Rice incident was represented and read through the formal characteristics of surveillance video. As previously stated, the technological form of surveillance video is characterized by its monitoring of subjects who don’t necessarily know they are being watched. Surveillance videos offer evidentiary value because they capture private moments hidden from public view.

Surveillance videos also constitute form insofar as they address particular cultural expectations or desires. Writing on the “formal” properties of literature, Kenneth Burke (1968) argued that “Form in literature is an arousing and fulfillment of desires. A work has form as one part of it leads a reader to anticipate another part, to be gratified by the sequence” (p. 124). According to Bock (2016), “At the heart of surveillance is the desire to hold someone- whether individuals or institutions – accountable in our society” (p. 16). In the Rice case, surveillance footage acted as an approach to making decisions on what to believe or who to blame. Because of prior cases (e.g. police dashboard videos, cell phone videos) whenever a new surveillance video is released publicly we have preconceived expectations that we will see something with evidentiary value, a revealed

secret. Andrejevic (2005) echoes the work of Zizek<sup>7</sup> elaborating on the form of surveillance appealing “to the evidence of one’s eyes rather than the words of others- and the democratization of access to the technologies and strategies for cultivating the investigatory expertise” (p. 482). Surveillance footage comes with the anticipation of seeing visual proof, something that is considered to be more compelling than spoken words alone.

According to Burke (1968) there are “four ways of arousing and satisfying appetites, desires and expectations” via form: “progressive form (subdivided into syllogistic progression and qualitative progression), repetitive form, conventional form, and minor or incidental forms” (Linguist, 2008, p. 124). Especially relevant to the Rice case is Burke’s (1968) notion of repetitive form, which he describes as “The consistent maintaining of a principle under new guises. It is restatement of the same thing in different ways” (p. 125). The concept of repetitive form draws parallels with the reproduction of the Rice video through various media outlets by way of the news and through social media. Within conventional form there is what Burke refers to as “categorical expectancy.” Categorical expectancies function as the anticipations and expectations prior to reading (or in the case of surveillance footage, prior to seeing) (Burke, 1968, p. 126-127). Within the case of viral videos and surveillance videos alike publics attach particular expectations to form and what specific contents (images, evidence) mean in a larger cultural sense. It is through these categorical expectancies that we view the Ray Rice videos as having truth value and as having evidentiary significance.

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<sup>7</sup> From Zizek’s 1999 book, *The Ticklish Subject*.

In analyzing the controversy over the Ray Rice videos I maintain that the form (medium) through which the incident was depicted played a significant role in the meaning-making process, especially as videos take on evidentiary value through public reflexivity regarding their circulation. That said, the content within video remains fundamentally valuable in regard to proof, as without content there would be no evidence to pore over. As much of my focus throughout this thesis pertains to the importance of form, I must note that although form itself is important it should always be viewed as being coupled with content; the two cannot be separated. At base, what makes the videos so damaging is the violent act they show. As I will refer to throughout this thesis, this important relationship between form and content relates to the assumptions associated with surveillance as a media form that reveals secrets. It matters that we can physically see the evidence ourselves through a medium that displays it as it “really happened.”

A central argument in this thesis, then, is that the circulation of a video constitutes evidentiary value that exceeds the video’s content alone. Edgar Allan Poe’s *The Purloined Letter* provides a particularly famous and relevant example of a text becoming meaningful through its circulatory patterns. *The Purloined Letter* is a short story containing two scenes that pass over the period of one month. The story is a first-person narrative that describes a letter that is stolen and then secretly read by multiple characters as it passes between them. The importance of the letter as a possession is highlighted throughout the story, however Poe never reveals the contents of the letter itself. Poe’s story bears a resemblance to the Rice case in that much like the letter, the video also was exchanged between multiple hands and was viewed secretly, and possession became the central question of the case. As Barbara Johnson (1977) writes, “the letter acts like a

signifier precisely to the extent that its *function* in the story does not require that its meaning be revealed” (p. 464). In the case of *The Purloined Letter*, the letter is passed from person to person and the content of the letter is never revealed; it is the pattern of the letter’s circulation that becomes paramount. Johnson (1977) continues, “It is neither the character of the individual subjects, nor the contents of the letter, but the *position* of the letter within the group, which decides what each person will do next” (p. 464). This attention to position over content relates directly to the critical questions surrounding the Ray Rice videos: who had the videos, and when; how did their possession of the videos affect their decision-making? What matters is less the content alone than the *handling* of the video itself. As Johnson elaborates “the way in which the letter dictates a series of *circumlocutions*, then, resembles the way in which the *path* of the letter dictates the characters’ *circumvolutions* – not that the letter’s contents *must* remain hidden, but that the *question* of whether or not they are revealed is immaterial to the displacement the letter governs” (p. 494). These were very much the questions surrounding the possession of the Rice videos within the NFL.

Finnegan’s interests in the relationships between visual rhetoric and circulation relate to her more general concerns about the problems of “visual culture:”

The definition of “visual culture” is a subject of much debate, but at base the concept of visual culture recognizes that *visuality* frames our experience and acknowledges that *vision* is a mode of cultural expression and human communication as fundamental and widespread as language (2005, p. 33).

This quote highlights the impact that *visuality* has on our culture and promotes that it should not be considered as being less than in comparison to discursive expression.



Visual images function in a manner similar to discourse in that both work enthymematically. Enthymemes are arguments that are “context-bound,” containing an unstated premise that appears as “natural” or as common sense given predominant cultural and historical reading practices. Enthymemes are particularly characterized by their capacity to relate to the personal experiences of audiences and their ability to grant audience’s agency letting them become a part of the meaning-making process (Finnegan, 2005, p. 34). Finnegan (2005) implements the enthymeme within the practice of “Image Vernaculars” which are defined as “enthymematic modes of reasoning employed by audiences in the context of specific practices of reading and viewing in visual cultures” (p. 34). Finnegan continues “If we seek to understand the artifacts of particular visual cultures, it makes sense to pay attention to how rhetorical expression taps into, shapes, and contests the norms of those visual cultures” (p. 35). Parallels can be drawn between the concept of Image Vernaculars and surveillance footage specifically where, as mentioned previously, surveillance videos are not intended to be watched publicly. The Ray Rice incident particularly changed the way the public made meaning of the case because they were able to see something that typically happens privately occurring on surveillance footage, and public opinion was affected in a very profound way.

The Ray Rice case specifically challenges the way that we as a society think of domestic violence issues as private. Before the Ray Rice incident, the public did not see the violent act happen as if it were occurring in real time. According to McLaughlin (1998) referring to what she calls a Media Event Space, “Issues of domestic violence do not tend to receive prolonged discussion but, rather, come to the fore as ‘soundbites’ within the marketing milieu of mass media spectacles” (p. 78). In domestic violence

cases of the past the public was typically only exposed to the after effects of the violent act: the photos of battered women, the recordings of 911 calls, and the transcripts from court rooms testimonies, for example. The Rice case brought a very private issue into a very public setting, defying what has happened regarding previous cases, especially concerning the NFL. McLaughlin (1998) believes that domestic violence can be understood as a matter of “too much and not enough privacy” where “domestic violence is a form of oppression that has been traditionally hidden, and thus protected, as unpolitical, it is prevented from entering the public space as a topic of debate. Therefore, domestic violence represents a violation of both the right to privacy and the right to publicity” (p. 78).

McLaughlin draws on the O.J. Simpson case to illustrate how the private matters of domestic violence are made public especially when involving public figures. In one sense the mediation of these cases can be seen as a good thing. As McLaughlin states, however, these types of cases provide “a forum for the discussion of domestic violence only in so far as the information could be shaped to fit the spectacular format of the media event” (p.89). Thompson (2000) echoes these notions of what he deems “Mediated Visibility” where the media chooses which angle to push to best fit the scandal they are reporting on (p. 6). These issues concerning the private matters of domestic violence need to be brought to the public, but it also needs to happen in a productive way. To borrow from Silveirinha:

The public sphere is an arena where we must discuss not only issues concerning justice, but also the good life. The case of domestic violence is one such example: whereas domestic violence was previously considered a question of value (a good

man should not beat his wife), it is now a question of justice (society has a responsibility to protect women and children from violence and failure to do so is unjust) (2007, p. 68).

Following the release of the first Ray Rice video, the media was only able to shape the media event in so many ways. Once the second video was released and the private act of domestic violence was made public there was a new form of “visibility.” Silveirinha (2007) elaborates on this by stating that these “new forms of visibility displace the borders of the public sphere by the conflation of information and entertainment” (p. 70). Through the circulation of the video the private act of violence was able to pass through those borders between the private and public domains and surface as a piece of important visual evidence to the public eye. McLaughlin reminds us, apropos to the influence of the media on these seemingly private matters, that,

Images are the hard evidence of popular reality, more real than the public domain, which has become an abstraction with no geographic center. In everyday life, the pictures and word images of the mass media, for better or for worse, invite more participation in representational politics than do ‘official’ politics (1998, p. 83).

There have been many domestic violence cases in the NFL prior to the Ray Rice case, but none of them proved to be substantial enough to cause a turning point or provoke change within the league. It was not until the public actually could *see* an NFL player committing the crime of domestic violence that there was a strong justification for change within the league. The “Elevator Knockout” video’s popular function was thus twofold: it publicly exposed a significant event that would henceforth change domestic violence policies within the NFL; and it aided publics in comprehending what “truly happened” in a

secretive moment, further altering the way publics would make sense of these cases in the future.

To borrow from Robert Hariman and John Lucaites (2003) “Elevator Knockout” formed experiences of “common spectatorship” where “the event shown” became “part of national life” and publics began to see in the image their own “conception of civic identity” (p. 36). Hariman and Lucaites (2002) argue “The norms, interests, political effectivity, self-awareness, and substantive claims characterizing public culture are defined by the composition and circulation of texts (including words and images) through mass media or similar practices of dissemination” (p.364). So, as “Elevator Knockout” circulated through news media and social media outlets, publics were able to form their own opinions and collectively make sense of what they saw as damning evidence for both Rice and the NFL. The Ray Rice incident initiated a new phenomenon related to domestic violence and visibility where media outlets such as *TMZ* and *Deadspin*<sup>8</sup> are now able to reveal secret images of domestic violence typically not seen by the public differing from sport reporting on domestic violence cases of the past.

“Elevator Knockout” also created a public crisis because it depicted a disturbing event that is typically invisible, private, secretive. Concerning emotionality and public response, Hariman and Lucaites (2003) found that “an image of suffering can be highly persuasive” because “a public moral response” has to be “adapted to the deep problems in the public culture at the time” (p. 40). As issues of domestic violence have long been prevalent within the NFL, the video of Ray Rice committing a violent act exposes the

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<sup>8</sup> On November 6, 2015 months after the attack had been expunged from former Carolina Panthers Defensive End, Greg Hardy’s, criminal record *Deadspin*, a sports blog, released a harrowing account and disturbing photo evidence of Hardy’s abuse of his ex-girlfriend, Nicole Holder.

very real issues that the league has had, and historically ignored, concerning violence against women. The act of seeing a crime committed “violates the news media’s norms of propriety” because public representation through the media is typically “constituted by norms of decorum” (with the apparent exception of *TMZ* and *Deadspin*) where an “image shows what is hidden” (Hariman & Lucaites, 2003, p. 41). Visual images hold a specific type of power in that their “interpellation can be a direct imitation of face-to-face interaction” (Hariman & Lucaites, 2001, p. 10).

Although there was more than one video released and circulated with regard to the Ray Rice incident, it was the second video that persuaded the public to see the incident for what it was: an act of domestic violence. Following the release of “Ray Rice Dragging Unconscious Fiancée” journalists only speculated on what *could* have happened. Through the representation of a visual medium combined with circulation, these images become “carriers of public consciousness” (Warner, 2002, p.87) where they allow for “a reflexive representation of not only the particular event, but also the conditions of public representation most crucial to understanding the event” (Hariman & Lucaites, 2003, p. 57). Visual images not only represent an event or a moment in time, they also function to act as a representation of public identity and consciousness within a particular cultural moment. In Atkinson’s (2012) words “film is always a partial account of the world” because it “captures only a part of what happened” (p. 682). The Rice case is unique to the multitude of domestic violence cases that have occurred within the history of the NFL in that the surveillance video enables the public to *see* the crime committed. The availability of visual evidence eventually shifted attention away from matters of content alone – what happened behind closed doors – and toward problems of

possession given the *plain facts* about what happened. This makes the Rice case an important moment in ongoing debates over domestic violence and sport, and an important illustration of how circulation constitutes the evidentiary value of an image.

## CHAPTER 3: ANALYSIS

### Video One: Missing Visual Evidence and Problems with the NFL's Initial Response

Before February 15, 2014, at 2:50 in the early hours of an Atlantic City morning, Baltimore Ravens running back Ray Rice was a three-time Pro Bowl selection famous for his record of 6,180 rushing yards and 37 touchdowns over six NFL seasons. By 2:51 a.m. Rice would forever be recognized, as *The New York Times* writes, as “an example of the NFL’s ineptitude and callousness when it comes to the safety and treatment of women” (Macur, 2014). February 15<sup>th</sup> marks the day that Rice knocked unconscious his then fiancée, Janay Palmer, in an elevator at the Revel Casino in Atlantic City. Both Rice and Palmer were arrested on simple assault charges where it appeared both parties were involved in a physical altercation “striking each other with their hands” (“Ray Rice, Fiancée Arrested,” 2014). At this point, the public was exposed to the incident through a recount of events by various news sources and reports from Rice’s attorney, Michael Diamondstein, who stated “we haven’t seen any charging documents yet” and that “once we are able to go through the evidence, it should wind up to be a little more than a misunderstanding” (Fenton, 2014).

Four days after the incident, *TMZ* released the surveillance footage of Rice dragging Palmer out of the elevator in which the incident occurred. The surveillance footage added a complex level of evidence to the case as it was distributed to the public

and viewers speculated as to what actually happened within the elevator. Regarding the release of the video, Rice's attorney made a statement that the video was "authentic but incomplete" (Downing, 2014a). As mentioned previously, the Rice case challenges predominant views of domestic violence issues as solely private. Regarding her research on domestic violence and public figures, McLaughlin (1998) discusses the idea that these publicized domestic violence cases are shaped to fit which angle the media wants to report on. She continues that domestic violence issues do not "tend to receive prolonged discussion" but, rather circulate "as 'soundbites' within the marketing milieu of mass media spectacles" (p. 78). In the release of this video footage grimly named, "Ray Rice Dragging Unconscious Fiancée,"<sup>9</sup> the news, and in turn the publics of those news outlets, began to speculate on "what really happened." Because Rice was a public figure, this typically private and secretive issue of domestic violence was made into what McLaughlin would refer to as, a "mere spectacle," a proliferation of images marketed to an audience. As McLaughlin writes of the O.J. Simpson case, the spectacle of a famous athlete and a violent act "produced an audience, but it also produced a public that engaged in discursive activity around that which they consumed" (p. 82). The Rice case unfolded in a similar way. Prior to the release of the video the public wasn't discussing the incident in much detail. The release of the video showing Rice dragging his fiancée's body out of the elevator provoked viewers and reporters to start raising questions regarding problems of domestic violence, about sufficient punishment for Ray Rice, and about questions of secrecy within NFL's security and public relations machinery.

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<sup>9</sup> [http://www.tMZ.com/videos/0\\_c5nk3w3n/](http://www.tMZ.com/videos/0_c5nk3w3n/)



Hariman and Lucaites (2003) note that visual images act as “a reflexive representation of not only the particular event, but also the conditions of public representation most crucial to understanding the event” (p. 57). The release of the video in exposing a real incident of violence is important, but of equal importance is how the imagery constituted publics who made sense of the case through the video. Images of Rice dragging Palmer’s body out of the elevator shaped what Hariman and Lucaites (2003) call a “common spectatorship” where a public collectively makes sense of an event (p. 36).

With the public making judgements of their own on Rice, the video, the league and his team, the Raven’s Head Coach, John Harbaugh, and General Manager, Ozzie Newsome, needed to begin damage control. During an interview at the NFL Scouting Combine, Harbaugh commented on the incident by emphasizing his long time camaraderie with Rice, and stating that “the facts will determine the consequences, always.” Harbaugh went on in backing Rice saying, “There are a lot of facts that has to be worked through in anything like this. There are a lot of question marks. But Ray’s character, you guys know his character, so you start with that.” When asked if there was a scenario where the head coach could see Rice not being a part of the team Harbaugh replied, “I haven’t *seen* anything that would remotely make me think that.” (Downing, 2014b). Newsome seemed less certain, but introduced an important qualification, that a full account of the incident was missing as long as there was only a partial record of visual evidence:

I did [watch the video] online just like everybody else did, and it doesn’t look good, but I’m going to reserve all my comments up until I have a chance to talk to

Ray. From what I've gotten from John and from Harry and Darren, the *whole* video needs to be reviewed (Downing, 2014b, p. 2).

Newsome's comment illustrates how issues of lacking visual evidence and public uncertainty are so common in domestic violence cases. Such issues of doubt and secrecy could be raised on the basis that only a partial visual account of the incident was available, both to viewers and, presumably, to league officials who didn't yet have "all the facts." In this way officials' statements about evidence and punishment rest on a distinction between the private as "what is hidden or withdrawn" and the public sphere as what is "open, revealed, or accessible" (Weintraub & Kumar, 1997, p. 5) that is common in judgments of the facts in domestic violence cases. Apart from my previous points on the private/public distinction as related to the act of domestic violence itself, this binary difference is also illuminated within the concept of the Ray Rice video's themselves. As Newsome noted about this very publicized video, "the whole video needs to be reviewed." Here Newsome alluded to notions of uncertainty associated with missing visual evidence; until the "whole video" was available a sound judgment could not be rendered. What would be revealed eventually in the second video, "Elevator Knockout," was the sphere of the private, where important visual evidence ordinarily kept from the public eye was revealed for popular consumption. In response to media attention following the first video release, NFL Commissioner Roger Goodell also made a statement regarding the possibility of Rice's suspension by saying "We'll let the facts dictate that" (Mink, 2014). As the public speculated on the case, they also anxiously waited to hear about what charges would be brought against Rice.

Rice was indicted in March of 2014 on third-degree aggravated assault charges, a crime that in New Jersey carries a potential sentence of “at least three years and up to five years, and a fine that could be up to \$15,000” (ESPN March 27 report; Hensley & Caplan, 2014). The Atlantic County Prosecutor’s Office released a statement indicating that Rice was indicted for “attempting to cause significant bodily injury, and/or purposely or knowing causing such injury, and/or recklessly causing such injury under extreme indifference to the value of human life” (Downing, 2014c). In response to the indictment, Rice’s attorney told *ESPN*, “We deny that he committed an aggravated assault. We don’t think the law would support that [he did]. And we just ask the public to reserve judgment until all of the facts are out.” The Baltimore Ravens also released a statement regarding the indictment saying, “This is part of the due process for Ray. We know there is more to Ray Rice than this one incident” (Downing, 2014c). The day following the indictment Rice and Palmer got married, further complicating the case. According to a criminal defense expert “Rice and Palmer getting married before the case was resolved would likely not allow Palmer to invoke spousal privilege” (Zrebiec, 2014, p. 1).

On May 1, 2014, Rice pleaded not guilty to the aggravated assault charges and applied for New Jersey’s pretrial intervention (PTI) program, which “allows first time offenders to have charges against them dismissed after participating in the program and meeting certain conditions” (Bonesteel, 2014, p 1). Three weeks later Rice was accepted into the program, which usually only applied in “criminal cases that don’t involve violence and for victimless crimes.” In fact, according to data obtained by *ESPN*’s “Outside the Lines,” the pretrial intervention program offered to Ray Rice “was granted

in less than 1 percent of all domestic violence assault cases from 2010-13 that were resolved” (Barr & Van Natta, 2014). The *ESPN* report continues:

Under the terms of PTI, Rice was ordered to take anger management counseling and be supervised, by a probationary period, for 12 months, court records show. A proof of participation was required by the court, the records show. If Rice stayed out of trouble for the 12 months, there would be no trace of the case on his record (Barr & Van Natta, 2014, p. 5).

These early efforts at therapeutically reforming Rice hint at the cultural stigma that African American male athletes are “naturally” more aggressive than other men. Enck-Wanzer (2009) elaborates on this stigma by highlighting the social expectation that “‘Regular’ men do not work in such high-stress, masculinist environments, and therefore are not carrying aggressive attitudes (and actions) from their (public) jobs to their (private) homes.” These stigmas especially prompt that, as Enck-Wanzer claims, they can be framed by the news media as a personal “pitfall” for male athletes. She continues, “For athletes especially, domestic abuse is just a natural by-product of aggressive play, but not one that should interrupt their careers” (p. 9). By admitting Rice into the pretrial intervention program it appears as if the NFL was trying to mitigate these presumably natural aggressions thus clearing his record and enabling his eventual return to the field.

To borrow from Enck-Wanzer (2009), “In contexts of black male athletes, it is African American women who are most often expected to step forward in defense of ‘their men’” (p.13). Janay did just that on May 23, 2014, at a press conference where she and Ray Rice took the stage at the Baltimore Raven’s training complex to make their first public statements since the incident occurred months prior. The press conference got off

to an ill-fated start with Ray Rice's distasteful, and poorly worded opening statement that "Failure is not getting knocked down, it's not getting up." Rice then apologized to Ravens owner Steve Biscotti, Ozzie Newsome, and John Harbaugh, and read prepared notes off of his cellphone: "I also want to apologize to my fans, to the kids, to everyone who was affected by this situation that me and my wife were in" (Burke, 2014). Curiously, he did not publicly apologize to his wife, a detail discussed by viewers and reporters afterward. Adding more fuel to the fire, Janay then made her statement:

I do deeply regret the role I played in the incident that night, but I can say that I am happy that we continue to work through it together. I love Ray, and I know that he will continue to prove himself not only to you all, but to the community, and I know he will gain your respect back in due time (Associated Press, 2014).

Janay's statement was problematic on multiple levels. First, it appeared as if the Ravens and the NFL were promoting victim blaming in a domestic violence case, especially because the Ravens live tweeted the event and highlighted that "Janay Rice says she deeply regrets the role she played the night of the incident."<sup>10</sup> Second, her statement perpetuated the idea that victims of domestic violence should apologize because they did something to provoke the violence. Lastly, Janay appeared on stage in the familiar role of a social prop offered to better the image of her abuser. Enck-Wanzer (2009) elaborates on the implications of women of color speaking out against their abusers:

Always in the position of defending black men in a US context, black women are kept doubly quiet: not only can they not speak out about their own abuse due to

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<sup>10</sup> Because of the immediate backlash from the public, the tweet from the Ravens Twitter account (@Ravens) has since been deleted.

pervasive sexist expectations of supporting men, but they cannot 'out' black men for patterns of abuse for fear of perpetuating racist expectations of black masculinity (p. 14).

In the case of Janay's presence at the press conference, she did not blame Rice at all. In fact, she blamed herself. Her self-blaming represents, as Enck-Wanzer (2009) writes, how domestic violence narratives in sport so often "rely not only on an ability to simultaneously make culpable and exonerate black men" but also scapegoat "victims of violence (especially black women) as well" (p.14). Janay's statement wasn't only shocking due to her apologetic tone, but also due to the fact that she said anything at all. In other publicized cases regarding domestic violence or cheating women often stand by and offer silent support for their husbands. As Ayonna Johnson, the director of legal services for the Women's Resource Center to End Domestic Violence remarks, "When it comes to...professional sports, unfortunately we're still in a male-dominant society" where a girlfriend or a wife "has to bend themselves down, bend herself lower, and make her partner and her love interest shine a little brighter" (Costello, 2014). These critiques of the Ravens' disastrous press conference encouraged other critiques and questions regarding what facts the NFL knew and what really happened in the elevator.

Rice's long awaited disciplinary hearing with Commissioner Goodell was held on June 16, 2014. Rice and Goodell were joined by Newsome, Ravens team President Dick Cass, NFL lead counsel Jeff Pash, and NFL VP for Labor Relations Adolpho Birch. Also in the room, in yet another questionable decision in the handling of this case, was Janay (Bien, 2014). The presence of multiple figures alongside Ray and Janay discussing such private matters illustrates McLaughlin's (1998) claim about domestic violence, especially

in the realm of celebrities, “as being a matter of both too much and not enough privacy, as a problem at the intersection of relationships between privacy and publicity” (p. 77).

On July 24, 2014, Commissioner Goodell and the National Football League had reached a disciplinary decision for Ray Rice: a two game suspension. Upon the announcement of his punishment, the league, the Ravens, and especially Goodell, were condemned for how lenient they were given the seriousness of the case. From fans, to non-fans, and from fellow athletes to sport writers, and celebrities, this lenient punishment was deemed careless and unacceptable. To highlight the absurdity of such a minuscule punishment *CBS Sports* writer, Gregg Doyel, compared the Rice case to the case of Cleveland Browns Receiver, Josh Gordon, who received a 16 game suspension for smoking marijuana. Doyel (2014) wrote:

We're going to scrutinize NFL suspensions and compare them to the two games Ravens running back Ray Rice received last week for walking onto an elevator alongside his future wife, Janay, and then moments later dragging her unconscious body out. What happened in that Atlantic City elevator the night of Feb. 15? Something frightening and violent, we know that. And whatever it was – and what we know is a man and a woman walk in, and only the man was able to walk out – Goodell decided it was worth a two-game suspension. Half of what he has given players who have tested positive for taking Adderall.

This issuance of punishment could have been a pivotal moment for the NFL to show that they genuinely cared about the well-being of women, but by issuing such a minuscule punishment they did quite the opposite. This reprehensible ruling by Goodell was

worsened by coach John Harbaugh's statement on Ray Rice's punishment and his character to *ESPN*:

It's not a big deal. It's just part of the process. We said from the beginning that the circumstances would determine the consequences. There are consequences when you make a mistake like that. I stand behind Ray. He's a heck of a guy. He's done everything right since. He makes a mistake. He's going to have to pay a consequence (Costello, 2014).

By highlighting Rice's so called "good" nature, Harbaugh (as well as Goodell) were shifting the public conversation away from domestic violence as a question of justice, where "society has a responsibility to protect women and children from violence and failure to do so is unjust," and toward notions of domestic violence as a question of value where "good" men do not beat their wives. (Silveirinha, 2007, p. 68).

Controversy surrounding Rice's two-game punishment related especially to the surveillance video of Rice carrying Janay's body out of the elevator. This was clearly an act of domestic violence and it appeared as if the league wasn't taking it very seriously. The public's concern over the league's lackadaisical disciplinary choices echo Bock's (2016) idea that "at the heart of surveillance is the desire to hold someone- whether individuals or institutions – accountable in our society" (p. 16). Thanks to *TMZ* the public saw the security footage of Rice dragging an unconscious Palmer. It was apparent that the league had seen the footage as well. This public anger about such a private incident eventually spurred suspicions surrounding the league's integrity as an organization, questions as to the secrecy of domestic violence issues, and questions about what exactly they knew before administering such a minor punishment.



In response to popular backlash against the two-game suspension, Goodell made a public statement on August 1, 2014, at the Pro Football Hall of Fame, emphasizing “what’s important here is that Ray has taken responsibility for this.” Goodell continued, “When we make decisions, we always get reactions. We understand that, we listen to it and we use it to make ourselves better.” Responding to criticisms that Rice’s punishment for domestic violence was disproportionately minor when compared against harsh penalties for marijuana use, Goodell emphasized that drug penalties were set by the collective bargaining agreement with the Player’s Union, while the Commissioner had discretion regarding suspensions for other offenses (Belson, 2014a). Goodell was quick to point out that this was Rice’s first offense: “We can’t just make up the discipline. It has to be consistent with other cases, and it was in this matter.” Goodell’s callousness and his reliance on legalistic explanations in comparing marijuana offenses to domestic violence offenses reinforced public conceptions that the NFL was perpetuating a culture that tolerates violence against women. On the theme of consistency, Goodell went on to note that Rice’s actions had been inconsistent with what “we’re all about” and that they were dealing with it in a “serious manner.” Goodell’s statements did not remedy the situation as the league and everyone involved in making Rice’s disciplinary decision were castigated for their lax choice of punishment. Summarizing the league’s growing publicity crisis, William C. Rhoden (2014) of the *New York Times* wrote:

The leader of any organization sets a tone of tolerance or intolerance. In issuing such a light reprimand in the form of a two-game suspension, and then stridently defending his decision, Goodell made the abuse of women in a male-dominated sport seem like a misdemeanor. He opened the door for less-than-enlightened

commentators to suggest that the woman might have provoked her treatment (p. 3).<sup>11</sup>

With the league under fire, on August 28, 2014, in a surprising turn of events, Roger Goodell and the NFL announced that they mishandled the Ray Rice case. In a letter to team owners Goodell wrote:

My disciplinary decision led the public to question our sincerity, our commitment and whether we understood the toll that domestic violence inflicts on so many families. I take responsibility both for the decision and for ensuring that our actions in the future properly reflect our values. I didn't get it right. Simply put, we have to do better. And we will (Belson, 2014b).

Goodell's statement engendered a mostly positive response, but it also raised questions about his sudden change of heart when he was so adamant about his previous disciplinary decisions concerning Rice.

Goodell's public acknowledgment was followed by the announcement of new NFL policies concerning cases of domestic violence or sexual assault concerning any league personnel. Within the new policy a first offense would involve a six-game suspension without pay and a second offense would lead to banishment from the league for one year (Crouch, 2014). There were still loopholes in the policy that left the public feeling a little uneasy. The first suspension could be shorter than six games or longer depending on "mitigating factors." Also, players could apply to be reinstated after their year suspension, and Goodell stated that the NFL would consider a player's history when

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<sup>11</sup> This "provocation" he is referring to comes from problematic statements made by panelist Steven A. Smith on ESPN's "First Take" where he suggested that Janay Palmer provoked Ray Rice to hit her the night of the incident.

making disciplinary decisions. Although these caveats attached to the new rules were troubling to some, the NFL was mostly credited for finally doing something to address issues of domestic violence. The league appeared to be on the road to reconciliation with its fans and it seemed to finally have the public in their good graces once again. That was, until *TMZ* leaked another video, the one of Ray Rice knocking Janay Rice unconscious.

#### Video Two: Elevator Knockout

September 8, 2014 marked a critical turning point in the Ray Rice case when *TMZ* released another video, this time it revealed what happened inside of the elevator on that February morning earlier that year. The surveillance video was one of the most notable components of the case as once it was revealed to the public by *TMZ*, it held enough power to lead to the termination of Ray Rice's Contract with the Baltimore Ravens and his suspension from the NFL itself that same day (Belson, 2014c). The shocking content of the video is primarily what made the video go viral. Amy Davidson (2014), staff writer for *The New Yorker*, described in detail what the video revealed:

Palmer and Rice in the hotel hall, arguing; she swats her arm at him and walks ahead into the elevator. He follows, stands close over her, and either says or does something that causes her to recoil. She tries to push him away from her and then walks toward him, saying or yelling something (the video is silent). Her face is open to him. Rice punches her with a hard left hook, spinning Palmer against the elevator wall and handrail as she drops. It is a couple of minutes before she regains even a woozy half-consciousness. Rice, who was by then talking to a security guard, doesn't offer any gestures of comfort, let alone tenderness; if what he's just done is surprising or unfamiliar to him, he doesn't show it. He does, at

one point, push her legs together with a shove of his foot. That is what it looks like when a man beats up a woman (p. 2-3).

The creation and sharing of videos has become ingrained as a norm in contemporary culture. David Carr of the *New York Times* refers to the omnipresence of video writing that once information is “out there in a way that can be embedded and referred to, it goes from being hidden to being everywhere. Video, in particular, is a powerful medium when combined with the network effects of the web” (Carr, 2014, p.3). With the advent of social media, viral videos especially have become prevalent in our every day lives, particularly because of their ability to be shared so easily through a variety of media platforms. The Ray Rice video was no different than other viral videos, it spread quickly and garnered much attention from the public.

As viral videos circulate, they can be shared through multiple forms, and because of the new-media based participatory culture we exist in, they can be exchanged and argued over as signifiers for broader questions of evidence, fact, and politics. As mentioned previously, the presence of surveillance in the Rice case is thus two-fold. The content of the video, in combination with the process of its sharing via social media, made viewers participants in the process of surveillance that began with the elevator camera. Bock (2016) elaborates on the act of watching by stating, “Witnessing has a near-sacred status in public life and to testify to what one was witnessed, particularly in connection with human suffering and injustice, is a solemn act” (p. 17). In the Rice case, publics were able to move beyond the typically private norms of surveillance by watching the elevator footage and subsequently sharing the footage on social media so others could watch as well. The White House released a statement remarking that “hitting

a woman is not something a real man does, and that's true whether or not an act of violence happens in the public eye, or, far too often, behind closed doors.” It continues on, “stopping domestic violence is something that's bigger than football – and all of us have a responsibility to put a stop to it” (Jackson & O’Toole, 2014). Apropos to the world of sport specifically, Jay Glazer of *Fox Sports* and Adam Schefter of *ESPN* were outraged over the video of Rice punching Janay in the elevator. Glazer tweeted several times concerning the video: First concerning Rice’s job within the league, “If you play a violent sport & are violent toward a woman [your] right to play that sport should be taken away.” Second concerning Rice’s demeanor in the video, “Plus his callous regard for her well being after she was KO’d is equally as disturbing. Absolutely disgraceful,” and “Every time I watch the video and see how annoyed he was when the woman he knocked out wouldn’t wake up the more disgusted I get” (Boren, 2014). Adam Schefter expressed his dismay in an interview with *SportsCenter* noting:

The Ravens also accompanied Ray Rice to New York to the league meeting, opened their training facility for him to conduct a press conference, penned tributes to him on their website, supported him through this process. It is difficult to watch this video and bring those ideas together that anybody who could see anybody act like that could support any person (Manfred, 2014).

In each of these cases it was the act of *seeing* the video that mattered, especially because this was a surveillance video that originated in a presumably private setting, and that revealed a presumably private act of violence.

As previously mentioned, surveillance video is characterized by its monitoring of subjects who don’t necessarily know they are being watched. Surveillance videos offer

evidentiary value because they capture private moments hidden from public view, such as capturing a domestic violence incident in an elevator. The viral and disturbing video was an important piece of evidence to the case for not only its graphic content but also because of its form. As Latour argues, different media forms will produce differences in popular reception (1998, p. 424). It is important to recognize that the Ray Rice incident was represented and read through the formal characteristics of surveillance video specifically.

Surveillance footage provides an evidentiary basis for determining the truth of events and assignments of blame. Because of previous popular cases, whenever a new surveillance video like “Elevator Knockout” is released publics have expectations that they will see something with evidentiary value, a revealed secret. Kenneth Burke (1968) recognized such “categorical expectancies” as functions of form, where the repetition of a form creates and satisfies public assumptions about what that form means (p. 124). It is because of such categorical expectations that a form like surveillance video can take on evidentiary significance over time. For Burke, “a work has form in so far as one part of it leads a reader to anticipate another part, to be gratified by the sequence” (1968, p. 124). Through the repetition of a form, the reader (or watcher), builds expectations and craves a fulfillment of desires over time. In this case, the form of surveillance video has the “expectation” attached to it that something “secret,” a private moment, is going to be revealed. The very title of “Elevator Knockout” suggests that the question of “What happened in the elevator?” would finally be answered. Watching surveillance footage satisfies a conditioned, popular desire to see someone for who they “really are” when they think no one is looking. Following the release of the first video Rice’s public

relations team fought to maintain his positive image of a man with good character; “Elevator Knockout” revealed directly contrasting evidence.

This private surveillance footage, originally intended to be seen by only the officials at the Revel Hotel and Casino, had been viewed publicly on multiple platforms following its release by *TMZ*. The public/private dimensions of surveillance videos can be characterized by the “private” containing what is hidden versus the “public” being associated with what is open, revealed, or accessible (Weintraub & Kumar, 1997, p. 5). The Ray Rice video occupies both ends of the public/private distinction by capturing a private moment of individuals in seemingly public place. Popular distribution of surveillance videos blurs the lines between the public and private nature of events (Ford, 2011 p. 555). As Bock (2016) writes “Whether a matter of surveillance, the gaze or witnessing, ‘to see’ something is considered a special form of power. Modern Western culture has long favored vision as a form of knowledge and the ability to see something for oneself is especially valued” (p. 17). *Seeing* Rice punching his former fiancée, encountering it almost as if it were occurring in real time, the public could then judge the visual evidence of the event with their own eyes.

Surveillance footage is characterized as having “truth value” because it has the ability to show people as they “really are” behind closed doors. The Elevator Knockout video undermined all of the image restoration the NFL was doing for Rice in the months prior to its release, as viewers now had clear evidence of the crime and, perhaps most important, a sense that Rice’s “true” character had been revealed. Important to this idea of revelation was the dramatic distinction between the NFL’s and Rice’s publicity campaign and the hidden details of his crime. Mike Lupica of the *New York Daily News*

commented on Rice's public image renovation stating:

We have heard plenty in the months since the aggravated assault charges were filed against Rice — and since he went into a pretrial intervention program that amazingly got him out of jail time — about how he is a good person, how counseling has helped him, how this was a first offense for him, even with all the statistics about how many violent criminals are first offenders (2014, p. 4).

This search for “authenticity” regarding Ray Rice's character was shattered, along with his reputation, with the release of “Elevator Knockout.” What surveillance videos cultivate is a perception that authentic personhood is revealed when people do not know they are being watched. As David Folkenflik said on *National Public Radio (NPR)* “the video defined the story” in the Rice case. Mike Wise of the *Washington Post* wrote similarly that “If not for *TMZ*, Ray Rice would be playing September 21 when the Ravens visit Cleveland” (Wise, 2014).

Surveillance videos provide for judgments of “authenticity” primarily because they supply *visual* evidence of an event as it “really happened.” As Andrejevic (2005) writes, discourse can be ambiguous and potentially inaccurate, uninterpretable, or illusory, such as a testimony following an attack. Conversely, the body can be “offered as a guarantee of some surplus beyond the manipulations of discourse” (p. 481). In this sense seeing the physical evidence of an attack, such as the video of Rice punching Janay, clearly holds more evidentiary value than Rice's or the NFL's words in press conferences.

Video has long been used in the court system as a form of evidence, and this has bearing upon popular assumptions about the evidentiary value of surveillance videos. As



Schwartz (2009) notes, visual evidence often produces stronger emotions from a jury than oral argument (p. 79). With regard to the multitude of domestic violence cases (both within and beyond the NFL) there is rarely a form of visual proof. In a parallel sense, disturbing videos such as “Elevator Knockout” create “the impression of something horrible and real that detaches itself from the specific image and cannot be controlled by the judicial frame, while the indexicality of the medium makes such an image convincing” (p. 82). When analyzing the testimony of a victim within a court case or reading a police report a jury can visualize the incident using their own imaginations. Seeing a piece of disturbing visual evidence, by contrast, allows less room for interpretation. Seeing Ray Rice punch his bride-to-be in an elevator with one’s own eyes, in raw and unedited form, provided the public with the opportunity to make judgments on what really happened. After the first video release of Ray Rice dragging Janay Rice’s body out of the elevator, viewers could only speculate as to what occurred within the elevator. In the second video there was no guessing at the facts.

In the court system and in sport alike, video serves as evidence for appellate decisions. This is especially clear in video-based instant replay systems, where officials can go back to correct earlier mistakes (Oldfather & Fernholz, 2009; Mulvin, 2014). In the case of Ray Rice, the power of appellate review rests with Commissioner Goodell. After the release of the first video, the NFL administered Rice a two game suspension. Once the second video was released, Rice was cut from the league and his team within hours. Of all the major sports leagues, the NFL would be most associated with the act of reversing an initial decision based on video evidence. Professional football has acted as a primary site for the popularization of video replay as a means of truth determination, as

the NFL is often associated with early and expansive use of video review for coaching, management, and on-field purposes. So, NFL officials have built several institutional reading practices around video evidence. As Mulvin (2009) writes, “video replay becomes a managerial tool” in professional football, “a case file- for docking pay and suspending players.” For example, he continues, “In the NFL, the commissioner’s office relies on slow-motion, multi-angled video replay to determine intent on an illegal hit” (p. 45). Fans and journalists are aware of how extensively NFL officials employ video as a tool for management and officiating decisions, so the league’s claims about being unaware of the surveillance footage revealed in “Elevator Knockout” generated considerable skepticism.

“Elevator Knockout” took on evidentiary value through a combination of its contents and its circulatory patterns. Being able to see what happened inside the elevator addressed popular speculation related to the first video. Upon seeing the first video of Rice dragging Janay’s body it shouldn’t have been all that shocking to assume that there was a preceding act of violence. As Amy Davidson (2014) of the *New Yorker* writes, “What did people *think* it looked like when a football player knocked out a much smaller woman? A fair fight?” Yet the NFL’s case for a light penalty and Rice’s testimony alike rest upon the missing footage of the act of violence itself, an act predominantly associated with beliefs about secrecy and uncertainty. As noted before, domestic violence has typically been cast as a private concern. Part of what made the second video’s revelation so noteworthy was that it presented physical/visual evidence rather than simply evidence based on discursive testimony. As McLaughlin reminds us, “images are the hard evidence of popular reality” and when those images circulate through media they begin to

have an even more profound effect (1998, p. 83)

Following the dissemination of the elevator footage, the pre-existing questions of “What did the NFL know?” began to stir yet again. In addition to affirming the truth of Rice’s actions, the video also raised questions of possession and witnessing: when did NFL officials have this footage, who saw it, and if they saw it why didn’t they respond differently to such shocking imagery? The video did not only circulate publicly, it was also presumed that it was circulated, viewed and exchanged secretly within the league. These presumptions and suspicions lead the public to raising questions on possession where the circulation of the video started to become just as important as the video itself.

Upon the release of “Elevator Knockout” the NFL issued a written statement declaring, “We requested from law enforcement any and all information about the incident, including the video from inside the elevator. That video was not made available to us and no one in our office has seen it until today” (Maske, 2014). Up until the release of the second Ray Rice video, Commissioner Goodell, Ravens head coach John Harbaugh, and Ravens general manager Ozzie Newsome had nothing but positive things to say about Rice on his road to reformation. Now fans and journalists had visual evidence that called into question the integrity of the league and its officials. *CBS Sports* reporter Ryan Wilson summarized the main criticism related to the incident:

How can a billion-dollar corporation, the most popular sport in the United States that has relationships with various law enforcement agencies and employs former law enforcement officials in various security capacities, not be able to obtain a copy of the video, yet TMZ managed to do it? (2014, p. 1-2)

These criticisms toward the league and their mishandling of the incident had two parts.

First there were questions concerning whether the NFL was “incompetent” or “willfully ignorant” in dealing with a case that had surveillance footage attached to it. Second, there were questions as to why the NFL needed to see the second video to issue an appropriate punishment. To address these concerns about what the NFL knew and when they knew it, Roger Goodell took an interview with *CBS This Morning* co-host Norah O’Donnell. In response to the questions surrounding the NFL’s shift after seeing the second video, Goodell commented “No, we certainly didn't (need to see the second video). And what I will tell you is that what we saw in the first video tape was troubling to us in and of itself.” He continued, “what we saw yesterday was extremely clear, is extremely graphic and it was sickening. And that's why we took the action we took” (Wilson, 2014). In an effort to prove their lack of knowledge the NFL sent out a letter to league executives detailing the (presumably failed) steps they took to obtain the “Elevator Knockout” video. According to the letter, they made requests to the New Jersey State Police, the Atlantic City Police Department, the Atlantic County Department, and the Atlantic County Solicitor’s Office (Peter, 2014). The following day, to contradict the league’s statements concerning their non-possession of the video, the Associated Press cited an unnamed law enforcement officer who reported that the NFL was given the footage from inside of the elevator in April 2014 (Fantz, 2014).<sup>12</sup> Interestingly, according to an article that came out in February 2016, two years following the incident, *TMZ* paid \$15,000 for the video of Rice dragging Janay’s body out of the elevator, and almost \$90,000 for the

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<sup>12</sup> This resulted in the NFL hiring former FBI director, Robert Mueller, to lead an investigation on how the league handled the Ray Rice case. The investigation was also overseen by John Mara, owner of the New York Giants, and Art Rooney II, owner of the Pittsburgh Steelers. As a result of the investigation, Mueller found that despite the report from the Associated Press, the league did not have possession of the video.

second video depicting the punch. According to a *New Yorker* article, the footage was captured by a casino surveillance officer who used a cellphone to record the video (Schmidle, 2016). The central question in the Rice case, then, emerged as a problem of circulation: who physically had the video, when did they have it, and what did they know? Of course these questions only mattered because of the video's contents, but debate pivoted immediately after "Elevator Knockout" was released to justifications of the league's inaction given those contents. Consistent with formal assumptions about surveillance video revealing the "truth" of events and persons, "Elevator Knockout" not only revealed who Rice "really was" behind closed doors, but also raised questions about how the truth value of the video related to the NFL's stance on domestic violence and other women's issues. If NFL officials had access to this video, and only appropriately penalized Rice after it was released to the public, what did this say about the league's *actual* stance on women's issues?

In an interview with the *New York Times*, S. Adam Brasel, a professor of marketing at Boston College commented, "What makes the NFL look especially bad in this case is the sense that the only reason they suspended Ray Rice indefinitely was to save face, rather than to actually address or punish the problem at hand." He continued, "Do people think the NFL would have done the same if they got the footage internally rather than having the whole world see it on *TMZ*?" (Belson, 2014c). The public, still critical of Rice's original punishment of a 2 game suspension, and after seeing the video of the attack, also began to question why the NFL needed to see (or even worse, if they did see) what happened in the elevator in order to administer a punishment that warranted more than missing 2 games. Sally Jenkins (2014), columnist for *The Washington Post*

commented on this by maintaining that there are only two reasons why the NFL and the Baltimore Ravens didn't see the video footage from inside of the elevator, "willful blindness" or "plausible deniability." She continued her skepticism, noting Goodell's ironic prior statements regarding the hidden nature of domestic violence:

Did Goodell and so many others in the NFL really need to see the tape before they were properly horrified? It's impossible to reread the letter Goodell sent to NFL team owners describing his change of heart on domestic violence on Aug. 28 with anything but a rueful, bitter hilarity. "The reality is that domestic violence and sexual assault are often hidden crimes, ones that are under-reported and under-acknowledged," Goodell wrote. You bet they are, especially if the videotape is buried (p. 4).

The Rice case challenges the way that we as a society view domestic violence cases as being private. Before the second Ray Rice video, the public was only exposed to evidence of the aftermath of domestic violence, photos of bruised women and transcripts of court testimonies. The revelation of this surveillance video depicted a very real and private attack that was not meant to be seen by public eyes. Tracy Clark-Flory, journalist for *The Washington Post*, commented on the case writing that part of what sets the Ray Rice apart from other cases is "the conversation around domestic abuse centers on the bruised and battered faces of women, often leaving the perpetrators anonymous." She continues, regarding the release of the Ray Rice video, writing:

It's the abuser that is revealed as monstrous, rather than the victim's grotesquely bruised face. We see that these kinds of abusers aren't nameless, faceless villains, but rather the kinds of guys we like, the guys we hang out with and cheer on the

field (2014, p. 2).

Seeing the abuser, and seeing the act of domestic violence itself made the incident much “more real” to the public. This was also apparently true for the league, which was quick to release Rice once the video went public. Domestic violence is typically a private event that is not exposed to the public eye, so the Rice case was characterized by a unique kind of political visibility. Borrowing from Silveirinha (2007), these new forms of visibility displace the borders of the public sphere, particularly through the presence of media. Because the video circulated through so many media outlets, this private act of violence that was contained within the video was able to pass through the borders between the public and the private where the public eye was continually exposed to a very private moment (p. 70). Tracy Jarrett (2014), reporter for *NBC News* commented on this collapse of the public and private dimensions of domestic violence writing, “For most victims of domestic violence, there is no witness, no camera. For about half, there is no police report. So the extraordinary footage is shedding new light on a problem hidden behind so many closed doors” (p. 1). Tania Tetlow, law professor and director of the Domestic Violence Clinic at Tulane University, in an interview with *NBC News* commented on the video’s presence stating:

Seeing the video makes such a difference. Even though we knew these facts before, it was easy for public to minimize the damage done to the victim—to think about domestic violence as vaguely mutual and provoked, and then dismiss it as a private matter that doesn't matter (Jarrett, 2014, p. 1).

The Ray Rice case is distinctive in relation to former cases of domestic violence within the NFL as it was the first to provoke change within the league. It was not until the public

actually could *see* Ray Rice committing an act of domestic violence that there was a strong justification for policy change within the league. Tracy Clark-Florey (2014) argues that the release of “Elevator Knockout” brought a “new and important dimension to the national discussion of domestic violence that could sway the conversation.” In being able to actually see the crime occur she writes:

When all we see is the aftermath of domestic violence, we’re left to piece together a story of what preceded it — and when the perpetrator is someone we like or idolize, we concoct stories that keeps our image of him intact. As the NFL’s change of heart — increasing Rice’s punishment after the full video was released — showed us, seeing the abuse in action makes it more real (2014, p. 2).

The “Elevator Knockout” video functioned to publicly expose an event that led to actual change to domestic violence policies within the NFL, and it acted as a form of proof for publics in collectively comprehending what “truly happened” in a secretive moment concerning domestic violence. Thus, “Elevator Knockout” formed experiences of “common spectatorship” where “the event shown” became “part of national life” and publics began to see in the image their own “conception of civic identity” (Hariman & Lucaites, 2003, p. 36). After the release of the second video the hashtags #whyIstayed and #whyIleft were trending on Twitter where women were using the release of the violent video as a platform to educate the public and tell their own stories concerning domestic violence (Jarrett, 2014).

The circulation of the video had a profound impact on public culture (Hariman & Lucaites, 2002, p. 364). As the video of Ray Rice attacking Janay Rice in the elevator



circulated through news media and social media outlets, publics were able to form their own opinions and collectively make sense of what they saw. Hariman and Lucaites have found that images depicting a moment of suffering tend to be more persuasive as the public has a “moral response” to the image (2003, p. 40). The video of Rice punching Janay was just one snapshot in a string of domestic violence crimes that have occurred within the NFL. There had always been assumptions of what happened in the elevator, however unlike the typical testimony heard in domestic violence cases of the past, the public was seeing visual evidence of the crime committed almost as if it was occurring in real time, almost as if it were a face-to-face interaction (Hariman & Lucaites, 2001, p. 10). It is through the constitution of publics around emotionally charged texts that a surveillance video like “Elevator Knockout” might acts as a “carrier of public consciousness” (Warner, 2000, p. 87), a representative for not only that particular moment, but also for public understandings of domestic violence, of the current cultural moment in which the incident occurred, and of the systemic problems surrounding the NFL and women’s issues.

## CHAPTER 4: DISCUSSION AND IMPLICATIONS

My analysis of the Ray Rice case and the NFL has sought to highlight the cultural parallels associated with professional athletes and crimes of domestic violence, the prominence of surveillance video as a media form that conditions specific expectations and desires, and the fundamental evidentiary value of video evidence as a form of compelling proof.

The Ray Rice elevator incident is certainly not the first domestic violence case concerning a professional football player, and sadly it will not be the last. Yet the Rice case was unique in challenging the normally private assumptions that are attributed to domestic violence cases. In previous domestic violence cases the public has typically been exposed to the after-effects of crime, photos of battered women, 911 call recordings, and transcripts from court room testimonies. The Rice case brought a very private issue into a very public setting via video, disrupting the usual invisibility of domestic violence, especially within the NFL. As the public was able to see Ray Rice physically harm his fiancée the line between the public and private dimensions of domestic violence became blurred. As McLaughlin (1998) notes, these publicized domestic violence cases regarding celebrities, and professional athletes in particular, have a productive side in constituting an audience that wants to start a conversation about the real issues of domestic violence within society, and especially within professional football (p. 89). The publication and circulation of the Rice videos in particular exemplify McLaughlin's assessment that

“images are hard evidence for popular reality,” and that in our everyday lives the images circulated through mass media “invite more participation in representational politics than do ‘official’ politics” (p. 83). The Rice case functioned to show inconsistencies within the league’s stance and actions on domestic violence, and translated those revealed inconsistencies into real policy changes.

Be that as it may, in sport culture contexts domestic violence incidents are often racialized, and the Ray Rice videos reinforced the cultural stigma attached to African American male athletes as being *naturally* aggressive both on and off the field. It comes as no surprise that in domestic violence cases concerning NFL players the news media used this overtly dangerous and rage filled image of black male athletes throughout their reporting. After the release of “Elevator Knockout,” *New York Times* reporter David Carr, wrote on the incident:

When Mr. Rice knocked out Janay Palmer, the woman he would eventually marry, it did not scan as an emotional act. He took her out casually, seeming unsurprised when she dropped to the floor. His easy savagery explains why he pulled her out of the elevator with all of the ceremony of taking out the garbage (2014, p. 2).

As Enck-Wanzer (2009) reminds us, “The high-profile sports figure is acknowledged widely as a likely domestic abuser due to his (often black) (hyper) masculinized form and simultaneously exonerated from complicated (and complicating) public scrutiny due to his stardom and intense cultural pressures to be aggressive” (p. 6). While the Rice incident was seen as disturbing to the public, it was not necessarily considered shocking or unusual behavior for a professional football player to be acting under such conditions.

As a public we have begun to see this type of behavior as “expected” or “normal” because of the idea that “men are passionate beasts by nature, they cannot be expected to control themselves- particularly when provoked by a woman- and that such lack of control is in fact a sign of their masculinity” (Susan Bordo, 1997, p.104). Because the men who play in the NFL are seen as being naturally aggressive and unable to “turn off” their aggression when they leave their job, domestic violence represents a behavior that is presumably beyond black athletes’ control.

The segregation of the male from the male athlete differs how the public views domestic violence cases; if it is a “regular” guy, he is at fault because he turned that violence on himself, if it is a male *athlete* he is sympathized with as he cannot help that he brings his work home with him- this is an angle that the NFL has seemingly been taking for years as they have always managed to evade domestic violence issues. It was only when the public couldn’t see the act of violence happening that they were sympathetic towards Rice and applauded him for attending counseling with his wife, anger management counseling, and for getting accepted into the pretrial intervention program. It was only upon *seeing* the surveillance footage of him attacking her when the public did an about-face. As Hartmaan (2007) writes, “the celebration of black athletic success can take on troubling racial overtones and connotations” and “the media and American public turn on black athletes when shortcomings on or off the fields of competition are exposed” (p. 49). In regards to the Ray Rice case specifically, prior to the release of the viral videos he was one of the most acclaimed running backs in the league, however once the public had branded their disapproval on him and his violent actions, he was immediately turned on by the public, and in even more specific cases, his fans.

The public was able to make judgements on Rice and his character because they were able to look in on a private moment and see who he “really was” via surveillance footage. In blurring the lines between the public and private nature of events (Ford, 2011) “Elevator Knockout” allowed viewers to look in on surveillance footage that had “truth value” insofar as it presumably showed who Rice was when no one was looking. Within the Rice case who was being *watched* is important; Rice committed a crime that he didn’t think anyone would see. Just as important, we must also recognize who was doing the *watching*. As Andrejevic (2006) argues, we watch surveillance footage with the expectation of seeing “moments of uncontrived reality,” glimpses of something close to authentic personhood (p.400). As watchers tasked with conducting “peer-to-peer surveillance of spouses, friends, and relatives,” we have a need for visual evidence of who people are behind closed doors (Andrejevic, 2005, p.481).

Because different forms of media produce different meanings for the public (Latour, 1998), attention must be paid to the fact that the Ray Rice incident was represented and read through the form of surveillance video specifically. The formal characteristics of surveillance don’t just act as a truth determinant for the public, they also come with expectations and desires (Burke, 1968) of witnessing a secret moment. “Elevator Knockout” was surveillance footage from inside of the elevator and the public had been stirring for seven months over the possibilities of what exactly happened. The NFL was not disclosing information about the incident to the public so when the video was released and the public was able to see the crime committed, they were both able to confirm their expectations of seeing a secretive moment and fulfill their desires finding out exactly who Ray Rice “really was.” As “Elevator Knockout” was revealed by *TMZ*,

an outlet known for uncovering celebrity scandals, it satisfied “categorical expectancies” attached to both the content of the surveillance footage, and to the network. As viewers experience the satisfaction of these expectations it only makes sense that they would want to share the text and their experiences with others.

To better understand these notions of form I looked to Kenneth Burke (1968) which aided in my understanding of forms fulfilling the expectations and desires of their publics. Burke’s treatment of form relates to literature, however, so I see my thesis expanding upon foundational conceptions of form in at least two senses. First, my analysis details expectations and desires specifically attributable to the form of viral video. Second, we need to reexamine what can be designated as proof, especially in comparing discursive and visual proofs. With regard to the Rice case there are stark differences in comparing the strengths of discursive proof to those of visual proof. We can draw parallels, for example, with the statements made by Commissioner Goodell regarding the incident in contrast to *TMZ* releasing the elevator footage itself where the latter was regarded as more a more valuable form of evidentiary support.

One point of concern in researching a sensitive topic such as domestic violence is to not overlook the seriousness of such issues both within and beyond the realm of sport. As this video functioned as a form of proof of a very serious crime, it also “proved” durable and problematic assumptions about women’s agency and privacy in domestic violence incidents. Mike Wise of the *Washington Post* described the NFL’s mishandling and insensitivity of the case writing:

From the moment Goodell wrongly brought the couple together to help decide discipline this past June, in effect letting the perpetrator tell his story in front of

his victim, who was pleading for leniency (a major ethical blunder among every domestic violence and law-enforcement agency), to the widely pilloried two-game suspension, to Goodell acknowledging his mistake by imposing tougher suspensions for domestic abuse going forward and through Monday, when nothing happened apart from what was known — except everyone got to see it (2014, p. 2).

Many questioned Janay's motives throughout the case, which not only reinforced victim blaming, but also constituted her loss of agency. As the public looks in on a private moment of domestic violence there is the positive side of proof that might result in justice for the victim, but we must not forget that the release of "Elevator Knockout" also violated her right to privacy by commodifying her as a victim. Michelle Singletary (2014), columnist for the *Washington Post* shares Katie McDonough's insights on how problematic it was that *TMZ* was able to make money off of her abuse in the first place:

The release of this video without Janay Rice's consent is fueled by the same logic. Janay Rice isn't a person in this footage. She is just fodder for the news cycle, a prop to teach Roger Goodell and the NFL a lesson...No matter what happens, it will have happened at the expense of Janay Rice. Whatever consumer outrage that, newly ignited, may drive the NFL to act will have been done on her back. But it's also disgusting that we needed 'proof' — every brutal second of that video — to believe that what Ray Rice did was wrong. That this video is now being consumed, and Janay Rice being victimized anew, every few seconds. That *TMZ* is making money off of it (2014, p. 21)

The public seeing the “Elevator Knockout” video is important in and of itself, however they did not only watch the video, they also *shared* it, provoking it to go viral. Viral videos allow us as watchers to participate in the meaning-making process in a way that is very profound. Video in its most simplistic form delivers a “direct transmission” of reality (Spielmann, 2008). As I have reiterated throughout this thesis, video has evidentiary value because of its capacity to exhibit visual proof as if it were occurring in real time. The medium of video acts as a container for past events and it is enhanced when it is combined with circulation.

Within the circulation of “Elevator Knockout,” when it “went viral,” the event of Rice punching his fiancée was played over and over across different media platforms and to different audiences. As viral videos with shocking content become part of a larger public spectacle, we tend to forget that these are real people with real lives who are being consumed for entertainment purposes. Following the release of “Elevator Knockout,” *The Guardian* writer, Hannah Giorgis commented on this concern with the public being so eager to watch and share such a brutal video:

That we feel entitled (and excited) to access gut-wrenching images of a woman being abused – to be entranced by the looks of domestic violence – speaks volumes not only about the man who battered her, but also about we who gaze in parasitic rapture. We click and consume, comment and carry on. What are we saying about ourselves when we place (black) women’s pain under a microscope only to better consume the full kaleidoscope of their suffering?

This broadcasting of victims’ most vulnerable moments as sites for public commentary is not new. Indeed, victims of abuse have always been forced to



recount their traumas to audiences more intent on policing their victimhood than finding justice. With YouTube and TMZ and all the rest, victim blaming extends far past simply being shunned by your immediate community – it means having your most horrific memories go viral without your consent (2014, p. 1).

As Schwartz (2009) claims, visual evidence elicits the strongest responses from a public and shocking content has an especially substantial effect on its publics. The Ray Rice case was made open to the public from the moment *TMZ* released the first video. The circulation of domestic violence cases, particular those concerning celebrities, within the public sphere accomplish two purposes by displaying “difference and body particularism as ubiquitous and irrepressible” and by creating the “the mass consumer subject that is both captivated and repelled by the differences that circulate within contemporary publicity” (p. 84). As the case publicly unfolded and Rice’s true character and the act of violence was revealed, the public was caught up in an act of “common spectatorship” with a compelling need to participate.

In highlighting this participatory function within the Rice case we must acknowledge the shift of power where traditional gatekeepers (e.g. journalists, publicists) are no longer controlling the production and distribution of newsworthy content. Not only does the public share newsworthy content via their social media accounts, but they also play a part in the production of that content. Publics now have the ability capture newsworthy content themselves and in turn share it independently from traditional gatekeepers. This phenomenon exemplifies the shift in power dynamics between news sources and their publics where the latter has recently acquired more power.

I maintain that these videos were constituted as *viral proof* for publics interested in the Rice case and the NFL's record on domestic violence issues. As I mentioned previously, I establish Viral Proof as the combination of *seeing* an incident transpire through video, and thereafter being exposed to a constant circulation of video through both news media and social media. As the Ray Rice video circulated from medium to medium and person to person it carried with it questions about who was seeing it and who was sharing it. The circulatory patterns that "Elevator Knockout" traveled through have at least two larger cultural implications. First, the Rice case exemplifies the very real issues of domestic violence that exist within the realm of sport. Where cases of domestic violence are traditionally hidden, secretive, and private this case exemplifies a collapse of those public/private binaries and allows the public to "look in" on these issues and make sound judgments with their own eyes. Second, the Rice case demonstrates how viral videos can operate as an explicit form of proof in contemporary society as they function not only to capture moments, but also to circulate experiences through the constitution of publics that shape meaning through acts of watching and sharing.

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