

## CHAPTER 4

### DATA ANALYSIS

#### 4.1 Intersectional Discrimination

Intersectional discrimination refers to a situation when various characteristics of discrimination happen at the same time and leads to specific forms of discrimination. In chapter two, Crenshaw (1991) explains that gender, race, social class, and sexual orientation could be characteristics of discrimination. In other words, intersectionality is the idea that social identities such as race, gender, and class interact to form qualitatively different meanings and experiences (Warner, 2008). Therefore, a person or a group of people can be discriminated against on several characteristics at the same time.

In *Witch at Court* episodes two and three (2017), there is a representation of intersectional discrimination against a character named Woo Sung Nam who is a poor, homosexual postgraduate student. He was accused of attempted rape towards his professor, Hae Young Sun. Fortunately, the junior Prosecutor, Jin Wook Yeo, was suspicious of the allegation. He thought it was impossible for Woo Sung Nam to rape Hae Young Sun because he is the professor's student and teaching assistant. He said it was a risky situation for a teaching assistant to sexually harass his professor who was responsible for his postgraduate thesis. In contrast, the senior prosecutor, Yi Deum Ma, the senior prosecutor, insisted that the case was an attempted rape done by Woo Sung Nam.

Feeling that there was something off with the case, Jin Wook Yeo, the junior prosecutor, investigated the case once again. He found out that while the incident happened, Woo Sung Nam was calling someone named Yoon Min Joo. Based on that fact, the prosecutor's team reinvestigated the case. Later on, they found out that Woo Sung Nam was a victim instead of a perpetrator. It was proven by the recorded phone call saved by Yoon Min Joo, the boyfriend of Woo Sung Nam. Therefore, the case was later brought to trial with Woo Sung Nam as a male rape victim of a female perpetrator, his professor.

During the sessions of mediation and the trial, Woo Sung experienced discrimination because of his sexual orientation, class, and gender. The discrimination was highlighted by Jin Wook Yeo, the Junior Prosecutor, who voiced Woo Sung Nam's position in the dialogue below.

Jin Wook Yeo : Because I am gay

Woo Sung Nam : (silent)

Jin Wook Yeo : Because I am a student

Woo Sung : (crying)

Jin Wook Yeo : Because I am not manly enough

Speaking for Woo Sung Nam, the Junior Prosecutor mentioned that Woo Sung Nam's discrimination was caused by him being gay which represents his sexual orientation, him being a student which represents his class position, and him being not manly enough which represents his gender. Woo Sung Nam's experiences of being harassed due to his gender proves the idea that harassment experienced by people who embody multiple identities involves several layers (Starr, 2014). However, these complex experiences of harassment are also largely ignored in society (Everbach & Vickery, 2018)

From the dialogue above, the viewers could see how Woo Sung Nam silently blames himself for the rape that happened to him. Male victims experience high levels of self-blame and other negative attributions after sexual assault. The experimental studies show that male victims are often blamed more than female victims for rape (Davies et al., 2000a; Ford et al., 1998 as cited in Davies, 2002). Woo Sung Nam as a man is the privileged one in Korean society. However, this study found that his gender becomes a disadvantage for him. Understanding the way gender, sex, and identity intersects formulate an understanding that can help us rationalize how men experience rape, and what the consequences for them are (Javaid, 2015a).

In the next section below, the explanation of the characteristics of discrimination such as sexual orientation, class, and gender represented through Woo Sung Nam's character is elaborate in detail. This chapter is divided into three sub-chapters, namely, Intersectional Discrimination based on Sexual Orientation, Intersectional Discrimination based on Class, and Intersectional Discrimination based on Gender. The discussion below will elaborate in more detail on what happened to Woo Sung Nam's sexual orientation, social class, and gender.

#### **4.1.1 Intersectional Discrimination based on Sexual Orientation**

Sexual orientation is a combination of romantic and sexual desire for the opposite or the same gender. Woo Sung Nam is a homosexual which is seen by society as the opposite of heteronormative. Heteronormativity asserts that heterosexuality is the only sexual orientation or only norm and states that marital and sexual relations are only fitting between people of opposite sexes (Javaid, 205a). As a homosexual, Woo Sung Nam decided to be silent about his sexual assault because of his sexual orientation. He hides his sexual orientation because he fears discrimination from the public. Thus, he is afraid to come out as a homosexual. The fact that Confucianism heavily influenced society in South Korea makes things worse. Confucianism views homosexuality as unnatural, and this view contributes to the presence of negative attitudes toward homosexuality, particularly when it is practiced openly (Anderson & Lee, 2011; Jambor, 2009 as cited in Youn, 2018). Despite the progress of LGBTQ+ awareness in South Korea, Korean society does not easily accept sexual minorities, such as homosexuals, bisexuals, and transgender. The LGBTQ+ is considered a minority and hidden from the public eyes.

Woo Sung Nam has not come out of the closet yet, thus he hesitated to tell the truth. Unfortunately, during the public trial, his sexual orientation was revealed against his will. The senior prosecutor, Yi Deum Ma, used a phone recording between Woo Sung Nam and his boyfriend, Yoon Min Joo, as solid evidence to prove that Woo Sung Nam was sexually harassed by Hae Young Sun. Although Woo Sung Nam tried to hide his sexual orientation for fear of being stigmatized and discriminated against, the prosecutor, Yi Deum Ma, was unhesitant in disregarding the victim's plea to conceal his sexual orientation (Tan, 2019). Gay men who have experienced rape suffering from isolation and antagonistic responses and attitudes from professionals during the help-seeking procedure, they may suffer additional stigma, degradation, and humiliation (Javaid, 2018).

Afterwards, the media used his case as a media play that highlighted “the first female rapist (in South Korea) and a gay victim”. Woo Sung Nam's sexual orientation is ridiculed by the media. Instead of protecting and defending Woo Sung Nam's identity as a male rape victim by a female perpetrator, the media chose to highlight the victim's sexual orientation to make

headline news. It was said by the media that this case is “interesting.” Woo Sung Nam also became popular in recent research on the Internet. The head of the Crime Against Girl Unit, Ji Sook Min, said to Yi Deum Ma that people ridiculed the case and degraded the seriousness of the case into mere gossip. The people overlooked the case and ignored that there was a hard-working student sexually harassed by his female professor. Javaid suggested that professionals' negative attitudes and responses may provoke stigma, guilt, depression, apprehension, and anger in male victims of rape. Thus, at the beginning of episode two, Woo Sung Nam found it hard to tell the truth to the prosecutor teams during the first investigation. He also raised his voice as he felt angry and frustrated because the prosecutor kept asking questions to prove his guilt. The fear of negative reactions, such as homophobia, disbelief, and blame from the police or medical services, prevents many victims from coming forward (Mezey & King, 1989 as cited in Davies, 2002). This dialogue below is the scene of an early investigation between Woo Sung Nam and the junior prosecutor, Jin Wook Yeo.

Woo Sung Nam : I did not do that [rape], I swear (raising his voice and feeling frustrated)!

Jin Wook Yeo : Woo Sung Nam-ssi. You realise you are on camera, right? If you act emotionally, it will be disadvantageous for you. Instead of denying it, tell us what happened.

Woo Sung Nam : I'm in debt because of my tuition. I bought three rice balls for a day's meal. A bowl of instant noodle lasted me for three days. It was hard to survive the last two years. I really had to graduate. I went to see her and asked her to revisit my thesis. I told her I would die if I cannot graduate.

*(In a replay scene of the attempted rape that night)*

Hae Young Sun : Your thesis is garbage, just like you. Move.

Woo Sung Nam : (getting angry and choking Hae Young Sun)

*(back to an investigation scene)*

Woo Sung Nam : I just lost it at that point. I wanted to kill her

Jin Wook Yeo : Then you are admitting to assaulting her, but you never had any sexual interaction. Is that what you mean?

Woo Sung Nam : Yes.

Jin Wook Yeo : (showing CCTV evidence) Then what is this? (a scene where Woo Sung in his ripped shirt left Hae Young Sun's office because another student came to the office to bring back Hae Young Sun's notebook).

Woo Sung Nam : (hesitated and looks confused)

Jin Wook Yeo : If you did not have any sexual interaction why is your shirt open?

Woo Sung Nam : (hesitated) Well

Jin Wook Yeo : Do you only admit to choking her?

Woo Sung Nam : (heads down and lets a sigh out)

Jin Wook Yeo : Just be honest with us

Woo Sung Nam : (shakes head) No, I.. I really did not do it. I... I never sexually harassed the professor.

Woo Sung Nam : (looks want to cry)

Jin Wook Yeo : (studying Woo Sung Nam's expression)

Woo Sung Nam has another reason for concealing his sexual identity. It was the potential of being institutionally discriminated against in the future when people know that he was gay. Yoon Min Joo, Woo Sung Nam's lover, said "Which universities would hire him if he were gay". Revealing sexual orientation is not easy in South Korea. It is because homosexual people are subjected to social stigma, violence, and discrimination (Youn, 2018). For example, in the early 2000s, a celebrity named Hong Suk Chon opened up to the public that he was gay. He was fired from his job and received hate mail (Anderson & Lee, 2011; Button, 2004 as cited in Youn, 2018). Another example was from the recent incident in 2022 that involved a singer named Holland. He was attacked by a stranger because the singer spoke up about being as gay. The stranger attacked him in the face with a rock, resulting in a scar (Benjamin, 2022). Jackson and Scott (2004) argue that homophobic attitudes, violence, and abuse on the street and within institutions are often seen as acceptable; condemning homosexuality as an 'abomination' (as cited in Javaid, 2018). The incidents in the real life mentioned above explain the way Woo Sung Nam is portrayed in the miniseries as a person who hides his sexuality.



Another example of discrimination experienced by Woo Sung Nam is when his sexual orientation is also thought to be misogynistic—a strong prejudice against women. His sexual preference was falsely seen as hatred towards women. Because of the hatred, his action to rape a woman is considered plausible. The defendant’s lawyer accused Woo Sung Nam, a homosexual, of hating Professor Hae Young Sun because the professor is a *woman*. In the past years, women in South Korea have been facing a lot of serious troubles caused by misogyny. Thus, the present-day anti-misogyny movement is louder than that of the past, especially since the incident of the Gender War in South Korea. Gender war caused many women to report being attacked because they are *women*.

Korean society is sensitive to the issue of misogyny. In 2017, there was an incident called the *Isu* Station Incident (Tan, 2019). In the incident, two women were attacked by three men because they were “radical” feminists. The police considered this incident a two-way assault. The men were wrong because they attacked the women, while the women were considered wrong because they were being radical feminists who insulted society. After that incident, the gender war in South Korea went on in the forms of verbal abuse from both sides, men and women, by using derogatory terms. Derogatory terms were meant to stereotype men and women. That is why the proof of the online chat between Woo Sung Nam and Yoon Min Joo which talked badly about Hae Young Sun was seen as misogynistic by the lawyer of the defendant.

“She is annoying.”

“She is wearing a skirt, trying to be coy.”

“Once my thesis gets through, I will expose her”.

The defendant’s lawyer did not stop at that screenshot of Woo Sung Nam’s text to Yoon Min Joo only. She proceeded to show a picture of Woo Sung Nam with his boyfriend. She on purpose clicked the projector remote to move to the next picture which contains the privacy of Woo Sung Nam. The dialogue below will show how the defendant’s lawyer tries to make an argument with Woo Sung Nam and exposes his sexual orientation as hatred toward women.

Defendant’s lawyer : (showing on the screen a picture of Woo Sung Nam kissing his boyfriend) My apologies.

Jin Wook Yeo : Your Honour. The prosecution is violating the witness’s privacy

Defendant's lawyer : Can a homosexual man be raped by a woman? If he was an average man who liked women, when a woman made a sexual advance, he would have either enjoyed it or used his physical strength to thwart her off easily. However, because you are gay, and do not like women, you framed the innocent woman for rape.

Woo Sung Nam : (starts to get angry) I am not.

Defendant's Lawyer : Then try and refute it. You have always loathed the defendant (Hae Young Sun) who is a woman. Your thesis was rejected, so you wanted revenge. That is why you framed her for sexual assault.

Woo Sung Nam : I did not (raising his voice and standing from his seat to straggle the defendant's lawyer).

#### 4.1.1 1Woo Sung Nam choking the defendant's lawyer



(Source: Jung, 2017)

Because of these defendants' lawyer leading questions, the viewers' focus had been shifted from a male student who was raped by a female professor to a male homosexual misogynistic student who raped a female professor. Here, the viewers could see that Woo Sung Nam's sexual orientation becomes a disadvantage for him in proving his professor's sexual assault. On social ideals of heterosexuality and masculinity, it has been argued that society expects men to be the penetrator, not the penetrated, and pursuers of sex, leaving women to be

pursued (Connell, 2005; Sleath & Bull, 2012 as cited in Javaid, 2015a). Then, because of Woo Sung Nam's anger towards the defendant's lawyer, the viewer could see how the defendant's team tricked the viewers to see Woo Sung Nam's hatred toward women. It was shown that Woo Sung Nam strangled the defendant's lawyer during the public trial. The defendant's lawyer has tricked everybody with a leading question to make Woo Sung angry and let the viewers know that he is capable of defending himself (had the strength to strangle her) and hostility toward a woman. The defendant's lawyer is a woman too.

It is interesting to note that the *Witch at Court*'s time setting was around 2017. In 2017, it was reported by CNN and New York Times that the Korean government did a 'gay witch hunt' in the military. The government discriminated against the soldiers who were "proven" to be homosexual. It was reported that the reason for this 'gay witch hunt' was because being gay meant to be a deviation from South Korea's society's masculinity (McCurry, 2017).



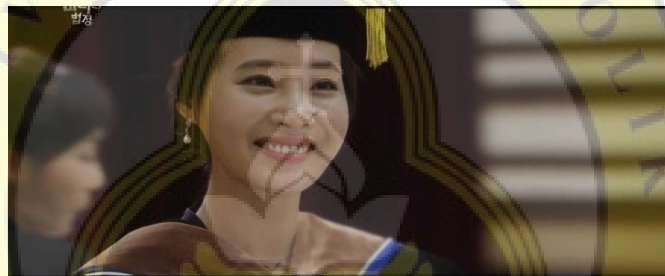
#### 4.1.2 Intersectional Based on Class

In episode two, the public trial was held. Woo Sung Nam attended the trial as a victim and a witness while Professor Hae Young Sun was tried as the perpetrator. At the beginning of a public trial, Woo Sung Nam's status as a victim is already questioned by the defense team because as a man, he was expected to protect himself from the attempted rape. In the criminal justice system, such as the police, courts, and practice of rape trials, there is a dichotomy between femininity and masculinity, whereby emotionality is associated with women and rationality with men (Lees, 1997 as cited in Javaid, 2018). The defense team of Professor Hae Young Sun not only asked the juror but also the viewers who attended the public trial used their "rational" thoughts about the case. From here the viewers could see the defense lawyer tried to rationalize the attempted rape as illogical action because it was impossible for an older woman to sexually assault a young man.

There is a reason for Woo Sung Nam not being able to defend himself from Hae Young Sun. The reason for his silence is his fear of Hae Young Sun, the female professor who could fail his thesis. Many sexual assault survivors have stated they "reacted with frozen fear" during their attacks, due to the overwhelming threat to their lives and physical wellbeing (Walker et al., 2005, p. 74 as cited in Bateman & Wathen, 2015). Bateman & Wathen (2015) in their study also stated that because freezing is a common, evolutionary response to danger, this means that men are subject to such a response in times of bodily peril, and as such, are not always able to resist being sexually assaulted or raped. In the series, Woo Sung Nam has spent three years of his life on a tight budget to pay off student loans. It made him unable to afford more years to finish graduate school. Woo Sung Nam must also eat poorly and is in debt because of the graduate school fee. His social status as a student put him on the weaker side than the perpetrator who is his professor. Woo Sung Nam was afraid that the judges and society would not believe that he was raped by his female professor.

What happens to Woo Sung Nam is similar to the research done by Stephens (2016). It showed how power becomes an important aspect in the relationship between the perpetrator and victim. On such a power relation, Stephens wrote those female perpetrators in all episodes of SVU (Special Victim Unit) --a television series about a group of law enforcers for sexual violence- are always portrayed as beautiful and of a higher or equal socio-economic status than the male victim. The male rape victim in the episodes of SVU differ in economic status, and the female perpetrator takes advantage of their class position and privilege. The women used their power and influence over the men (Stephens, 2016).

#### 4.1.2 1 A portrayal of beautiful Professor Hae Young Sun



Source: (Jung, 2017)

Similarly, the professor in *Witch of Court* is beautiful and has high economic status. Hae Young Sun is a professor who is responsible for grading Woo Sung Nam's graduate school thesis and is well respected. In the early episode, the female professor, Hae Young Sun, was introduced in a scene that shows she is respected by the students (the student was bowing to her in front of a lot of people). Then, despite all the trouble because of the case, Hae Young Sun is still able to send her children to the U.S. In contrast to Hae Young Sun, Woo Sung Nam, the male teaching assistant, is lacking social status and wealth.

Woo Sung Nam is also discriminated against during mediation, as per the initial suggestion to hold a closed trial because of its sensitivity, the defendant Hae Young Sun insisted on holding a public trial to rehab the well-respected professor 's reputation in society. The defendant's lawyer is also supporting the reason for it to let the public know the truth of this

case. This is another example of the professor exercising her power over the graduate student. Almond et al. (2014 as cited in Javaid, 2018) find that some perpetrators of male rape are offenders for whom the assault is primarily about gaining some form of intimacy with their victim, but for others, the rape is primarily about gaining power and control over the victim or to express social dominance.

This dialogue setting below is during the mediation held by the Judge before the first trial. During this dialogue, the viewer could see how the criminal justice system favours the assailant more than the victim. This is also an example of how the female professor, Hae Young Sun, exercised her power against her teaching assistant, Woo Sung Nam. Woo Sung portrayed a powerless victim, by staying still and not a single word was said by him.

Jin Wook Yeo : Your honour. We would like to request a closed trial. The victim does not want a public trial. Moreover, considering how much attention this case is getting, we cannot ignore the harm the victim will suffer.

Defendant's Lawyer : Our client is the one suffering right now. Look online. Her search term is "female rapist".

Jin Wook Yeo : That supports the need for a closed trial.

Judge : Counsel (defendant's lawyer), you need to think carefully. Once the trial starts, she may be harmed more. Can you handle it?

Hae Young Sun : Your Honour. I'm sorry, but may I say something?

Yi Deum Ma : (rolled eyes)

Judge : (nodded)

Hae Young Sun : I have been pegged as a loathsome woman who assaulted her student. I had to take a break from my university and send my children to my family in the U.S. I lost my job as well as my children. What more harm could I possibly suffer? I want to die every day (starts to cry) but proving my innocence during a public trial is my only way to survive.

Yi Deum Ma : Look here, ma'am. By what proof do you claim innocence? Don't you worry about being found guilty in front of all of the people and being humiliated at all?

Hae Young Sun : (sobbing harder)

Yi Deum Ma : (scoff)

Judge : Counsel (Senior Prosecutor, Yi Deum Ma). Please be courteous. It is a sensitive matter, and neither party wishes to settle, so we will proceed in an open trial.

Yet eventually, Hae Young Sun showed her real self by insulting Woo Sung Nam after the mediation. She said something disgracing to Woo Sung and verbally assaulted him by saying “you worm”. She also physically assaulted him by slapping his face in front of both prosecutors and her lawyer. More actions added to that are a threat to destroy Woo Sung Nam. These behaviours show how capable she is to use more power to win the case. In short, the viewers could see that both Woo Sung Nam and Hye Young were not in a romantic relationship. It shows through their physical and verbal interaction. Hae Young Sun did not see Woo Sung Nam as her potential lover, only as an inferior teaching assistant. The result of Javaid's research (2018) suggested that some male rape attacks relate to power and control, not always to sexual gratification. To explain more, there are two perceived motivations for rape. There is rape a crime of passion that shows an uncontrollable act of human sexual desire. Also, rape as a crime

of violence, in which the perpetrators use their power to intimidate, dominate, and control the victim in a form of sexual assault. In *Witch at Court*, the rape motivation is a crime of violence. Professor Hae Young Sun and Woo Sung Nam are not in a teacher-student romantic relationship. The nature of their relationship is between a professor and a graduate student. The female professor, Hae Young Sun, also knew she had the power and ability to intimidate Woo Sung Nam by hiring a lawyer from a big firm.

In addition, Woo Sung Nam is discriminated against because of his status as a student. Woo Sung Nam also suffered during the early investigation by the prosecutor teams. It was when the senior prosecutor, Yi Deum Ma, showed a response that did not support the male rape victim in the first place. The senior prosecutor, Yi Deum Ma, did not bother to investigate the case more seriously but jumped to the conclusion that Woo Sung Nam raped Hae Young Sun. She said that it was a clean case of a failed attempted rape done by Woo Sung Nam to Hae Young Sun. The Senior prosecutor, Yi Deum Ma, with no hesitation and full of confidence, insisted on closing the case by tomorrow morning. She said the alibi from the defendant, Woo Sung Nam, was full of holes, meanwhile, the victim's alibi, Professor Hae Young Sun, was very persuasive. It was shown by her expressions of confidence about her experience in the field as a senior prosecutor. The red lipstick she wore also emphasizes her strong and confident aura. Yet, the Junior prosecutor, Jin Wook Yeo, wanted to reinvestigate the case once again because there was something off from the attempted rape case.



#### 4.1.3 Intersectional Discrimination Based on Gender

In a society rooted in Confucianism, South Korea expected male beings to be dominant and strong compared to females. The concept of Confucianism is to focus on the dominant role of men in both family and workforce and the subordinate role of women (Ma et al., 2022). In addition to Confucianism's influence on South Korea's society, mandatory military service affected the hegemonic masculinity of Korean men. After years of mandatory military service for adult South Korean male citizens, the South Korean civil government has planted the root of masculinity commodification in the nuclear family's notions (Ma et al., 2022). Ma et al., (2022) also explained that the mandatory military services system for almost every South Korean male still exists today and is inevitably playing a crucial role in setting a strong and powerful image for South Korean men. Masculinity in South Korea is usually connected with mandatory military service. Traditionally, Korean men have been in positions of leadership: as the head of the family, as executives in top leading positions of the corporate world, and as leaders of the nation. As a result, women would assume the subordinate position (Tan, 2019). The stereotypical image of being tough, strong, and dominant is expected to be shown by Korean men. Therefore usually, men have more privileges than females.

Those stereotypical images were not reflected in Woo Sung Nam. He appears to be the opposite of the socially constructed norms of what is expected to be a man. During the early investigation, Woo Sung Nam's strongest emotion was by raising his voice only to the prosecutor team. He only raised his voice to deny the sexual assault charge, but he seems to hesitate when the prosecutor's team asked for proof of his innocence. He was also seen almost wanting to cry during the early investigation. Then, during the mediation, Woo Sung Nam did not speak a single word and kept his head down. He also looks small compared to Professor Hae Young Sun. The viewer could see how his body posture is showing a non-confident person. He kept silent and hunchbacked. Even when Hae Young Sun slapped him in front of the prosecutor and the defendant's lawyer, he did not react strongly. He only accepted the slap and kept his silence. He became emotionless. Woo Sung Nam as a victim is afraid that Professor Hae Young Sun's lawyer would use any force or way to expose the victim's sexual orientation

to the public. Therefore, at first, the male rape victim refused to testify in the courtroom as a victim and witness being afraid to be discriminated against by the public. Men who have suffered rape, may then feel emasculated, untough, and uncool, and so may resist labels associated with victimhood (Javaid, 2018).

Only once during the public trial, he got angry at the defendant's lawyer because of prejudiced leading questions asked by the defendant's lawyer to him. He tried to strangle the defendant's lawyer, but it was not fatal. The defendant's lawyer is alright and could continue the trial. Then, after he calmed down the viewer could see the powerless side of Woo Sung Nam again. He only sits on one of the chairs silently looking down. At that time, when the court announced the public trial was able to prove his innocence, Woo Sung Nam was crying not because he was happy but because his sexual orientation was exposed to the public. Thus, the viewer could see the portrayal of Woo Sung Nam as a male rape victim who is powerless compared to the female perpetrator, Hae Young Sun. Woo Sung Nam did not comply with the expectations from a society of what is required and expected from men—being tough, powerful, strong, invulnerable, impenetrable, and self-sufficient—challenge perceptions of sexual victimization and victimization in general (Connell, 2005; Connell & Messerschmidt, 2005; Kimmel, 2003; Lees, 1997 as cited in Javaid, 2015a).

Woo Sung Nam as a male rape victim was discriminated a lot because of his gender. Woo Sung Nam was discriminated against because of his physical appearance. As a man, he is considered the privileged one in terms of physical advantages such as strength and power. Therefore, he should be able to retort about the attempted rape done by Hae Young Sun. The existence of male victims of rape and sexual assault, particularly in incidences in which the perpetrator was female, directly challenges people's attitudes and beliefs about men's masculinity (Graham, 2006 as cited in Fisher & Pina, 2013). The society of South Korea expected males to be strong and dominant, however, Woo Sung Nam showed the opposite of it. Woo Sung could not defend himself from Hae Young Sun.

Woo Sung Nam as a male is expected to be physically able to protect himself and stopped the sexual assault from the female Professor, Hae Young Sun. Unfortunately, Woo Sung Nam failed to fulfil the expectation. He was not able to protect himself and became the victim of rape. Male rape victims might be judged to have failed as men, so are not seen as “real” men for not fighting off the perpetrators (Javaid, 2014a as cited in Javaid, 2015a). Another researcher, Rock, further adds that the word “victim” tends to convey stigmatised meanings of loss, weakness, and pain (2002 as cited in Javaid, 2015a). For a long time, rape has been seen as sexual violence against women. Despite the increasing number of male sexual assault victims reporting their assault to the police, society perceived rape as a sexual assault case which is usually gendered biased with men as perpetrators and women as victims. Thus, the reason Woo Sung Nam could not tell the truth since the beginning of the episode.

Woo Sung also said he did not want to be known as a loser who was sexually assaulted by a woman by the public. Stanko and Hobdell (1993) quote, “Criminology’s failure to explore men’s experience of violence is often attributed to men’s reluctance to report ‘weakness.’ This silence is, we are led to believe, a product of men’s hesitation to disclose vulnerability” (p. 400 as cited in Javaid, 2015a). Woo Sung Nam is afraid of other people’s reactions when they know a man was raped by a woman. Javaid (2015a) argued that it is important to consider the cultural expectations that these men faced because they feel they are not allowed to be victims. It was also argued in his article that men are frequently ashamed to report their incidents to the police or other authorities because they fear that they will be doubted, ridiculed, or laughed at (Abdullah-Khan, 2008; Javaid, 2015a; Lees, 1997; Rumney, 2009 as cited in Javaid, 2015a). Fisher and Pina (2013) stated that the focus on men’s criminality instead of viewing men as possible victims makes the sexual victimization of men difficult for individuals to comprehend and preserve the belief that men cannot be victims of sexual offenses, particularly by a female because females according to this belief are the only victims of such crimes. Because Woo Sung Nam is a man, who is commonly considered to be a perpetrator, becoming a victim of sexual assault by a female perpetrator is considered taboo in South Korea’s society. Male rape victims may struggle to achieve the expectations of masculine behaviour, particularly when they have failed to fight off their attacker(s) (Javaid, 2018).

In addition, there is a scene where Hae Young Sun was interviewed by the prosecutor team during the early investigation. She showed the fragile state of a sexual assault victim. She even could not attend the early investigation in the Prosecutor team's office. Instead, the female Professor, Hae Young Sun was investigated at the Sun Woo University hospital which belongs to Hae Young Sun's family. The behaviours portrayed by Hae Young Sun during the early investigation are manipulation acts to shift the blame on Woo Sung Nam. She is showing one of the stereotypes of a woman in which a weak woman in her 40s was overpowered by a man in their early 20s. She also spoke elegantly and did not raise her voice, especially when she was interviewed by the prosecutors' team. Hae Young Sun tried to represent herself as a typical South Korean who is expected to be submissive, weak, pure, and chaste.

In contrast to Hae Young Sun's interview, during the public trial, Woo Sung Nam was also questioned by the defendant and prosecutor team with intimidation. Woo Sung Nam could only answer those questions because of the fear that his thesis would be on the edge of failure. He also mentioned to the prosecutor team that is acknowledged by the public as a male rape victim in meant to humiliate him. Men tend to not be so consciously aware of their risk of crime and refuse to be called a "victim," because they see this label as challenging or threatening their masculinity (Weiss, 2010 as cited in Javaid, 2015a). This dialogue is proof of Woo Sung Nam being discriminated against by the senior prosecutor, Yi Deum Ma. As a man, Woo Sung Nam was expected to act like a *man*.

Yi Deum Ma : (raising her tone of voice) Why did you let her kiss you, then?  
You should have been able to thwart her off. Did you see the  
defendant as a woman at that moment?

Woo Sung Nam : I never saw her as a woman.

Yi Deum Ma : Then it does not make sense. You never saw her as a woman, and  
you did not like her touching you. Yet, you let her kiss you and let

her take your clothes off? Does that make sense? Sure, she was your professor, but you are a man. You could have overpowered her.

Woo Sung Nam : (raising his voice) I told you. My thesis is on the line

Yi Deum Ma : Was that so important? You are a man. Have you no pride? Most men would have kicked his way out.

Woo Sung Nam : Do you know how much tuition for grad school is? Do you know how many hours you must work to get a doctorate? If I upset her and leave the program what then?

Yi Deum Ma : If the degree was so important you should have endured it. Why did you refuse to have sex with her? You should have endured it.

Woo Sung Nam : You're right. You're correct. If I had just endured, it is as you say. I would have gotten my thesis through, and I would not be here doing this. I.... was wrong. It's all my fault.

Yi Deum Ma : No more questions.

From the dialogue above the viewer could see the harsh questioning method by the senior prosecutor, Yi Deum Ma, toward a male rape victim. As a male rape victim, Woo Sung Nam finds reporting the sexual assault he experienced is difficult. Many of sexual violence victims (including women) find it quite hard to report their sexual assault because of the fear of disbelief from the authorize or police. Woo Sung Nam portrayed the opposite of hegemonic masculinity as he showed the fragile state and fear of judgement by the public. Hegemonic masculinity refers to the dominant ideal or model of masculinity in societies in contrast to subordinated



masculinities that do not live up to the social ideal of masculinity (Connell, 2005 as cited in Javid, 2015a).

Therefore, in conclusion, Woo Sung Nam was discriminated against a lot of times because of his sexual identity, class, and gender. These characteristics of discrimination intersected with each other and lead to specific discrimination against Woo Sung Nam that specifies how a society sees a homosexual man could not be raped by a female. Woo Sung Nam suffered from intersectional discrimination before and during the public trial. He was discriminated against because as a man he was not able to defend himself from a woman. He was also discriminated against because he is still a student and teaching assistant, moreover, his hidden sexuality was forced to be out during the public trial by the senior Prosecutor, Yi Deum Ma. The powerless male rape victim was portrayed by Woo Sung Nam in episodes two and three.

## 4.2 False beliefs about Male Rape Victims

For male rape victims by female perpetrators, society expected men as being dominant physically and mentally can defend themselves from the female perpetrator. The notion that male victims are capable of fending off their perpetrators likely has its foundation in traditional masculine values such as strength, power, and independence (Kassing et al., 2005 as cited in Bateman & Wathen, 2015). These studies demonstrate the larger belief that men can resist attackers and, as a result, are unaffected by sexual assault (Bateman & Wathen, 2015). The false beliefs of male rape victims according to Stephens (2016) are tools that play ideas about a certain topic or situation that may or may not be true. Stephens (2016) gives an example of male rape false beliefs that a man is not a man if he is sensitive, vulnerable, and not able to physically protect or take care of himself. Then, the study on male rape false beliefs categorized by Turchik & Edwards (2012) was made into nine points. These false beliefs of a male rape victim are discussed in the character Woo Sung Nam a male rape victim

(a) men cannot be raped; (b) “real” men can defend themselves against rape; (c) only gay men are victims and/or perpetrators of rape; (d) men are not affected by rape (or not as much as women); (e) a woman cannot sexually assault a man; (f) male rape only happens in prisons; (g) sexual assault by someone of the same sex causes homosexuality; (h) homosexual and bisexual individuals deserve to be sexually assaulted because they are immoral and deviant; and (i) if a victim physically responds to an assault he must have wanted it. (Turchik & Edwards, 2012).

In *Witch at Court*, there are a lot of scenes that highlighted the false beliefs about male rape victims.

First, the scene that explains where the incidents took place. In *Witch at Court*, the crime scene is in the university, Professor Hae Young Sun’s office to be precise. It encounters the statement that male rape only happens in prisons. The crime scene was located within the university, not in prison. It also showed the viewers that not only gays raped another gay man but a straight woman could rape a gay man. It also debunked the false beliefs that men cannot

be raped Woo Sung Nam was raped by Hae Young Sun, his female professor. It debunked the false beliefs that a woman cannot sexually assault a man. They (men) can and are constructed as offenders, usually sexual offenders, since offending patterns of behaviour equip men with power, dominance, and control (Javaid, 2018). Yet, in *Witch at Court*, the female professor was proved to be the real perpetrator. She was also sentenced to one and a half years in jail and three years for probation. Hae Young Sun is an example of a female sex offender represented in a Korean crime-law miniseries.

Second, the scene in a courtroom showed people expected the rape victim could defend himself against a female perpetrator who is in her 40s. The false belief indicated that “real” men can defend themselves against rape. Woo Sung Nam was afraid that if he started to resist the sexual approach made by Hae Young Sun then his postgraduate thesis would be in a dangerous position. This is because male rape victims may go against, challenge, or contradict the gender expectations of men, as their victim status incorporates characteristics of powerlessness, emasculation, and weakness (Javaid, 2018). Javaid (2018) also stated that many male rape victims, though, are unable to fight back because, while they are being raped, they may remain stuck in intense fear, intimidation, and in a state of paralysis.

Third, the scene in which highlighted the worst scenario of forced “coming out” in South Korea. There is a false belief about sexual assault by someone of the same sex causes homosexuality. Woo Sung Nam’s sexual orientation does not change because he was raped. He is a homosexual since the beginning, yet he does not want to come out of the closet. Therefore, his sexual orientation as a minority group in South Korea’s society should not be a reason for him to be sexually assaulted and misinterpreted his sexual preferences as misogynistic. It also highlighted the false beliefs that only gay men are victims and/or perpetrators of rape. It showed heavily influenced by Confucianism society, LGBTQ+ community is seen as an immoral act. The false beliefs that highlighted homosexual and bisexual individuals deserve to be sexually assaulted because they are immoral and deviant. No one deserves to sexually assault ethically because of their sexual orientation. Rape is an act that exercises power to intimidate, humiliate and control the victim by having non-consensual sex. Rape is “a deliberate, hostile, violent act

of degradation and possession on the part of a would-be conqueror, designed to intimidate and inspire fear” (Brownmiller, 1975 as cited in Javaid, 2018, p. 8).

Woo Sung Nam is indeed gay, but the perpetrator is a female, not another homosexual male. Rape, according to Foucault, is a means by which the offender carries out to release aggression, “without bringing in the fact that sexuality [is] involved” (ibid.: 200) as cited in Javaid, 2018). Javaid (2018) also mentioned that conceptualizing male rape solely as a ‘homosexual issue’ ignores heterosexual and bisexual male rape victims and perpetuates hegemonic masculinity and gender hierarchy. Research done by Bateman and Wathen (2015) strongly emphasizes there are two incorrect ways about male rape being only a homosexual issue. One point discusses that it focuses exclusively on male-on-male sexual assault, ignoring the fact that not all perpetrators of sexual violence are male (Bateman & Wathen, 2015). In this study, the perpetrator is a female, and the victim is a homosexual male. An additional study by Krahe, Waizenhofer, & Moller (2003) discussed the aggressive strategies done by women when initiating sex with men. Those strategies involve the use of physical force, coercion, or the manipulation of the male’s inability to consent (i.e., the use of alcohol or drugs) (Bateman & Wathen, 2015). In this study case, the female perpetrator used manipulation on the male victims by using the victim’s thesis revision and then proceeded to use physical force (initiating sex). Sexual assault is most often about exerting power and control over victims and not about the sexual act itself (Lee & Jordan, 2014 as cited in Bateman & Wathen, 2015)

The other point is that the sexuality of the victim is often misunderstood. If the male victim had an erection, it should not be defined as a “yes.” Biological sexual responses to extreme anxiety and stress have been reported and should not be considered as consent (Bateman & Wathen, 2015). Especially, in this study when a man was raped by a female perpetrator, society expects men would accept sex as a form of consent. Because Woo Sung Nam’s reaction during the attempted rape portrayed that he only said “Professor, no” and stay still then it should not interpret as implied consent or “yes”. Bullock & Beckson, 2011; Fuchs, 2004 strongly

emphasises that consent is not implied when the physiological response of an erection occurs, whether it is in male-on-male assaults, or female-on-male assaults (Bateman & Wathen, 2015).

Fourth, there is also another false belief about men are not affected by rape (or not as much as women). One of the male rape false beliefs that stated male victims are not affected by rape (or not as much as women) is harmful to the victims. As for sexual violence victims, the battle is not over in the courtroom. Even though, the victims of sexual violence can win the legal prosecution against the perpetrators, as victims the trauma of assault could not vanish in a second. Reported in another research conducted by several researchers about the effect on male rape victims by female aggressors by Larimer et al., (1999; Struckman-Johnson, 1988; Struckman-Johnson & Struckman-Johnson, 1994 as cited in Bateman & Wathen, 2015),

... 15 men experienced emotional disturbances following the assault, including fear, anger, embarrassment, loss of control, and confusion regarding their sexual orientation. While this statistic suggests fewer psychological consequences than victims of male-on-male sexual assault, the data is still significant, as are the real-life experiences (depression, confusion, fear) of these individuals (Bateman & Wathen, 2015).

Woo Sung Nam's struggle was portrayed by the scene of his car going straight without any dialogue exchanged between Jin Wook Yeo (junior male prosecutor).



#### 4.2 1 Woo Sung Nam and his lover's car leaving the court building



Source: (Jung, 2017)

By not reporting their rape, men can remain silent to preserve their hegemonic masculinity in that confessions of weakness, powerlessness, and emotion are hidden from public view (Javaid, 2018). This scene is the last appearance of Woo Sung Nam with his lover. The Junior prosecutor, Jin Wook Yeo apologised for the senior Prosecutor, Yi Deum Ma's action during the public trial. Jin Wook Yeo did not agree with Yi Deum Ma's choice to expose Woo Sung Nam's sexuality in the public trial. Prosecutor Yeo is highly receptive to the emotions of others, demonstrating high emotional intelligence that is uncommon in the legal field (Tan, 2019). This form of empathy from professionals should be applied correctly to male rape victims during and post-investigation. Preventing or avoiding homophobic reactions, responses, or appraisals from others may be important for male rape victims; otherwise, they may bring about fear, stigma, and silence, leaving these men to manage the aftermath of their rape all by themselves (Javaid, 2018). Male victims were blamed for their assault when their behaviour, namely, not fighting back, appearing scared, failing to escape, or not resisting could be seen as a causal factor of the assault (Davies & Rogers, 2006). In a previous study by the same researcher, Davies (2002), suggested that they need to be aware, for example, that male victims of female perpetrators may minimise the seriousness of their feelings about their assault due to false beliefs about this type of assault.

Then, Woo Sung Nam is also affected by the media play (as the male rape victim's sexual orientation was already exposed in the public trial). The media reported the breaking news as "Korea's first female rapist and a gay victim" as soon as the public trial is over. This is an example of the portrayal of a male rape victim in the glimpse of media that indicates using Woo

Sung Nam's sexuality as media play (becoming a gossip) and hindering other facts about the hard-working student who was sexually harassed by his female professor. In Cohen's research, the gendering of rape was found in images, content, and the context in the articles examined, whereby women were viewed as victims and men as offenders. In doing so, the male rape victim is conveyed as aberrant, relegated, and marginalized within a specialist archive of news (Javaid, 2015a).

In addition to the breaking news, the senior prosecutor, Yi Deum Ma, also strongly stated of her losing a trial is 100x more hurtful than Woo Sung Nam forced to come out, which followed saying by Jin Wook Yeo "you killed a person" regarding to how scary coming out is for homosexuals. Until the prosecutor, herself becomes a victim of a hidden camera and finally can "relate" to the victims' situation. This action led by prosecutor Yi Deum Ma, the junior prosecutor, Jin Wook Yoo said it put the act as a way of stabbing people in the back (Yi Deum Ma betrayed Woo Sung Nam). Prosecutor Jin Wook Yeo asked the senior prosecutor to apologise to Woo Sung Nam, sadly, Yi Deum Ma thought the previous act was not completely wrong because all of them won the prosecution and the female rapist was sent to jail. The rest of episodes three and four become the indirect portrayal of how sexual violence victims post-legal action was taken. This miniseries delivered a message to the viewers that for the victims the 'battle' is not over even when the perpetrators are in jail.

As a whole conclusion, several false beliefs appeared about the *Witch at Court*. Woo Sung Nam portrayed how harmful the false beliefs were toward male rape victims, especially when the perpetrator is a woman. From the chapter above, it was explained that male beings are able to be sexually assaulted by women and male rape does not always happen in a prison but could be in a university. The false beliefs that appeared in *Witch at Court* also highlighted at one point male rape is not a homosexual problem only (homosexual men sexually assaulted other homosexuals) but it is also able to show female sex offenders in the miniseries. This Korean miniseries is able to show the viewer the sexual minority of South Korean society. The minority group is still suffering from homophobia and is sometimes mistreated as a misogynist. When in

fact, misogynistic behaviour is not in line with someone's sexual orientation. This miniseries is completely able to show to the viewers several types of false beliefs about male rape victims by a female perpetrator.

