

THE CASE OF REWARDS AND PUNISHMENTS:
ANALYZING TELEVISUAL REPRESENTATIONS OF RACE AND
GENDER IN TWO 21ST-CENTURY CRIMINAL DRAMA SERIES

by

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ABSTRACT

This discourse analysis examines *Orange Is the New Black* and *How to Get Away with Murder* to determine how race, gender, and intersectional positions are represented in fictional criminal justice shows of the early 21st century. The analysis determines how “rewards” and “punishments” shape the shows’ discourses on these positions, as well as what the discourses indicate about power and hegemony. The sample consists of 56 episodes from the first two seasons of each show. Results indicate that both shows call attention to certain stereotypes and inequalities related to race and gender, via tribal divisions, hyperaware stereotypes, and race-based rewards and punishments. However, they contribute to other hegemonic ideologies, including the normalization of racism, traditional female gender roles, LGBT conformity to heteronormative ideals, and power based upon socioeconomic status. Taken together, the discourses indicate that the shows are at least somewhat influenced by white, middle to upper class male hegemony.

TABLE OF CONTENTS

	<u>Page</u>
CHAPTER ONE: INTRODUCTION	1
Statement of Purpose	3
Historical Background	5
Race and Television	5
Gender and Television	7
Race, Gender, and Television	9
CHAPTER TWO: LITERATURE REVIEW	12
Representation and Stereotypes on Prime-Time Television	12
Race/Ethnicity	12
Gender	16
Intersection of Race and Gender	21
Representations of Criminality and Its Intersections of Race and Gender ...	24
Race, Gender, and Criminality	25
<i>Orange Is the New Black</i> and Representations of Criminality	29
Media Effects of Crime Dramas	33
CHAPTER THREE: THEORETICAL FRAMEWORK	36
CHAPTER FOUR: METHOD	40
Research Questions	40
Methodology	40
Sample	41

Operationalizing the Study	42
CHAPTER FIVE: FINDINGS	44
Representation of Intersectional Groups	44
Racial Tensions	45
Tribal Divisions	45
Stereotypes	49
Gender Roles	53
Masculinity	53
Femininity	55
LGBT Conformity to Gender Roles	58
Class Divisions	60
Power of the Upper Class	61
Impossibility of Mobility	62
Power Dynamics Within <i>Orange Is the New Black</i> and <i>How to Get Away with Murder</i>	64
Race and Power	64
Race-based Rewards and Punishments	64
Normalization of Racism	66
Sexuality and Power	68
Sex as Domination	69
Sex as a Weapon	71
Normalization of Sexual Deviancy	74

Corruption in the Criminal Justice Field	75
Civil Rights in Prison	76
Bribery and Power	77
Biased Justice System	79
CHAPTER SIX: DISCUSSION	83
CHAPTER SEVEN: LIMITATIONS AND IMPLICATIONS FOR FURTHER RESEARCH	89
CHAPTER EIGHT: CONCLUSION	91
REFERENCES	95

CHAPTER ONE: INTRODUCTION

The television industry is expanding and evolving at breakneck speed, mostly due to technological demands and innovations such as being able to record or stream content on multiple devices. As far as television producers and executives would have audiences believe, television is also expanding its multiculturalism and inclusivity. Network creators reference shows like *The Mindy Project* (2012 -), *Fresh off the Boat* (2015 -), *Master of None* (2015 -), *Black-ish* (2014 -), *Jane the Virgin* (2014 -), and *Empire* (2015 -), all of which feature minority stars and some of which tackle issues of race, gender, and class. Networks and streaming platforms now appear to be at least trying to appeal to America's true demographic profile, which the United States census estimates to be 40% non-white—a category that includes black or African American, American Indian and Alaska Native, Asian, Native Hawaiian and Other Pacific Islander, two or more races, and Hispanic or Latino classifications (United States Census Bureau, 2016).

However, while such strides are no doubt an improvement upon past representation, research shows continued underrepresentation of women and minorities on television. The 2015 Comprehensive Annenberg Report on Diversity in Entertainment (CARD) found inequalities in regard to both race and gender representation (Smith, Choueiti, & Pieper, 2015). Out of a sample of

more than 400 movies and broadcast, cable, and digital television series, 71.7% of speaking or named characters were white, 12.2% were black, 5.8% were Hispanic/Latino, 5.1% were Asian, 2.3% were Middle Eastern, and 3.1% were Other (Smith et al., 2015). Estimated 2016 census data indicates that real population percentages are 61.3% white, 13.3% black or African American, 17.8% Hispanic or Latino, 5.7% Asian, and 4.1% in other categories (United States Census Bureau, 2016). These estimates, when considering the CARD report's findings, indicate the possibility of overrepresentation of white characters and underrepresentation of Hispanic/Latino characters. In regard to gender, which should be relatively equal between men and women, the CARD report found that 66.5% of speaking roles were male and 33.5% were female (Smith et al., 2015). Researchers also found a high prevalence of the sexualization of women (Smith et al., 2015). The same representational gap exists off-screen: out of 407 directors evaluated, 87% were white and 13% were from a minority group; of the same group, 77.4% were men and 22.6% were women (Smith et al., 2015). The report concludes that, overall, Hollywood is still controlled by a group of straight white men (Smith et al., 2015).

Two current shows are often mentioned among shows touted for their diversity: Netflix's *Orange is the New Black* (2013 -) and ABC's *How to Get Away with Murder* (2014 -). The former follows the protagonist, a white woman imprisoned on a years-old drug charge, and her fellow prisoners, who come from various racial, ethnic, and socioeconomic backgrounds. The latter follows a

black woman who is a successful professor and lawyer, as well as her students and clients, who also come from diverse backgrounds. Based upon these premises, both shows are ripe for analysis of their discourses related to race and gender. Discourse analyses, in their ability to go beyond numbers and percentages, allow for a deeper understanding of representation.

Statement of Purpose

This research uses discourse analysis to study the on-screen representation of women, racial minorities, and intersectional groups in *Orange Is the New Black* and *How to Get Away with Murder*. The analysis determines how “rewards” and “punishments” are structured in the shows, especially as they relate to gender and race and the power structures in place.

Both shows depict various aspects of the criminal justice system, and prior research shows that the media, and especially entertainment television, play an important role in audiences’ perceptions of criminality and the legal system (McNeely, 1995). Shows about the criminal justice system often promote “social stability and control by reinforcing the perceived legitimacy of current power arrangements” (Weigel & Jessor, 1973). They show audiences who has power, who commits crimes, and why. Characters’ representation, including the use of stereotypes, can contribute to skewed perceptions of reality in a society that is arguably neither postracial nor postfeminist. Thus it is important to analyze shows that claim to have closed numerical gaps in race and gender to determine how they represent women and minority characters. Analyzing who is rewarded

and punished—and why—provides insight into the media’s use of power structures.

Orange Is the New Black, written and directed by Jenji Kohan, a white woman, follows Piper Chapman, a white, upper-class woman who is arrested and convicted on a years-old drug-related charge. A “fish out of water,” Piper has to navigate her way through the (often race-based) social hierarchy of the Litchfield women’s prison. In an NPR interview, Kohan describes Piper as her “Trojan horse”; without the white lens through which the audience views black, Hispanic, Latina, and other minority women, Kohan argues that she would not have been able to sell the show (Kohan, 2013). Some critics argue that the show is “*about* people of color, not *for* people of color” (Pozner, 2013, emphasis in original). The show highlights racial differences by conspicuously dividing the inmates into groups based mostly on race, using humor and a comic frame presumably to suggest that race cannot be ignored (Enck & Morrissey, 2015).

While *Orange Is the New Black* shows the punitive side of the criminal justice system, *How to Get Away with Murder* showcases both the criminal and legal side of the system. The main character, Annalise Keating, is a lawyer and professor who finds herself and her law interns entangled in various murders and generally questionable pursuits. Played by Viola Davis, Annalise is a black woman in a lead role, and the show is directed by Shonda Rhimes, a black female director famous for other popular shows including *Grey’s Anatomy* and *Scandal*. However, according to a study by the Directors Guild of America,

Rhimes' production company, Shondaland Productions, consists of a majority of white male directors and staff, and it did not rank among the Guild's top 50 shows for diverse hiring (Molina-Guzman, 2016).

Thus it seems that both *Orange Is the New Black*, with its overt white lens, and *How to Get Away with Murder*, with its behind-the-scenes underrepresentation of race and gender, have the potential to contribute to racial and gender misrepresentation. Although both shows feature characters of various ethnic and socioeconomic backgrounds and place women at the forefront of the narrative, quantity should not overshadow quality when it comes to representation. Analysis of the discourses inherent in both shows can help determine how power, ideology, and hegemony function in relation to the representation of race and gender.

Historical Background

Race and Television

Television has historically focused on the white middle class. Before the 1970s, ethnic minorities were generally cast in stereotypical, marginal roles (servants or entertainers, for example) or, more often, not cast at all (Downing, 2013). News coverage of important societal movements, especially Civil Rights demonstrations, brought racial tensions to the forefront and at least gave a small platform to minority groups (Miller, 2016). These broadcasts displayed the inhumanity of white persecutors and the peacefulness of black protestors,

eventually allowing television to sporadically attempt to address such timely issues (Downing, 2013).

In the 1970s and 1980s, more sitcoms began to include racial minorities in their casts and covered previously taboo topics like poverty and inequality (Miller, 2016). Some of these included *The Jeffersons* (1975 – 1985), a spin-off from the racially and politically groundbreaking show *All in the Family* (1971 – 1979); *Diff'rent Strokes* (1978 – 1986), in which a wealthy white man adopts two young black boys; and *The Cosby Show* (1984 – 1992), which features an affluent black household (Miller, 2016). However, shows such as these, with main characters who are racial minorities, were the exception and not the rule (Gray, 1989). Furthermore, black people in particular, especially in family-centered shows, were often portrayed as less educated, more likely to be from broken homes, and of lower socioeconomic status than white characters (Busselle & Crandall, 2002). Also, for the most part, their racial and cultural experiences had no bearing on their characterization (Gray, 1989). Television often focused on assimilationist representations of minorities that “confirmed the openness and pluralism of American society” (Gray, 1989, p. 378).

Shows in the 1990s and 2000s featured black and Hispanic/Latino actors in more lead roles in all types of television, from children’s television to prime-time television (Miller, 2016). Unlike shows in previous decades that glossed over such topics, some shows in this period began to showcase the minority person’s struggle in society, and others began to feature minority characters

defying stereotypes (Miller, 2016). Shows in this time period, however, were still mostly segregated as they had been in the past (Downing, 2013).

As discussed earlier, television's current offerings claim to have expanded upon the previous two decades to be more multicultural and inclusive than ever before, at least when it comes to numerical representation. Downing (2013) notes that during the 1970s and 1980s, besides representations of black men and women, other minority groups (such as Hispanics/Latinos, Native Americans, and Asian Americans) were virtually invisible on television in that they received few, if any, roles. Three decades later, television's current offerings include relatively common portrayals of black and Hispanic/Latino people, but other minority groups, such as Asian Americans, Indian Americans, and Middle Eastern Americans, are still relatively invisible (Miller, 2016).

Gender and Television

Women on television have also been subject to a history of underrepresentation and stereotyping. The most popular gender stereotype is that of the conventional housewife, and early representations of women on television emphasized women as overtly domestic and submissive to their husbands (Atkin, 1991). Throughout the 1950s and 1960s and beyond, women audiences were thought to watch television mostly during the day; producers supplied soap operas for women during the day and saved most of primetime television for what they thought to be mostly male audiences (Desjardins, 2013; Meehan, 2002). As such, men also dominated primetime television's storylines in shows

stereotypically aimed at men—including westerns, police shows, science fiction, and medical dramas, all of which featured controlling men who solved their problems through reason and/or violence (Desjardins, 2013). Because there was a limited number of networks between 1953 and 1974, and thus limited competition, there was a correlated decrease in diverse offerings (Atkin, 1991). Tuchman (1978) called this phenomenon “symbolic annihilation”—when women were not absent from television, they were trivialized or condemned for working, even though women made up over 40% of the workforce at the time.

According to Atkin (1991), the televisual representation of women reversed from 1976 to 1979, coinciding with the sexual revolution of the 1970s. *The Mary Tyler Moore Show* (1970 – 1977) was the first of its kind to focus on single, unmarried, professional women (Atkin, 1991; Dow, 1996). Such representations of women were first introduced through similar situation comedies; women had no consistent dramatic roles until the mid-1970s (Atkin, 1991). Even once their place in the real-life workplace was solidified, media research suggests that although television in the 1980s offered more examples of women working than in the 1960s and 1970s, overall, women were still underrepresented on primetime television (Elasmar, Hasegawa, & Brain, 1999). In the televised workplace during this time, professional women were found to have lower status than men and to lack power in the office (Atkin, 1991).

Television in the 1990s and 2000s arguably introduced stronger, more complex women than in earlier generations (Lotz, 2001). These women, such as

Carrie on *Sex and the City* (1998 – 2004) or Buffy on *Buffy the Vampire Slayer* (1997 – 2003), had both personal and professional lives and were not confined to one or the other realm as their predecessors had been (Lotz, 2001).

Current primetime depictions of women arguably present a better variety of women, but perhaps only because, unlike in the early days of television, advertisers have identified women's consumer power, not necessarily because they feel obligated to contribute to positive representations of women (Desjardins, 2013; Meehan, 2002).

Race, Gender, and Television

Considering the intersections between race and gender, women of color have similarly been both underrepresented and misrepresented on television throughout history. The anti-communist 1950s era included a broadcast blacklist; as a result, women of color were eliminated both behind and on screen because their political activism and civil rights involvement were considered to be evidence of communist leanings (Stabile, 2011). In later decades, like ethnic minorities on the whole, minority women were either virtually invisible or stereotyped. Popular stereotypes include the “Aunt Jemima” or “mammy” stereotype; this black woman is portrayed as sexless, subservient, and accepting of the dominant white values (Owens Patton, 2001). The “virgin/cannibal” is the white man's exotic sex object who turns out to be a “voracious ‘man-eater,’ that is, a woman who controls her own vagina” (Caputi & Sagle, 2004, p. 94). The “dragon lady” trope is an Asian American fantasy woman; she is

hypersexualized and appears knowledgeable in matters of sexual pleasure and desire that are unknown to the Western-world characters (Owens Patton, 2001). The “jezebel” stereotype is a conniving woman (who is usually black) who uses her sexual prowess to lure white men (Owens Patton, 2001). Most of these stereotypes point to the fact that women of color have often been sexualized and Othered. Minority women have been historically, and are arguably still, relegated to serve as the background to the white woman in the foreground, giving the white woman her voice and strength while the minority woman’s own power is diminished or demonized (Caputi & Sagle, 2004).

In the 1990s, media producers made token efforts to include women of color as main characters; however, their efforts were minimal and marginally effective (Owens Patton, 2001). Margaret Cho (an Asian American woman) starred in the show *All American Girl* (1994–1995), but it was not popular and was cancelled during the first season (Owens Patton, 2001). Other shows in the late 1990s nearly excluded other women of color, including black, Asian American, Latina, and Native American women (Owens Patton, 2001). Minority women star in current shows (including the previously mentioned *The Mindy Project*, *Jane the Virgin*, and *How to Get Away with Murder*). However, media in general still seem to function around the idea that “woman is constructed as white woman” (Owens Patton, 2001, p. 236), and minority women either conform to or defy that image.

Both shows in the current study include portrayals of women of color—in supporting roles in *Orange Is the New Black* and in both the lead role and supporting roles in *How to Get Away with Murder*. Studying the representation of minority women, including instances of “Othering” or stereotyping, is important in determining whether the show conforms to or challenges the overarching historical misrepresentation of women of color.

CHAPTER TWO: LITERATURE REVIEW

Existing research reflects both the underrepresentation and misrepresentation of race and gender in the media, both overall and within the criminal justice field. This literature review focuses first on representation and stereotypes on prime-time television and then, more specifically, on intersections between race, gender, and the representations of criminality on television.

Representation and Stereotypes on Prime-Time Television

As introduced in the Historical Background section above, televisual depictions of ethnic minorities and women involve a history of underrepresentation and misrepresentation. The depictions of both groups have been shown to propagate a white, male-dominated hegemony (Busselle & Crandall, 2002; Ramasubramanian, 2010; and Ho, 2016). The following research covers the representation and presence of stereotypes in prime-time television of first race, then gender, and finally the intersections between the two. The study of minority and gender representation is important because audiences have been shown to incorporate these representations into their view of reality.

Race/Ethnicity

Television, along with other forms of media, has a long history of “underrepresenting, marginalizing, and caricaturing non-White characters” (Ramasubramanian, 2010, p. 103). In the early days of television, minorities were given little to no attention, and the limited attention they did receive was oftentimes stereotypical (Miller, 2016). Some of the stereotypes employed for

black male characters, Ramasubramanian (2010) notes, included “the coon” (a lazy, unreliable fool); “the buck” (a savage or brute); and “the tom” (a subservient, loyal man). Black women were often stereotyped as the “sapphire,” (a sassy, angry woman); the “jezebel” (a sex-crazed woman); or the “mammy” (a coarse, loud, maternal figure) (Hill-Collins, 2004). Hispanic and Latino people are often marginalized to stereotypes such as “the comic” (an unintelligent, lazy fool); “the Latin lover” (a promiscuous seducer); and “the crook” (a violent criminal) (Ramasubramanian, 2010, p. 104). Other minorities have a history of being largely invisible and, when they do appear, of being presented stereotypically. Ramasubramanian (2010) argues that even supposedly positive counter-stereotypes indirectly contribute to stereotypes, citing the 1980s-era *Cosby Show* as an example of a black, well-to-do family that lives in racial harmony with white people. She argues that this and similar portrayals contribute to “modern racist beliefs that racial/ethnic outgroups have achieved socio-economic success, that racial discrimination is no longer an issue in the US, and that people of color are being too pushy in seeking further political power in society” (Ramasubramanian, 2010, p. 104). Whether television is outright stereotypical or employs nullifying counter-stereotypes in its representations of minorities, it seems both methods contribute to a naturalized white dominance.

Mastro and Greenberg (2000) analyzed the portrayal of racial minorities on prime-time television, with a focus on Hispanic representation, and found this group to be largely underrepresented. The authors noted a past tendency to

stereotype Hispanic people as “poor . . . uneducated . . . criminals, buffoons, Latin lovers, or law enforcers” (Mastro & Greenberg, 2000, p. 691). Their study analyzed a representative, one-week sample from all fictional programming on ABC, FOX, CBS, and NBC. They found that of all the main and minor characters depicted, 80% were white and 52% of these were in main roles; 16% were African American and 56% of these were in main roles; 3% were Latino and 44% of these were in main roles; 1% were Asian American; and no Native American characters were shown (Mastro & Greenberg, 2000). This study was part of a pattern of exclusion of minorities other than African Americans (Atkin, 1992; Ford, 1997; Greenberg & Collette, 1997; Mastro & Greenberg, 2000). Mastro and Greenberg (2000), however, found that African American people received the brunt of stereotyping as opposed to Hispanic people. African American people were presented as the laziest, least respected, and most provocatively dressed, whereas Hispanic people were generally more respected and the least lazy group (Mastro & Greenberg, 2000).

Monk-Turner, Heiserman, Johnson, Cotton, & Jackson (2010) replicated the Mastro and Greenberg (2000) study to determine whether minority representation had changed in the 10 years between the studies. Like the first study, the researchers analyzed a one-week sample of fictional programming on the ABC, NBC, CBS, and FOX networks. The 2010 study found that racial representation on television had not changed significantly: “White actors continue[d] to be in a distinct majority position, African American representation

[was] in line with their percent of the U.S. population and the representation of Latinos continue[d] to be a distinct minority” (Monk-Turner et al., 2010, p. 105-106). However, the new study found conflicting results about stereotypical roles—specifically a reversal in the representation of Hispanic men, who were now most likely to be ridiculed and least likely to be respected in comparison to white or black characters (Monk-Turner et al., 2010). Furthermore, significantly more African American and Hispanic men were portrayed as immoral (9% and 18%, respectively) as compared to white actors, only 2% of whom were portrayed as immoral (Monk-Turner et al., 2010). Thus it seems that, at least between 2000 and 2010, the quality of representation of Hispanic people lost the most ground, and certain stereotypes of other minorities persist as well.

On the surface, the Mastro and Greenberg (2000) and Monk-Turner et al. (2010) studies corroborate media producers’ claims of diversity and inclusion in that more ethnicities were present on prime-time television. However, only black representation correlated with population numbers. Other minority groups, including Hispanics, Native Americans, and Asian Americans, were victims of underrepresentation. Furthermore, all of the minority groups, including black people, were victims of misrepresentation, as the two studies’ stereotypical findings show. One example of such misrepresentation is the minority family that lives in racial harmony with white people, (e.g., *The Cosby Show*, as mentioned above). Ho (2016) points to the character Glenn on *The Walking Dead* (2010 -) as a current example of the “model minority” trope. In his role as

one of two minority men left in the show by the second season, Glenn easily assimilates into the culture around him. Ho (2016) describes Glenn's "Asian American masculinity that is heroic without being 'macho,' sexual without being deviant, and strategic without being cunning" (p. 64). Although on the surface it sounds like Glenn's representation subverts common stereotypes of Asian American people (i.e., fresh-off-the-boat gangsters or white actors in yellowface), his characteristics must be placed within the model minority context (Ho, 2016). Glenn is portrayed as loyal and diligent, a "right-hand man" to the white man in charge, Rick (Ho, 2016). In the show's world, a world supposedly devoid of racism because of the common enemy of the zombies, white male hegemony is ultimately still at play. Glenn, the model minority, can only hope to be portrayed as the right-hand man, but not the man in charge. On the whole, representations of race and ethnicity have always been clouded by the inherent dominance of whiteness. Though television may have somewhat progressed from blatant racism and underrepresentation of some minority groups, current depictions of minorities point to their misrepresentation in the media, and even counterstereotypes often serve only to reinforce the power of the white male hegemony.

Gender

Women are also likely to be both underrepresented and misrepresented in the media. Prior to the 1970s, women on television were primarily portrayed in the home, as loyal and dutiful housewives (Atkin, 1991). The 1970s marked a

renegotiation of this ideal, and shows began promoting the “new woman,” with *The Mary Tyler Moore Show* (1970 – 1977) at the forefront (Dow, 1996). According to Lotz (2001), Mary “represented a single woman as a content individual who did not need a heterosexual partner to define her identity” (p. 107). The historical context of the show is the widely publicized women’s liberation movement that was occurring at the same time; women were fighting for equal rights in the workplace while Mary was experiencing the fruits of that struggle (Lotz, 2001). Although Mary dated some throughout the show, she was never portrayed as having to balance a relationship and her role as a local news producer (Lotz, 2001). While Mary’s character was arguably a giant step forward in the representation of women, Lotz (2001) is careful to note another kind of character that the media felt it had to create to satisfy the backlash against the “new woman.” Defined as “the superwoman,” this stereotypical character balances a successful career and family, with little redistribution of the traditional male and female responsibilities at home (Lotz, 2001). Lotz (2001) cites characters like Clair Huxtable in *The Cosby Show* (1984 – 1992) and Maggie Seaver in *Growing Pains* (1985 – 1992) as prime examples of these “superwomen.” Dow (1990) argues that the supposed feminism these roles advocate is contradicted by the underlying patriarchy that defines the nature of situation comedies of the time.

Studies of television at this point in time highlighted these ideals of the “new woman” and the subsequent “superwoman” (Signorielli, 1985). Signorielli

(1989) analyzed the images of men and women found on prime-time dramatic television and found that “when women [did] appear, they usually [were] younger than the men, more attractive and nurturing, portrayed in the context of romantic interests, home, and family, and [were] more likely to be victimized” (p. 352). Her study also found that of 3,892 major characters in the sample, 2,692 (71%) were males and 1,193 (29%) were females (Signorielli, 1989). Given that females make up half of the population, this equated to a vast underrepresentation of females. Signorielli (1989) argues that, for the most part, the representation of women on television had not changed much in the past 20 years, and was not an accurate reflection of the real world.

The 1990s produced images of a “new, new woman” compared to its 1970s predecessor (Lotz, 2001). Shows like *Xena: Warrior Princess* (1995 – 2001), *Buffy the Vampire Slayer* (1997 – 2003), and *Ally McBeal* (1997 – 2002) presented women who were arguably much more complex than in past images (Helford, 2000). Such depictions were not defined by a conflict between the woman’s personal and professional life, but rather on the struggle to have the best of both worlds (Moseley & Read, 2002). Lotz (2001) noted that these representations were not perfect, however, and arguably were “contradictory and sometimes even reactionary” (p. 106). Elasmr, Hasegawa, and Brain (1999) set out to analyze portrayals of women on prime-time in the 1990s. They analyzed prime-time programs of six constructed weeks during one year (between October 1992 and September 1993). In addition to being more likely to play minor roles,

researchers found that women were less likely to be married or in a romantic relationship, housewives, or caring for children; less likely to commit or be the victim of crime; and more likely to be under 50 years old (Elasmar et al., 1999), all of which attributes support the image of the “new, new woman.” Results also indicated that females had 1,903 speaking roles (38.8%) and males had 3,005 speaking roles (61.2%), for a ratio of 1.58 males for every 1 female (Elasmar et al., 1999, p. 27). Of all major characters, 17.7% were female and 82.3% were male (Elasmar et al. 1999). While these percentages improved upon those found in Signorielli’s (1989) study, they indicated a consistent underrepresentation of women on television in the 1990s.

Television producers and the press in the next decade, the 2000s, often touted the rapid evolution of gender portrayals in prime-time television in shows like *Commander in Chief* (2005 – 2006), a show about the United States’ first female president. However, Lauzen, Dozier, and Horan’s 2008 study’s findings indicated both underrepresentation and misrepresentation of women on television. Researchers analyzed one episode of every sitcom, drama, and reality show on ABC, CBS, NBC, Fox, UPN, and WB during prime-time of the 2005-2006 season, with a final sample of 124 programs. The results show that of 1,342 characters, 60% were male and 40% were female (Lauzen et al., 2008). Furthermore, women were more likely to enact interpersonal roles (romance, family, and friends) and less likely than males to enact work-related roles (Lauzen et al., 2008). Lauzen et al. (2008) posit that television in the 2000s

continued to conform to traditional gender roles, saying, “Industry norms dictate that television characters, more so than film characters, be likable or somehow sympathetic. As prime-time characters appear in viewers’ living rooms and bedrooms daily, they must have traits that are interesting enough to entertain, yet familiar enough to be recognizable and comforting” (p. 211). To place *Commander in Chief* within that framework, the woman president featured on the show accidentally became president rather than earning the position, and she must constantly confront gendered expectations of her colleagues and family members (Lauzen et al., 2008). Thus, even so-called exceptions to the rule of gender stereotypes had to be explained and debated rather than be taken at face value. It seems that, even in the mid-2000s, although women were perhaps more visible than in the past, they were still victims of underrepresentation and, even more so, misrepresentation.

Sink and Mastro’s 2017 analysis is the most current study of gender on prime-time television. They noted the media’s tendency to advocate that women on television are strong, successful, and empowered (for example, the women on *The Good Wife*, *Scandal*, and *How to Get Away with Murder*) and attempted to determine the extent and quality of such representations. The sample consisted of a one-week composite of prime-time scripted and reality entertainment on the ABC, AMC, CBS, CW, FOX, NBC, USA, TBS, and TNT networks between September and December 2013. Results showcased a total of 1,254 characters, 758 of which were men (60.4%) and 496 of which were female (39.6%) (Sink &

Mastro, 2017). These numbers are almost identical to those found in Lauzen et al.'s (2008) study a full nine years earlier, and continue to fall short of equal numerical representation. Sink and Mastro (2017) also found that men were portrayed as more verbally and physically aggressive and ultimately more dominant than women. Surprisingly, men were objectified more than women, but women were significantly more attractive, likelier to exhibit sexually provocative behavior, thinner, and younger than men (Sink & Mastro, 2017). Because the study focused on all prime-time fictional programming, and not on specific programs, it remains to be seen whether the so-called exceptions to the rule of gender misrepresentation are truly exceptions, or whether they support these findings as well.

In sum, gender representation on television has never been quantifiably equal and is often characterized by misogynist stereotypes, even as recently as Sink and Mastro's 2017 study. The overall landscape is still highly defined and limited by traditional gender roles. While certain shows seem to stand out for their progressive ideals, more analysis is needed to determine how gender is constructed on these shows.

Intersection of Race and Gender

It would be remiss to not look at the intersections between representations of race and gender as well. It seems likely that most of the gender representations mentioned above were portrayed by white women, but the breakdown remains to be investigated. The "new women" and even the "new,

new women,” though seemingly successful and empowered, were also mostly white (Lotz, 2001). Minority women on television have historically been presented stereotypically, as noted earlier with stereotypes of black women such as the “mammy,” “sapphire,” or “jezebel” (Hill-Collins, 2004). Merskin (2007) argues that even more modern representations of women easily fall into stereotypical norms. She focuses on Latina representation in *Desperate Housewives* (2004 – 2012) through Eva Longoria’s role as Gabrielle Solis, one of the show’s lead characters. At first glance, it seems like the show is making strides by incorporating Latina representation, as this is a rarity for both Hispanic/Latino women and men. However, Merskin’s (2007) textual analysis found that Gabrielle’s character demonstrates the persistence of typical Latina stereotypes. She first describes the three most common Latina stereotypes found in the media: the “Cantina Girl,” who is essentially a sexual object who teases the object of her sexual allure; the “faithful, self-sacrificing senorita,” who starts out good but ends up bad, realizes her error, and sacrifices herself for her love interest; and the “vamp,” who is intellectually cunning and sexually devious in order to get what she wants (Merskin, 2007, p. 137). As part of the study, Merskin (2007) performed a close reading of the first season of the series (a total of 23 episodes), and the results demonstrate a conflation of all three stereotypes. Throughout the season, Gabrielle “transmogrifies from Cantina Girl to Suffering Senorita to Vamp. In the process, she does not loose [*sic*] any of the characteristics of the individual types; rather, as her character develops, the trio

comes together as she becomes a fully realized hot Latina stereotype” (Merskin, 2007, p. 144). While Longoria’s character is often thought to be a step in the right direction for Latina representation, as she is one of the main characters, the character’s stereotypical presentation arguably negates any such progress.

Jennifer Esposito (2009) further examines portrayals of Latina women on the show *Ugly Betty* (2006 – 2010). She analyzes the show through the lens of the common idea that we live in a postracial society—“postracial” meaning that race has no meaning or influence on society. *Ugly Betty* centers around Betty Suarez, a Latina, who is an assistant editor at a high-fashion magazine. Betty was initially hired by her boss’ father, who knew his son “would not be attracted to a brown-skinned girl wearing braces and glasses” (Esposito, 2009, p. 526).

Esposito (2009) finds that though the show broaches tough issues like race, class, gender, and sexuality, it does so with comedy and satire, thus contributing to the reinscription of stereotypes. It seems, then, that, even with the best of intentions, comedy can sometimes allow complex issues to be taken less seriously.

Another show that uses comedy in the same vein is *The Mindy Project* (2012 -), but Schweitzer (2012) argues that, unlike *Ugly Betty*, the approach works for this show. Mindy Kaling plays Mindy Lahiri, a “female anti-hero” who points out her own “chubby minority” status. Schweitzer (2012) refers to the show’s “subversive reappropriation . . . as fresh, provocative, and worthwhile in contemporary prime-time programming” (p. 64). In the show, Mindy is portrayed as lazy, superficial, and even racist. Her character seems to contradict

herself: she wants to find love, but she is unwilling to give up her successful career as a gynecologist and wants her own identity outside of her relationships; she is selfish and oscillates between self-loathing and narcissistic self-loving (Schweitzer, 2012). However, Schweitzer (2012) argues that such traits are not contradictory; rather, they are human. In this way, *The Mindy Project* is liberating for minority representation.

Shows like *Desperate Housewives* that include minority women in otherwise white groups, and shows like *Ugly Betty* and *The Mindy Project* that star minority women, allow for a more quantifiable representation of minority women. However, the quality of such representation is questionable, and the recent release of more overtly diverse shows like *Orange Is the New Black* and *How to Get Away with Murder* allows for more analysis of these representations.

Representations of Criminality and Its Intersections of Race and Gender

If the number and popularity of shows related to criminal justice is any indication, mass culture seems to have an insatiable appetite for crime and punishment. There are numerous television shows on every aspect of justice—particularly shows about crime and those who catch criminals (e.g., *Criminal Minds*, *NCIS*, and *CSI*) and courtroom dramas (e.g., *Law & Order*, *The Good Wife*, and *Chicago Justice*). Shows about life in prison (e.g., *Oz* and *Prison Break*) are less common, but their popularity is unmistakable. This research analyzes two shows that touch on multiple aspects of crime and punishment. *How to Get Away with Murder* broaches not only courtroom drama but also

criminal activity committed by its main characters. *Orange is the New Black* takes place in a women's prison but also delves into the backstories of the characters' criminal pasts. Both shows display intersections between criminality and race and gender, thus it is important to look first at other similar representations and then at extant research on *Orange Is the New Black*.

Race, Gender, and Criminality

Minority representation related to portrayals of criminal justice on television is alternately negative and positive. Compared to white people, the news portrays black people as criminal suspects more often and is also more likely to depict them as hand-cuffed, poorly dressed, and nameless (Tamborini, Mastro, Chory-Assad, & He Huang, 2000). Fictional criminal justice programming, on the other hand, is more likely to depict white people as criminal suspects over other racial groups (Tamborini et al., 2000). Tamborini et al. (2000) performed a content analysis to determine white, African American, and Latino representation in the court and as criminals. They analyzed a sample of prime-time programming on ABC, CBS, NBC, and FOX during a three-week period in fall 1997. The study's units of analysis included all 103 programs in the sample, speaking characters who were officers or representatives of the court, and speaking characters who were criminal suspects. Results of the study indicated that black men's and Latinos' roles and attributes were similar to those of their white counterparts (Tamborini et al., 2000). However, the study also indicated a lack of Latino representation, which Tamborini et al. (2000)

suggested could contribute to a perception that Hispanic men are inconsequential.

Bill Yousman (2009) attributes the appeal of prison shows, specifically *Oz*, to the spectacle of the “Other” and an overall conservative political agenda. Such shows promote themes of punishment, retribution, and confinement for an audience with an acceptance of dominant social structures like government and police control (Novek, 2009). *Oz* (1997 – 2003) was the first U.S. show to focus on prison and prisoners, but it arguably “was a logical outgrowth of the repressive criminal justice policies of its era” (Yousman, 2009, p. 266). Yousman (2009) emphasizes HBO’s audience, which is on the whole wealthier, more educated, and more suburban than other audiences. Inmates, including those depicted on *Oz*, tend to be the opposite: poorer, less educated, and more urban. This “fascination with difference and the allure of the Other” (Yousman, 2009, p. 266) hooked viewers on the show’s hyperviolence and intense narratives. Yousman (2009) argues that such fascination has a long history, beginning with public torture and execution prior to the mid-1800s, and serves to separate the audience from the criminal. Thus, criminal justice shows often reinforce the idea of incarceration as a necessary tool to reinforce social order.

Cuklanz and Moorti (2006) focus on the televisual representation of crimes committed by women. The authors analyze the first five seasons of *Law & Order: Special Victims Unit* (1999 -), a part of the *Law & Order* franchise that focuses on fictional crimes of sexual assault and rape. Cuklanz and Moorti

(2006) argue that the show constructs female criminality primarily in the domestic sphere. Dangerous women on the show hurt the people closest to them, particularly their own children (Cuklanz & Moorti, 2006). This “misguided maternalism” plays off the stereotype that the woman’s primary role is within the home (Cuklanz & Moorti, 2006). Male criminality on the show is depicted as an external force, an ambiguous threat to the family lurking in the shadows, while female criminality destroys the family from within (Cuklanz & Moorti, 2006). This construction of crime arguably reinforces the gendered stereotype of the division between the public (male) and private (female) spheres.

Just as it is important to examine female criminality representation, so too is it important to examine female representation in criminal justice professions. DeTardo-Bora (2009) set out to do just that via a feminist content analysis of popular prime-time crime dramas—and the criminal justice professionals depicted on them—between January 2007 and May 2007. DeTardo-Bora (2009) defined “crime dramas” as fictional programs in which offenders commit prohibited acts that criminal justice professionals attempt to investigate, solve, bring to court, or otherwise bring justice to the victim(s). A “criminal justice professional” was defined as someone employed in the criminal justice system (courts, corrections, or law enforcement) at the local, state, or federal level (DeTardo-Bora, 2009). The study sampled 60 episodes and 72 main cast members from 10 prime-time shows: *Cold Case*, *CSI*, *CSI Miami*, *CSI New York*, *Law and Order: Criminal Intent*, *Law and Order: Special Victims Unit*, *NCIS*,

Numb3rs, *24*, and *Without a Trace*. Results demonstrated that 59.4% of main characters were male, while 40.6% were female (DeTardo-Bora, 2009). Most females represented by the crime shows were about 30 years old (67.9%), white (71.4%), and single (64.3%) (DeTardo-Bora, 2009). Females were dressed more provocatively than males (56% of females compared to 22% of males), and were more likely to be sexually attractive as opposed to their male peers (DeTardo-Bora, 2009). Even as professional career women, females were portrayed as more dependent, more subordinate to authority, less verbally aggressive, and more likely to be victims of crime than males, which corroborates previous findings (Dominick, 1973; Surette, 2007). However, women were also portrayed as just as smart, competitive, confident, and assertive as men (DeTardo-Bora, 2009). Although the last finding is positive, the former findings indicate an overall stereotypical division of gender roles on crime shows.

Other studies have focused on the intersections between race and gender on television crime dramas, including Eschholz, Mallard, and Flynn's (2004) analysis of *NYPD Blue* (1993 – 2005) and *Law & Order* (1990 – 2010). The study analyzed the entire 2001 seasons of both programs, for a total of 20 episodes of *NYPD Blue* and 24 episodes of *Law & Order*. Characters were coded into categories including violent offender; non-violent offender; violent suspect; non-violent suspect; police officer; defense attorney; prosecutor; other criminal justice official (e.g., medical examiner, court or prison official, or judge); witness; expert witness; informant; victim of crime; family of victim; family of

offender; and the general public. Then each category was sub-divided by race and gender. Results showed that, compared to real New York City data, white people were overrepresented in all categories, while all other races were underrepresented in all categories (Eschholz et al., 2004). The overwhelming majority of all characters were men (72% of characters on *NYPD Blue* and 65% of characters on *Law & Order*), and offenders were more likely to be men as well (Eschholz et al., 2004). Across both shows, approximately 75% of criminal justice professionals were men, with the only exception that there were more female attorneys than male attorneys (Eschholz et al., 2004). Those female criminal justice professionals depicted were more likely to be portrayed in positive and sympathetic roles, such as a victim, police officer, or lawyer, as opposed to an offender (Eschholz et al., 2004). Thus, both shows portray an overall white-washed, male-dominated criminal justice field.

Past research of portrayals of the televisual criminal justice realm, from crime scene investigations to the court to prison, indicate an underrepresentation of both minorities and women as recent as even the mid-2000s. Both groups are also subject to the same stereotypes found in overall prime-time television, mentioned in the previous section, indicating the likelihood of prevailing misrepresentation.

Orange Is the New Black and Representations of Criminality

Because *Orange Is the New Black* is the first show of its kind (a dark comedy that takes place in a women's prison and tackles issues like race; class;

lesbian, gay, bisexual, and transgender (LGBT) issues; and prison reform), it has been analyzed by multiple scholars, whereas *How to Get Away with Murder*—a show not as far-reachingly groundbreaking—has not. The following research explores the former show’s representations of race and gender as it relates to criminality.

Just as *Oz* (a show that takes place in an all-male prison) appealed to more privileged, white viewers, Enck and Morrissey’s (2015) analysis of *Orange Is the New Black* argues that its producers cater to the same audience via the show’s main character, Piper Chapman. Piper, a white woman, serves as a familiar face for white viewers and filters the racial, ethnic, and sexual narratives for such an audience. Enck and Morrissey (2015) note that *Orange Is the New Black* offers a new, comic spin on prison life that was previously unexamined on television. Piper is portrayed as clueless to the actual workings of prison life, and viewers are invited to laugh at her utter prison ineptness (Enck & Morrissey, 2015). Many of Piper’s mistakes occur when she transgresses the tribal boundaries the show unapologetically sets: “White, Black, Hispanic, Golden Girls, Others” (Enck & Morrissey, 2015, p. 7). Enck and Morrissey (2015) argue that the show highlights race and racial divisions in an effort to make viewers “‘get the joke’ that race cannot simply be ignored. . . . *OITNB* uses humor to highlight the farce of color blindness” (p. 7). They suggest that the show uses such contrast to bring attention to the unjust, institutional disadvantages (including poverty, homelessness, and racial targeting of the War on Drugs) that

minority groups face, which could perhaps encourage some level of audience engagement with postracial critiques. In this way, some argue that the show invokes stereotypes to simultaneously refute and reinvent them.

While Enck and Morrissey (2015) insist that “*OITNB*’s reliance on a white female protagonist to tell the story of women of color” does not “undermine the value of the social and/or racial critique that the show could produce” (p. 11), Belcher (2016) argues that the show fails to effectively critique the American prison system precisely because of that. She points specifically to Piper’s ignorance of the structural difference around her. During a prison visit with her mother, Piper takes responsibility for her crime, saying “I am no different than anybody else in here. I committed a crime. Being in here is nobody’s fault but my own” (Kohan et al., 2013). Piper, and the show’s overall tone, also suggests that everyone in prison is personally responsible for their sentence and ignores the idea of structural inequities (Belcher, 2016). By doing so, the show participates “in a form of ‘color blindness’ that, by denying that the standard operations of incarceration brutalize differently according to an inmate’s race, flattens and universalizes the prison experience” (Belcher, 2016, p. 494). By presenting the characters as “rightful” criminals, the show insinuates that their actions are to blame for their punishments, rather than the idea that the system at large has failed them.

Shannon O’Sullivan (2016) also broaches the topic of Piper’s white frame as a tool to reinforce a hegemonic white supremacy. O’Sullivan (2016) argues that, from the beginning,

The show frames Piper as someone who should inherently not be in prison, and conversely constructs the lower class/gender nonconforming/black/Latina characters as more recognizably criminal. . . . Piper embodies respectability in the US context, and the rest of the cast always already embodies conceptualizations of ‘otherness’ and are inherently precluded from full social inclusion irrespective of their actual behaviors. (p. 402)

The show’s audience sympathizes with this white, blonde, cisgender woman; even her bisexuality, though somewhat progressive, fits in with dominant heteronormative standards (O’Sullivan, 2016). This representation matters because African American women are three times more likely, and Latina women are 69% more likely than white women to be imprisoned (O’Sullivan, 2016). By failing to problematize the interplay between race, capitalism, and oppression, the show reinforces the idea that racially disproportionate punishment is normal.

Louis (2015) also argues that while the show does challenge some gender and race norms, “its reliance on certain racialized stereotypes for entertainment . . . ultimately does more to reify existing stereotypes that support state interests” (p. iv). She argues that the show does represent a more diverse set of modern culture, in that it represents white, black, and Latina women; spans a broad age range; and portrays more sexual orientations and relationships on a much broader scale than any other show has to date (Louis, 2015). However, the show fails in

that it lapses into common stereotypes of the very women it claims to liberate. Louis notes the show's use of the "sapphire" (angry and irrational) and "jezebel" (sexual and manipulative) myths in its representation of black women, as well as its use of the "virgin" and "puta" stereotypes for Latina women (p. 31). Reducing characters to one-dimensional beings undermines the show's supposed diversity.

Thus, it seems that the show's premise of a white-narrated foray into a diverse world sets itself up to fail at achieving true diversity. Though Enck and Morrissey (2015) suggest that the show's audience is mostly upper class and white, and thus could benefit from Piper's familiar face, other scholars (Belcher, 2016; O'Sullivan, 2016; and Louis, 2015) suggest the white frame is ultimately a disservice to the overall representation of race and criminality.

The current study analyzes *Orange Is the New Black* alongside the equally outwardly diverse cast of *How to Get Away with Murder*. The latter show is notably fronted by a black female main character; based on that fact alone, representations of race and gender could be vastly different between the two shows. As mentioned previously, there is little scholarly research on *How to Get Away with Murder*. This study seeks to examine the show's representation of criminality, specifically as it relates to race and gender.

Media Effects of Crime Dramas

This study analyzes how hegemony relates to representations of race, gender, and criminality. What follows, then, is a brief overview of how such hegemony can affect televisual audiences.

Representations of race, gender, and intersectional positions are significant in their potential to affect the viewers. As Russell, Schau, & Crockett (2013) indicate, viewers “stake personal identities inside media narratives, using them to legitimate identity positions such as gender and ethnicity” (p. 119). Unlike what Cohen (2001) calls “spectatorship,” a more distanced form of media reception, identification involves viewers interpreting the text as if they were experiencing it in real life. Once viewers identify with a specific media text, they can apply it to the real world. For example, by nature, stereotypes are easily accessible mental cues that viewers can refer back to in creating their own personal and social values; even subtle stereotypes are enough to subconsciously influence decisions (Ramasubramanian, 2010).

Specifically, criminal justice shows, particularly those that also entertain, are responsible for most of the public’s knowledge of crime and justice (Dowler, 2003; McNeely, 1995). In reference to the punishment aspect of the criminal justice system, most middle and upper class viewers have no personal experience with incarceration, so television provides most of their knowledge on the subject (Yousman, 2009). The people who are punished are often exaggerated by stereotypes or dramatic representations that, Novek (2009) argues, “reinforce the legitimacy of mass incarceration as a remedy for social deviance” (p. 377). The dominant theme of all criminal justice dramas is “justice,” suggesting that the people being punished unquestionably deserve the punishment (Eschholz, Mallard, & Flynn, 2004). This could result in viewers’ corresponding political

action or, potentially worse, inaction (Eschholz et al., 2004). Thus, watching criminal justice shows can cultivate and legitimate society's hegemonic power arrangements (McNeely, 1995).

CHAPTER THREE: THEORETICAL FRAMEWORK

This research applies the theories of representation, hegemony, and stereotyping, to the portrayal of the characters in *Orange is the New Black* and *How to Get Away with Murder*, in order to determine what the discourses found in both shows indicate about race, gender, and criminality.

The theory of representation refers to the cultural meaning that is assigned to a media text. Stuart Hall (1997) defined representation as the frameworks of interpretation (or language) people assign to objects, people, and events. Such objects, people, and events can come to symbolize something other than their face value. Hall (1997) argues that power circulates through cultural meanings, but only if the meanings are shared—representation is not one-way; rather, it is better described as dialogic. Cultural meanings “organize and regulate social practices, influence our conduct and consequently have real, practical effects” (Hall, 1997, p. xix). They influence our behavior and norms and construct the very way our society is structured, based on shared conceptual maps. Meaning is fluid, and objects, people, and events have no fixed or final meaning. The interpretation of signs and symbols depends on the meanings we make and remake in various personal and social interactions. Hall (1980) distinguishes between “denotation,” or the literal meaning of a sign, and “connotation,” or a sign’s associated meanings derived from the intervention of codes.

Often the above-mentioned shared conceptual maps are influenced by the dominant social order. According to Kellner & Durham (2012), in their introduction to *Media and Cultural Studies: Keywords*, Antonio Gramsci defined such dominance as cultural hegemony, or the naturalized consent to society's dominant power structure. Relatedly, the concept of ideology suggests that all media texts have distinct and underlying biases and embedded cultural values that reflect not only producers' world views but also the norms of society's dominant group(s) (Kellner & Durham, 2013). Media producers are constantly trying to "fix" the meaning of their communication, with an ultimate goal of subverting any distortion that could occur in the transmittal (Hall, 1980). On the other hand, there are certain cultural codes that have been "so widely distributed . . . and . . . learned at so early an age, that they appear not to be constructed . . . but to be 'naturally' given (Hall, 1980, p. 140). It follows, then, that media producers can inadvertently contribute to hegemony without any overt biases (Hall, 1980).

Richard Dyer (1984) argues that one of the ways producers attempt to fix meanings is through stereotypes, building upon Walter Lippmann's (1922) definition of stereotypes as the way society orders the world. Dyer (1984) is careful to distinguish between *types* and *stereotypes*, arguing that types, like codes and symbols, are essential to identifying people by certain broad characteristics. Stereotypes, however, reduce people to a few limited, simplistic characteristics that are then exaggerated (Hall, 1997, p. 247). In television, for

example, audiences are meant to equate the character's stereotypical aspect with their complete personality. Dyer (1984) argues that by applying its own norms to the subordinate group, the dominant group reinforces their own "sense of the legitimacy of their domination" (p. 277). The simplistic traits are presented as a matter of nature, and they purport to place people within the social hierarchy. Hall (1997) argues that stereotypes also set up divisive boundaries between the acceptable "us" and the unacceptable or deviant "Other" (p. 248). Said (1978) explains that the culturally dominant group constructs its representation of the dominated group in binary opposition to itself; the dominant group applies and reflects its own values and cultural codes upon this so-called "Other." Stereotyping is thus one way of establishing hegemony over "Othered" groups.

Discourses can also be used to establish hegemony. Similar to how Hall (1997) defines representation, discourses are also "socially shared knowledge" (van Dijk, 2012, p. 470). Discourses are like icebergs in that we only see new knowledge, while the larger body of knowledge "remains hidden as implied or presupposed knowledge" (van Dijk, 2012, p. 480). McGregor (2003) specifies that discourses consist of the language we use and the meanings made from that language; they shape our society every day in that they are the way we know, value, and experience the world around us. Discourses are both shaped and constrained by social identifiers (such as socioeconomic status, age, race, and gender) and culture (McGregor, 2003). They are society's spoken and unspoken rules, norms, behavioral patterns, and economic and social institutions that help

people define and present themselves to the world (Foucault, 1972; Alvermann, Commeyras, Young, Randall, & Hinson, 1977).

Molina-Guzman (2016) analyzes Hollywood and today's mainstream media through Hall's framework, and she argues that producers still tend toward "homogeneity, structural stability, and binary representations of Otherness" (p. 441). However, audiences are increasingly empowered by changes in demographics, consumption patterns, and media activism. Molina-Guzman (2016) addresses Hollywood's supposed newfound emphasis on diversity, saying that while the "exceptional" few are being showcased, the rest are relatively invisible. For the most part, Asian American, black, Hispanic/Latino, and Native American characters are confined to secondary roles and are still defined by gender, ethnic, and racial stereotypes (Molina-Guzman, 2016). Hollywood and television, at least, seem to be in the midst of a hegemonic crisis.

Orange is the New Black and *How to Get Away with Murder* are examples of the current mainstream media that Molina-Guzman posits are still ruled by hegemonic homogeneity. This research uses the theories of representation, hegemony, and stereotyping/Othering in the process of analyzing the shows' discourses of race, gender, and intersectional positions. Such an analysis will reveal how power and ideology function in two popular depictions of the criminal justice field.

CHAPTER FOUR: METHOD

Research Questions

This study analyzes specific examples of shows that media producers purport to be diverse, in order to determine what role hegemony plays in representations of race, gender, and other intersectional issues. *Orange Is the New Black* and *How to Get Away with Murder* were studied in regard to such representation by asking the following questions:

1. How are race, gender, and overall intersectional positions constructed in programs about crime and justice?
2. How are behavioral “rewards” and “punishments” constructed in these programs?

Orange Is the New Black and *How to Get Away with Murder* are both criminal justice shows; as such, characters often experiences more “wins” and “losses” than characters in other genres of television. Asking these questions will help define the power structures inherent in the shows’ representations of race, gender, and intersectional groups.

Methodology

This study analyzes the shows’ portrayals of race and gender, as it relates to power and hegemony, via discourse analysis. All media texts present both overt and hidden meanings (or discourses) (McGregor, 2003). Discourses can be used to naturalize unbalanced power relations when in fact the hidden message is one of prejudice, injustice, or inequity (McGregor, 2003). Discourse analysis

seeks to discover “whose interest is being served,” whether this is evident or obscured, and in what historical, social, and/or political context it should be taken (McGregor, 2003).

Analyzing how *Orange Is the New Black* and *How to Get Away with Murder* present discourses of race and gender will illuminate what role hegemony and power play in the shows and who the text serves via such representations. “Wins” and “losses” are often related to power—those in control “win” more often than the controlled, “losing” group or groups. Thus, rewards and punishments are important indicators of the shows’ inherent power relations and help shape discourses of race and gender.

Sample

The sample consists of all episodes from the first two seasons of both *Orange Is the New Black* and *How to Get Away with Murder* (26 and 30 episodes, respectively, for a total of 56 episodes). *Orange Is the New Black* and *How to Get Away with Murder* serve as specific examples of so-called diverse television offerings. News outlets and television executives often point to these two shows, among others, as examples of television’s new and improved far-reaching diversity (Ryan, 2016). While this study does not analyze the breadth of diversity across multiple shows and platforms, it analyzes parts of the puzzle to determine to what degree the shows’ depictions of diversity match their outward representations. Specifically, *Orange Is the New Black* features mostly women, various ethnic groups, LGBT individuals, and a broad age range of characters.

How to Get Away with Murder features a black main character, along with a core cast consisting of black and Hispanic/Latino representation. This study analyzes race and gender representation, specifically how stereotyping and Othering function and what the shows' discourses indicate about hegemony and power.

Furthermore, both shows encompass multiple aspects of the legal and criminal justice system. Past research has found that audiences rely on the media for knowledge about crime and justice (Dowler, 2003). Therefore, representations of criminality and underlying power structures within the criminal justice system can reinforce an audience's perceptions. Any misrepresentation of race or gender must be identified before it can be fixed. Thus, this analysis seeks to identify how the shows' race and gender representation relate to criminality and justice and the power structures at work.

Operationalizing the Study

Foucault (1977) provides a helpful framework for defining punishments in *Discipline and Punish: The Birth of the Prison*. In it, he relates punishment to power dynamics in that it is not perpetrated by institutions or apparatuses but by any authority whose disciplinary actions normalize social behavior (Foucault, 1977). Therefore, punishment is meant to have a greater effect on the public than the person being punished because "everyone must see punishment not only as natural, but in his own interest" (Foucault, 1977). The person being punished is portrayed as an enemy of society to establish the authority's ultimate power and the way society is expected to function. According to Foucault, punishment is

not limited to physical discipline but includes all forms of inflicted suffering, loss of rights, and corrective techniques.

Drawing from Foucault's framework, for the purpose of this study, punishments and rewards function as tools of analyzing power dynamics. "Punishment" occurs when a character faces the consequences of their actions or is otherwise disciplined due to a conflict, and a "reward" occurs when a character is praised, awarded, or otherwise benefits from their actions.

In order to complete the qualitative discourse analysis, discourses of gender and race, as they relate to who is "rewarded" and "punished," were first identified and then analyzed. The purpose of the analysis was to determine to what degree race and gender affect who is "rewarded" and "punished" the most, why they are rewarded or punished, whether the reward or punishment is significant or trivial, the context for the reward or punishment, and whether a character's trajectory changes over time. In doing so, the study also analyzed dialogue, tone, characters' appearances, characters' relationships, positioning and staging, power relations, and overarching connotations.

In addition to providing insight into representations of race and gender, the study examines intersections between the two, including representations of socioeconomic status. The predominant power structures evident in each show relate to overall social context and help determine how the media producers' claims of diversity and inclusion compare to the shows' inherent discourses of race and gender.

CHAPTER FIVE: FINDINGS

The discourse analysis of *Orange Is the New Black* and *How to Get Away with Murder* examined 56 total episodes of the two shows, both of which feature diverse casts of women and minority characters. The analysis identified frequent evidence of “rewards” and “punishments,” as defined in the Method section above. It revealed insight into several intersectional positions, including race, gender, and class. *Orange Is the New Black* and *How to Get Away with Murder* clearly perpetuated discourses of tribal divisions and stereotypes; traditionally gendered masculinity and femininity; and, related to socioeconomic status, the mainly white upper class’ unfailing power and the mainly minority lower class’ impossibility of upward mobility. Imperative to the representations of race, gender, and class are the power dynamics at work. With regard to race, the analysis revealed discourses including a system of rewards and punishments based largely on race and an underlying normalization of racism. Both shows relate sexuality to power within the framework of traditional gender roles. Finally, the analysis of the dramatized criminal justice field revealed an overall corrupt system ruled by barbaric prisons, bribery, and bias.

Representation of Intersectional Groups

After studying representations of race, gender, and the intersectional positions found in *Orange Is the New Black* and *How to Get Away with Murder*, the analysis revealed discourses of race that perpetuated tension and strife between different races (or “tribes,” as *Orange Is the New Black* calls them), as

well as stereotypes of each ethnic group. Related to gender, the analysis displays that both shows employ traditional gender roles, with LGBT conformity to those roles. Class, which is often dependent upon and related to race, was defined by the power of the upper class and the near impossibility of social mobility.

Racial Tensions

Both *Orange Is the New Black* and *How to Get Away with Murder* exhibit discourses of tensions between racial groups—especially through tribal divisions in *Orange Is the New Black*—and stereotypes in both shows.

Tribal Divisions. *Orange Is the New Black* divides the female inmates into various groups that are better defined as “tribes,” in that the members of a group share similar social, economic, and racial backgrounds and commonalities. Piper, the white lens through which viewers experience the women’s prison, finds herself sorted into Litchfield prison’s hierarchy of groups. The hierarchy is mainly race-based, and it includes the categories white, black, Hispanic, golden girls (older women), and other (those who do not fit in any other group). Piper’s first introduction into this hierarchy, and the basis for my definition of “tribe,” occurs in season 1, episode 1 (“I Wasn’t Ready”), when a veteran inmate, Lorna Morello, gives Piper and two other new inmates a tour of the prison. The tour ends at their temporary bunk, where Morello specifically asks a white inmate to “show [Piper] what’s what” and assigns Daya, another new inmate, to someone who is also appears to be of Latin American descent. Before Morello leaves them, she hands Piper (and not Daya or Janae, a black inmate) tissues and a

toothbrush, saying, “We look out for our own. . . . Don’t get all PC on me. It’s tribal, not racist” (Kohan, Friedman, & Trim, 2013).

The cafeteria is visibly divided according to these so-called “tribes,” and Piper discovers she is unwelcome at any table except the “white” table. Piper’s initiation into the white group is further solidified when Red, the head cook, gives a group of her fellow white inmates contraband yogurt. Upon being introduced to Piper, Red hands her a yogurt as well, saying, “You’re new. You’re one of us. Consider it a gift” (Kohan, Friedman, & Trim, 2013).

This separation, both inside and outside the cafeteria, is at the inmates’ choice, but their bunks, assigned by the prison administration, are also divided by the three largest racial groups, described in season 1, episode 3 (“Lesbian Request Denied”): “the suburbs” for white inmates, “Spanish Harlem” for Hispanic/Latina inmates, and the black dorm (Kohan, Heder, & Foster, 2013). Even when the guards reestablish the inmates’ Women’s Advisory Council (a committee supposedly enacted to relay inmates’ wants to the guards) in season 1, episode 6 (“WAC Pack”), the inmates are forced to vote for a representative within their group (of the five categories mentioned above) (Kohan, Morelli, & Trim, 2013).

Overall, the inmates are placed into their respective racial groups and are not encouraged by their leaders or their peers to venture outside the boundaries of the group. The white group is obviously at the top of the prison hierarchy, at least in the first season. They get the best dorms, and the guards largely treat

them better than women of other races. Red, the group's leader, has power over her fellow inmates because she is the head cook and smuggles contraband into the prison. The other groups often attempt to gain this coveted position, though. In season 2, episode 4 ("A Whole Other Hole"), the Latina women steal the front row seats at movie night, which is where the white group used to sit. Nicky, an inmate who is part of Red's "family," jokes that the "reign of whitey is over" (Kohan, Heder, & Abraham, 2014). This small win for the Latina women does mark the beginning of a power struggle between the Latina and black minority groups. Vee, a new black inmate, sets out to dethrone the white authority and return the prison to how it was "back in [her] day" when she was in Litchfield years ago (Kohan, Heder, & Abraham, 2014). Vee bullies and threatens anyone in her path, including her followers, in order to propel the group to the top of the prison food chain. She starts a cigarette and drug smuggling ring, manipulating and making hollow promises of loyalty to her employees along the way. Her followers want so badly to gain power for themselves and their friends, and they relish in the fleeting rewards Vee throws their way. In season 2 episode 7 ("Comic Sans"), when one of the white meth head inmates, Angie, cleans Cindy's bunk in exchange for a cigarette, Cindy revels in the situation, making Angie also shine her shoes before she gives her the cigarette. Lying on her bunk watching Angie clean, Cindy boasts, "You know, karma-wise, you people had this coming" (Kohan, Hess, & McCarthy, 2014). The group's place at the top, however, is short-lived. Vee's manipulative, self-serving actions eventually catch

up to her; her followers turn on her, and, in season 2, episode 13 (“We Have Manners. We’re Polite”), an escaping inmate runs over and kills Vee while she is walking on the side of the road (Kohan & Makris, 2014).

Each group, as a matter of loyalty, appears prejudiced against all the other racial groups. Even acts of kindness between two individuals of opposite groups do not occur without explanation. For example, in season 1, episode 4 (“Imaginary Enemies”), Gloria (a Latina inmate) shares a moment with Alex (a white inmate), commiserating that they have not really left high school, behavior-wise, only to then say loudly so everyone else can hear, “And don’t be talking to me, white girl!” (Kohan, Lennon, & Trim, 2013). Vee’s second-season power struggle causes even more tension between the groups. In season 2, episode 5 (“Low Self Esteem City”), the black and Latina groups begin a race war that starts due to fighting over bathrooms. The Latina women try to use the black bathroom because their own bathroom is flooded; Vee will not allow it, and words and punches ensue (Kohan & McCarthy, 2014). Following that, the black inmates tie all the Latina inmates’ shoes together to make them late for work, and then the Latina women (now in charge of the kitchen) oversalt the black women’s food (Kohan & McCarthy, 2014). Both groups commit self-sabotage via over-the-top antics that are meant to be humorous but ultimately ineffective. Such immature antics seem to highlight that no matter what either group does, they will never really overthrow the white inmates. The fact that the

white group automatically has power without even having to partake in this back and forth reinforces racial hegemony.

Stereotypes. Both shows reference common stereotypes of black, white, Hispanic/Latino, and Asian ethnicities. Some of these include the “sapphire,” an angry black woman; the vapid white woman; and the Latina “vamp,” or sexually promiscuous woman. Not only do both shows reference these and other stereotypes, but *Orange Is the New Black* also relies heavily upon them for characterization. One of the inmates is literally defined by her race—everyone calls her “Black” Cindy, although there is no “White” or “Latina” Cindy. The most common stereotype of black people in the show is the angry black woman trope. Black inmates on the show are largely portrayed as quick to upset and disrespectful of authority. For example, in season 1, episode 4 (“Imaginary Enemies”), Joe Caputo, the head correctional officer, confronts the prisoners doing electrical work because a screwdriver has gone missing. Janae, a black inmate, is the first to pipe up, shouting, “I don’t like being threatened for something I didn’t do” and, directed to the guard in charge, “Yo, don’t be tryin’ to pass the buck on to me, it’s your fuckin’ job!” (Kohan, Lennon, & Trim, 2013). The guards talk down to them using racist language, including one of them telling Janae how to do a task and, when she does it, saying that “the monkey can dance” and making monkey noises (Kohan, Lennon, & Trim, 2013). In another instance, in season 1, episode 2 (“Tit Punch”), guard Caputo tells the

only black woman in the new inmate orientation, “No baggy hip-hop pants. Yes, I’m looking at you” (Kohan, Ramirez, & Briesewitz, 2013).

The inmates also have their own stereotypes, including the white and Spanish inmates’ idea that black people are all addicted to heroin (Kohan, Jones, & McCarthy, 2013b), that they are stupid and lazy, and that black men are well-endowed (Kohan, Morelli, & Trim, 2013). Black inmates also reference stereotypes against themselves; when inmate Taystee is up for parole in season 1, episode 7 (“Blood Donut”), her friends encourage her to make her hair look like the “black best friend in the white girl movie” (Kohan, Hess, & Penn, 2013). In the same episode, Janae ends a quasi-friendship with Yoga Jones, an older white hippie, telling her, “I don’t feel like being your token black friend” (Kohan, Hess & Penn, 2013).

Most stereotypes against white people in *Orange Is the New Black* have to do with white privilege, which Piper is often accused of having. Poussey and Taystee (both black inmates) have a running bit where they impersonate two white women, “Mackenzie” and “Amanda,” in affected, snobbish voices. In one conversation, in season 1, episode 6 (“WAC Pack”), they mention health care, documentaries, sushi, veganism, yoga, wine tasting, NPR, hedge funds, and side-swept bangs (Kohan, Morelli, & Trim, 2013). These conversations become a coping mechanism when the two reconcile after a huge fight in season 2, episode 13 (“We Have Manners. We’re Polite”); Taystee does not want to rehash the fight, so Poussey suggests they do so in their white women personas (Kohan &

Makris, 2014). Ultimately, the show's stereotypes against white women revolve around them being superficial and without real-life problems.

Stereotypes against Hispanic/Latino people in *Orange Is the New Black* include that they are superstitious; that they all want to come to America; and, when they do, that they live in cramped conditions and want to take all Americans' jobs. When a chicken is on the loose in the prison yard in season 1, episode 5 ("The Chickening"), Red suggests that the Latina women, if they caught the chicken, would "just cut [its] throat and drink its blood or something else superstitious" (Kohan, Jones, & McCarthy, 2013b). Gloria lives up to that superstition by dabbling in spiritualism and magic; she is the one her fellow Latina inmates go to for magical remedies and curses (Kohan, Heder, & Trim, 2013; Kohan & McCarthy, 2014; Kohan & Makris, 2014). In season 1, episode 6 ("WAC Pack"), when discussing the fact that each race votes for a member of her own race for the Women's Advisory Council, Piper suggests that method is ineffective because not all Hispanic people, for example, want the same thing. Lorna responds, "Sure they do. They all want to come to America. . . . I know because my neighborhood is near them. They live, like, twenty people to one apartment. They have more kids than even the Irish. The men like their women with big titties, big asses. They're dirty, they're greasy, their food smells nasty, and they're taking all our jobs" (Kohan, Morelli, & Trim, 2013).

Compared to *Orange Is the New Black*, racial stereotypes in *How to Get Away with Murder* are less overt and less central to the storyline. As for black

stereotypes, in season 1, episode 7 (“He Deserved to Die”), Wes, one of Annalise’s interns, notes that people always expected him to be good at basketball when he was little because he is black (Nowalk, Leonard, & Stoltz, 2014). In season 1, episode 2 (“It’s All Her Fault”), another intern, Asher, suggests that Wes is Annalise’s secret baby, and his fellow intern Michaela calls Asher out for perpetuating the idea that all black people are related (Nowalk & D’Elia, 2014). As for other stereotypes, in season 2, episode 8 (“Hi, I’m Philip”), Annalise’s employee Frank calls Laurel, his on-again, off-again girlfriend and another of Annalise’s interns, a “MAP . . . Mexican American Princess” (Nowalk, Saracho, & Getzinger, 2015). Frank himself embodies an Italian mafia hitman stereotype. Annalise counts on Frank to take care of situations for her; she never explicitly tells him what to do, but later we find out that he engages in bribery (Nowalk, Saracho, & Getzinger, 2015), blackmail (Nowalk & D’Elia, 2014), planting evidence (Nowalk, Foley, & D’Elia, 2014), and even murder (Nowalk & D’Elia, 2015a). In season 2, episode 6 (“Two Birds, One Millstone”), Laurel meets Frank’s family, and the stereotype is complete with Italian accents, spaghetti for dinner, and plenty of wine to go around for the big, rowdy family (Nowalk, Foley, & Listo, 2015).

The racial tensions between the various tribes in *Orange Is the New Black* and the stereotypes in both shows are arguably meant to raise awareness of racial inequality. The show’s producers use a comic frame to overemphasize tensions and stereotypes that still exist on some level in the real world. Stereotypes in

How to Get Away with Murder, on the other hand, are much less central to the storyline. When they are stated explicitly, as with the stereotypes Wes and Laurel experience, the audience is aware of the injustice. However, Frank's stereotypical characterization is more hegemonically constructed; his entire character is reduced to a few simple traits and repeated actions.

Gender Roles

Both shows display discourses of largely traditional gender roles, with men exhibiting more stereotypically masculine traits and women exhibiting more stereotypically feminine traits. Even LGBT characters often conform to stereotypical gender roles.

Masculinity. Male characters, especially in *Orange is the New Black*, appear to feel pressure to act in traditionally masculine ways. The male guards are a prime example. George Mendez, better known as “Pornstache,” is characterized as lewd, unpredictable, and corrupt. He leads a drug ring in the prison and accepts sexual favors from inmates as payment; when he forces inmate Tricia to distribute drugs for him, it leads to her overdose and death in season 1, episode 10 (“Bora Bora Bora”) (Kohan, Jones, & McCarthy, 2013a). Pornstache also has an ongoing battle of wills with the head cook, Red; his tactics in their war include raiding her bunk and confiscating everything in it (Kohan, Morelli, & Makris, 2013) and marking his territory by peeing in her gravy (Kohan, Heder, & Trim, 2013), both of which he does simply because he can. The prisoners are

fully aware that the guards “always win. They’re the ones with the keys” (Kohan, Heder, & Trim, 2013).

Counselor Sam Healy displays traits that he likely thinks make him appear more masculine, as he is clearly threatened by women and female authority. In season 2, episode 7 (“Comic Sans”), he calls Natalie Figueroa, who as executive assistant to the warden is his superior, a “cunt-faced monster” and admits he misses working for a man because “at least when you talked to him, you were talking to a guy” (Kohan & McCarthy, 2014). Healy also goes above and beyond to befriend his colleague, Joe Caputo, by appearing ultra-masculine. When the two are out for drinks after work one night, Healy peppers his side of the conversation with the f word and uses phrases like “side-boob Tuesday” and “Capu-dawg” to address Caputo (Kohan & McCarthy, 2014). Such behavior is a component of what Sink & Mastro (2017) term “hypermasculinity,” or “an exaggeration of *macho* characteristics” including inevitable violence and hardened sexual attitudes toward women (p. 7, emphasis in original).

Even John Bennett, who is characterized as the most gentle and sympathetic of the male guards, feels pressure to conform to more masculine displays of authority, at first to not draw attention to himself and then later because he feels required to. Bennett begins an illicit love affair with an inmate, Daya. Although he acts sympathetic and kind when it is just the two of them, he often plays up acting rough with her when other people are around. Once, in season 1, episode 5 (“The Chickening”), he uses physical force with Daya,

presumably because he catches her trying to barter with another inmate, as a cover for passing her a note asking her to leave him notes by the tobacco shack (Kohan, Jones, & McCarthy, 2013b). Bennett's progression shows him eventually using real force instead, which is arguably driven by Daya's friends, who take advantage of the situation. They blackmail him by threatening to expose his and Daya's relationship unless he smuggles in goods for them from outside the prison. In season 2, episode 7 ("Comic Sans"), after tiring of being under their command, he exerts his authority as a guard to send one of them to solitary confinement, knowing he will be believed over the inmates (Kohan, Hess, & McCarthy, 2014). As though he must continue to prove his power, in season 2, episode 9 ("40 Oz. of Furlough"), he finds a cigarette butt in one of the dorms and loses it—he knocks things over, searches bunks by tearing through them, and yells, "I'm in control! I'm in charge!" (Kohan, Morelli, & Clarkson, 2014).

Overall, men in *Orange Is the New Black* are limited to traditionally masculine gender roles. Pornstache's forceful territorialism and Healy's hypermasculinity set a precedent that Bennett cannot help but succumb to. These drastic depictions are so over-the-top that they must be purposeful and intended to raise awareness of guards' toxic masculinity in women's prisons.

Femininity. Women in both shows seem to either have to act in more stereotypically male ways or have a male significant other to be respected in authority roles. With prison guards in *Orange Is the New Black*, for example, one

of the few female guards, Susan Fischer, is treated and characterized differently than the male guards. Unlike her male counterparts, Fischer initially approaches the inmates sympathetically, acknowledging in season 1, episode 7 (“Blood Donut”) that she also has made bad decisions in her life and just “didn’t get caught. It could’ve been me in here, easy” (Kohan, Hess, & Penn, 2013). At first, she is much more lenient on the inmates, doing things like, in season 2, episode 4 (“A Whole Other Hole”), getting a soda from the vending machine for Rosa, an inmate receiving chemo treatments at a hospital (Kohan, Heder, & Abraham, 2014) and, in season 2, episode 6 (“You Also Have a Pizza”), sympathizing with the kitchen crew about being locked up and away from loved ones on Valentine’s Day (Kohan, Falk, & Anders, 2014). Fischer’s approach changes, however, after her superior, Joe Caputo, instructs her to “maintain your authority, . . . remind them who’s in charge” (Kohan, Hess, & Abraham, 2014). After that conversation, Fischer gives inmate Sister Ingalls a “shot” (a disciplinary slip) for trying to take food out of the cafeteria, even though Fischer has turned a blind eye for the same thing in the past (Kohan, Hess, & McCarthy, 2014). She also gives another inmate a shot for wearing makeup (Kohan, Regnery, & von Scherler Mayer, 2014). Thus, it seems Fischer’s sympathy has no place in the prison if she wants to be granted the same level of respect and authority as her male colleagues. She must act more forcefully and less empathetically in order to be accepted by her male colleagues.

One of Annalise's clients in *How to Get Away with Murder* also has to display more stereotypically male behaviors in order to wield any power in her profession. In season 1, episode 4 ("Let's Get to Scooping"), Marren Trudeau is characterized as the CEO of a stock brokerage firm who came from nothing and "claw[ed] her way to the top of a field notoriously dominated by men" (Nowalk, Green Swafford, & Innes, 2014). She comes off as lewd, brusque, and no-nonsense, presumably because this behavior is the way men gain respect and success in the industry, as literature on the representation of traditional gender roles indicates (Signorielli, 1989; Lauzen, Dozier, & Horan, 2008). Furthermore, Annalise herself is portrayed as a strong, successful woman in her own right; however, she struggles to let her husband, Sam, go even though she knows he is a murderer. She even frames someone else for the murder and replaces wallpaper in their house that could link Sam to an incriminating photograph. When Sam asks why she went to such lengths, she responds, "I need you. Don't you get that? After everything you've done to me, lying to me, screwing that girl, I need you . . . and I love you," (Nowalk, Foley & D'Elia, 2014) and breaks down in tears. Even though Sam cheated on her and killed the girl he was cheating with, and even though Annalise is strong and independent, it seems she cannot survive without a man. On the whole, the female gender roles in both shows seem to be less overt than the male gender roles, and their construction is arguably more hegemonic. It seems as though the show's hegemonic representation of femininity inversely correlates to its deliberately pointed masculinity.

LGBT Conformity to Gender Roles. Even lesbian, gay, bisexual, and transgender characters on both shows often conform to stereotypical gender roles. In *Orange is the New Black*, Counselor Healy is portrayed as homophobic and discriminating against anyone who is not straight. He is known for punishing any gay activity as part of his “lesbian witch hunt” (Kohan, Herrmann, & Trim, 2013) and notes that he has often tried to separate “the butch ones” in their own “little boy’s wing” but management did not approve his requests (Kohan, Heder, & Foster, 2013).

While Healy’s words and actions make his opinions obvious, the way lesbians are presented on the show is less overt. Most of Litchfield’s lesbian inmates are either traditionally feminine (with longer hair and makeup) or traditionally masculine (buzz cut or short hair and no makeup, what the guards call a “stud”). Those characters who could be considered bisexual (inmates Piper and Lorna) have the former feminine characteristics. In this way, lesbians on the show have to conform to one standard—feminine or butch—with little to no middle ground. The producers’ decision not to expand lesbians’ characteristics presents a hegemonically constructed, limited view of sexuality.

Furthermore, the fact that Piper and Lorna are bisexual at all is not overtly discussed. Piper’s relationship with Alex, who she dated years earlier and again while in prison, is referred to as “lesbian activity” by the guards. In season 1, episode 11 (“Tall Men with Feelings”), Healy punishes Piper for such activity not only by sending her to solitary confinement but also by calling her fiancée,

Larry, and telling him about Piper and Alex's relationship (Kohan, Morelli, & Makris, 2013). Throughout the rest of the show, Piper's sexual fluidity is hardly mentioned at all. She is either with a man or with a woman, and her bisexuality is not a factor at that point. Lorna, on the other hand, refuses to acknowledge her feelings for Nicky, her fellow inmate and friend who she has sex with occasionally. Lorna pretends that her relationship with Nicky purely meets her physical needs and that she is still straight. Overall, bisexuality does not seem to be an option, or even a discussion topic, for characters on *Orange Is the New Black*. Both the characterization of lesbians and the invisibility of bisexuality relates to the show's decision to use a cisgender perspective to appeal to its intended audience (O'Sullivan, 2016). This choice results in hegemonic stereotyping that fits into heteronormative standards.

One of the few gay or lesbian characters on *How to Get Away with Murder* also seems to conform to traditional gender roles, even if this occurs in shifting ways throughout the show. Connor, one of Annalise's interns, is first characterized as a playboy who cannot commit to one partner. He often sleeps with people related to Annalise's cases in exchange for information or evidence, or to trick the other side into losing. By "screwing evidence out of [people]," Connor helps the team win and helps himself gain Annalise's favor (Nowalk, Stockstill, & Hardy, 2014). It could be argued that he is disrupting the female trope of sleeping one's way to the top, but unlike his female colleagues, who

often use their looks to get their way, Connor is not chastised for his behavior. Because he is a man, his sexual promiscuity is largely uncommented on.

However, Connor's behavior changes toward the end of the first season and arguably conforms to the heteronormative standard of monogamy. Up until this point, Connor has made no apologies for having multiple sexual partners or shown any indication of wanting to change his behavior. However, in season 1, episode 11 ("Best Christmas Ever"), he suddenly decides that he wants to be exclusive with one of his conquests, Oliver, who he slept with in exchange for Oliver hacking into various information systems for Annalise's benefit. Connor even turns down his sister's offer to set him up with someone at a Christmas party (Nowalk, Bellomo, & Katleman, 2015). From that point forward, Connor is devoted to Oliver. By going from one extreme to the other, Connor now seems to conform to the monogamy that tends to accompany traditional gender roles. Both Connor's original promiscuity and his subsequent monogamy are naturalized as matter of fact; therefore, they are hegemonic constructions that help perpetuate heteronormative ideals.

Class Divisions

Class, or socioeconomic status, is closely linked with race, and *Orange Is the New Black* and *How to Get Away with Murder* showcase discourses of the power of the (mainly white) upper class and the impossibility of upward mobility for the (mainly minority) lower class.

Power of the Upper Class. *Orange Is the New Black*'s Piper is the show's central example of the stronghold of the upper class. Piper is characterized as overprivileged and carefree; before prison, she traveled often and worked little, if any. Once in prison, the special treatment continues, with Counselor Healy taking her side on many issues, including helping her receive furlough when her grandmother dies in season 2, episode 8 ("Appropriately Sized Pots"), although no one else has ever been granted furlough before (Kohan, Regnery, & von Scherler Mayer, 2014). Natalie Figueroa, executive assistant to the warden at Litchfield, receives special treatment as well; even after committing fraud and embezzlement, she is allowed to leave her employment quietly with a letter of recommendation because of her husband's political and financial power (Kohan & Makris, 2014). Thus it appears that familial wealth and political clout allow these women to get what they want in life without much effort or thought.

Being in the dominant class comes with certain advantages; Piper and Natalie Figueroa are both examples of this. Although it is not structured by amount of wealth, the prison hierarchy in *Orange Is the New Black* demonstrates this as well. During the shift in head cooks from Red to Gloria, Gloria realizes the power that comes with the position, including getting to take over a different bathroom and forcibly removing another inmate from the shower so she can use it (Kohan & McCarthy, 2014). At the same time, Red finds herself alone, without the friends she now realizes were only friends with her because of the position's perks (Kohan, Heder, & Abraham, 2014). She is unable to live without the power

and finds a new way to get contraband into the prison through the garden, which will secure her another position of power in the prison (Kohan, Falk, & Anders, 2014). This demonstrates the addictive nature of power; once one has it, it is hard to live without it.

How to Get Away with Murder includes much of the same undertones of upper-class power. Intern Asher has led an effortlessly privileged life due to his father's federal judicial appointment. Asher too receives special treatment, in the form of a plea deal that the average person would not receive, because of his powerful father (Nowalk, Robinson, & Williams, 2015). Furthermore, Annalise claims to praise using power to help the less fortunate, giving Wes the trophy for "standing up for the pawns" in the Lila Stangard murder trial (Nowalk, Fresco, & Zisk, 2014). However, Annalise's actions contradict these claims; the vast majority of her clients are rich people wanting to buy their way out of murder. Annalise has no qualms about defending the powerful, guilty upper class and maintaining their status as such.

Impossibility of Mobility. Both shows suggest not only the difficulty of relinquishing power, but also the difficulty of obtaining it. In *Orange Is the New Black*, a flashback in the episode season 1, episode 2 ("Tit Punch") shows Red, at her husband's suggestion, trying to befriend higher-status women in the community. Although the women humor her at first, they eventually humiliate her, calling her "without culture." Talking to her husband later, Red realizes that "no matter how hard you try and how much we want it, there's the people who

serve the bread and the people who eat the bread” (Kohan, Ramirez, & Briesewitz, 2013). *Orange Is the New Black* further demonstrates, but ultimately diminishes, the impossibility of mobility through another one of Piper’s mishaps. In season 2, episode 1 (“Thirsty Bird”), Piper is sent to a different prison to testify in a trial relating to her original trial, and her new cellmate runs cockroaches with cigarettes to other inmates and sends the money she makes home. Piper accidentally steps on and kills the prize cockroach; though she promises to do so, she never replaces the cockroach (Kohan, Herrmann, & Foster, 2014). Obviously Piper does not understand such poverty or the ingenuity required just to make ends meet, nor do we witness any such revelation.

How to Get Away with Murder confronts the impossibility of class mobility with the appearance of Annalise’s mother in season 1, episode 13 (“Mama’s Here Now”) (Nowalk, Green Swafford, & Listo, 2015). Although Annalise is a powerful lawyer with a nice house and a polished appearance, her mother, complete with her country accent, relishes in reminding Annalise of her humble beginnings. She refuses to call her Annalise, in fact, and we discover Annalise renamed herself in lieu of her given name, Anna Mae. The reappearance of Annalise’s mother proves that even seemingly successful attempts to escape the lower class are fruitless; one can never truly escape, especially if they have left others behind there.

Discourses of class in both shows are presented as matters of course. The dominant group’s authority and impossibility to achieve are underlying yet

pervasive concepts that contribute to a hegemonic ideology of white, upper-class dominance.

Power Dynamics Within *Orange Is the New Black* and *How to Get Away with Murder*

The following discourses evident in *Orange Is the New Black* and *How to Get Away with Murder* relate specifically to how power functions with regard to race, sexuality, and corruption in the shows' depictions of the criminal justice field.

Race and Power

In both *Orange Is the New Black* and *How to Get Away with Murder*, the relationship between race and the criminal justice system is defined by “rewards” and “punishments” based on race and the normalization of racism. The surface-level authority figures in both shows are evident in the basis of each show. In *Orange Is the New Black*, the female prisoners are largely at the mercy of their mostly white, mostly male security guards. In *How to Get Away with Murder*, attorney Annalise Keating, a black woman, struggles against the white-male-dominated criminal justice system.

Race-based Rewards and Punishments. Rewards and punishments in *Orange Is the New Black*, often bestowed by the correctional officers, are largely influenced by race. As mentioned above, Piper is the only inmate granted furlough, even though many other inmates have been denied furlough for events just as or more significant than the death of Piper's grandmother (Kohan,

Regnery, & von Scherler Mayer, 2014). Piper is obviously granted furlough at least partly because she is a rich white woman, but besides Piper's tirade about being harassed by other inmates because "white privilege win[s] again," the show glosses over that fact (Kohan, Regnery, & von Scherler Mayer, 2014). In season 1, episode 10 ("Bora Bora Bora"), both Piper and Poussey are caught running in the yard, but Poussey gets sent to solitary confinement while Piper does not; Poussey brings up the fact that Janae got sent to solitary for talking back to a guard but Pennsatucky gets by with damaging the chapel with no repercussions (Kohan, Jones, & McCarthy, 2013b). In both cases, the fact that Piper and Pennsatucky are white and Poussey and Janae are black clearly figures into the guards' disciplinary decisions. The guards in these situations are all white, but black inmates are well aware that black authority figures are not on their side either. In season 2, episode 5 ("Low Self Esteem City") when Cindy gets a shot for calling a black guard "sister," Poussey chastises her, telling her she knows better than that (Kohan & McCarthy, 2014). When Taystee is up for parole in season 1, episode 7 ("Blood Donut"), the black inmates speculate that any black people on the parole board will be harder on her to show they have no bias (Kohan, Hess, & Penn, 2013). Overall, the producers make it clear that the white inmates are rewarded more and the minority inmates are targeted more for punishments, in order to raise awareness of inequality between races.

How to Get Away with Murder also exhibits race-based rewards and punishments. Like Piper in *Orange Is the New Black*, intern Asher receives

rewards based on his inherent white privilege. His entire upper-class lifestyle, bought by his father's judge's salary, "came at the expense of another man's life" (Nowalk, Foley & D'Elia, 2014). His father received a federal judicial appointment based on a case where he was aware that a black man was wrongly convicted because he was black. In season 1, episode 6 ("Freakin' Whack-a-mole"), Connor notes that it's probably "not the first instance the Kennebunkport Millstones have profited off other people's misfortunes" (Nowalk, Foley, & D'Elia, 2014). This statement proves true when Asher's dad sets Asher up with a plea deal in Sam's murder trial; if the deal goes through, Asher will receive immunity in exchange for testifying (Nowalk, Robinson, & Williams, 2015). Regarding punishments, on the other hand, when Nate, Annalise's boyfriend, is on trial for Annalise's husband's murder in season 2, episode 1 ("It's Time to Move On"), his lawyer tells him upfront that he will likely be convicted, "what with the whole 'black man accused of killing the white husband' thing" (Nowalk & D'Elia, 2015b). In these instances, the show clearly uses stereotypes to bring attention to society's harsh injustices.

Normalization of Racism. Although both shows use blatant stereotypes to shed light on real-world racial inequalities, they also contribute to the normalization of racism on other levels. *Orange Is the New Black* misses opportunities to confront the way the criminal justice system treats minorities, especially black men and women. Although the board grants Taystee parole in season 1, episode 8 ("Moscow Mule") (Kohan, Ramirez, & Abraham, 2013) her freedom is short-

lived; she returns to prison only four episodes later in season 1, episode 12 (“Fool Me Once”) (Kohan, Hess, & McCarthy, 2013). The details of how she was convicted again are unclear, but her life outside of prison consisted of living on the floor of her cousin’s apartment, working part-time at Pizza Hut, and being \$900 in debt to the prison (Kohan, Hess, & McCarthy, 2013). While the show tackles recidivism and the cycle of imprisonment, it never explicitly talks about the realities of race in that equation. In another instance, in season 2, episode 12 (“It Was the Change”), a flashback demonstrates that Vee, after finding out her friend RJ is stealing her drug clients, has her corrupt cop friend stage RJ’s killing, knowing no one will question it when the cops say he was an armed black man (Kohan, Hess, & Abraham, 2014). Like Taystee’s return to prison, the show glosses over this fact as well; the arc says more about Vee’s ruthlessness and less about the injustice of RJ’s death.

How to Get Away with Murder does more to bring the normalization of racism to light; although the various instances of racism are ultimately accepted as a hard truth, they are acknowledged nonetheless. When Annalise finds footage of her clients’ aunt calling her niece and nephew “mongrels, . . . Orientals, [and] mulattos” in season 2, episode 5 (“Meet Bonnie”), the judge does not acknowledge the racism and allows the aunt’s testimony against the siblings, Catherine and Caleb, to stand. Catherine confronts the judge, who is black, and the judge responds, “Unfortunately, I do get it. But the law is the law. It’s my job to uphold it, no matter my personal feelings” (Nowalk, Thompson, & Cragg,

2015). In another episode (season 2, episode 11, “She Hates Us,”), Annalise’s client is on trial for the murder of his friend; both client and victim are minorities, and even though the victim’s mother shows forgiveness and begs for a lesser sentence for the defendant, he is ultimately found guilty. During the trial, Annalise begs the judge to “show our colleagues that we need to stop blaming the defendants and start blaming ourselves for a system that tears apart families by incarcerating every man of color that steps foot in the courtroom” (Nowalk, Harrison, & D’Elia, 2016). Unlike in *Orange Is the New Black*, Annalise’s speech places the blame for black recidivism on a racist system. However, Annalise uses the harsh realities of racism to her advantage, which confuses the original message. In season 1, episode 5 (“We’re Not Friends”), when another one of her clients kills his cop father and Annalise uses a self-defense approach, she uses the fact that black Americans statistically have a greater distrust of cops to her advantage in picking the jury (Nowalk, Bellomo, & Listo, 2014). Thus, *How to Get Away with Murder* characterizes a fundamentally prejudiced criminal justice system that functions with the underlying complicity of the very people it prejudices.

Sexuality and Power

Both shows relate sexuality and power in similar ways—with using sex as domination being mainly a male behavior with the intent to punish, using sex as a weapon being mainly a female behavior with the intent of personal gain, and the normalization of sexual deviancy.

Sex as Domination. Male characters in both *Orange Is the New Black* and *How to Get Away with Murder* use sex as a form of power over female characters. In *Orange Is the New Black*, guard George Mendez (“Pornstache”) exerts such power in most of his dealings with Litchfield’s inmates. On one of Piper’s initial days in the prison, in season 1, episode 3 (“Lesbian Request Denied”), he purposefully watches her undress from an open door. His demeanor and stance positions him as a predator and Piper (along with the other inmates in the room) as prey (Kohan, Heder, & Foster, 2013). There are no physical boundaries for Pornstache; for example, in season 1, episode 5 (“The Chickening”), he tucks a piece of hair behind inmate Pennsatucky’s ear while calling her a “missed opportunity for cradle death,” implying both disgust and desire on his part (Kohan, Jones, & McCarthy, 2013b). His behavior goes beyond awkward and inappropriate—he is also predatory and vengeful. He establishes a drug ring in the prison, providing inmates drugs in exchange for sexual favors, even though prisoners cannot legally consent to sex (Kohan, Heder, & Foster, 2013). In season 1, episode 8 (“Moscow Mule”), while escorting Lorna, the inmate van driver, on a trip, he instructs her to pull the van over and threatens to rape her unless she tells him how Red gets contraband into the prison (Kohan, Ramirez, & Abraham, 2013). Pornstache gets by with abusing his power in these ways for much longer than he should; he is finally reprimanded for having sex with Daya, and even then only receives leave without pay (Kohan, Hess, & McCarthy, 2013) and eventually returns to his position (Kohan, Morelli, & Clarkson, 2014).

Pornstache is not the only guard who uses sexual harassment as a form of punishment. The male guards are known for “coppin’ a feel” when performing searches of inmates, and inmates who refuse are taken to solitary confinement until a female officer can be located to do the search (Kohan, Lennon, & Trim, 2013). Piper is at the receiving end of many lewd remarks—such as the guard Lushek suggesting she take “[her] top off and [rub] up against it” to fix a broken dryer (Kohan, Ramirez, & Abraham, 2013) or a random guard telling her to “get your flat ass on the bus” (Kohan, Herrmann, & Foster, 2014). Even the guard Bennett and inmate Daya’s relationship, while seemingly consensual on Daya’s part, can never be legal because she cannot legally consent. Overall, the guards can say and do what they want, from making sexually derogatory comments to wielding their power to sexually dominate the female inmates. This power is constructed in a way that seems aimed at raising audience awareness for similar real-world issues.

Male sexual domination is not as explicit in *How to Get Away with Murder*. Annalise’s employee Frank has a history of “screwing the students” who work for Annalise (Nowalk & D’Elia, 2014). By sleeping with Laurel, one of Annalise’s interns, because he is her superior, their relationship is ethically dubious at best. Furthermore, Annalise knows all about Frank’s trysts with her students, telling him in a flashback that is at least ten years in the past to “stop rubbing up on the interns” (Nowalk, Harrison, & D’Elia, 2016). Obviously, Frank’s behavior has not changed in the interim ten years, and Annalise has not

reprimanded him for it; in fact, Frank is now her right-hand man. By keeping Frank on and being complicit to his sexual indiscretions, Annalise is essentially rewarding his behavior. *How to Get Away with Murder*'s depiction of this issue is arguably much more hegemonic than *Orange Is the New Black*'s overt construction.

Sex as a Weapon. While men in both shows tend to use sex as a form of domination, women in both shows are portrayed as using sex as a tool of manipulation. In *Orange Is the New Black*, for example, in season 2, episode 13 (“We Have Manners. We’re Polite”), Natalie Figueroa, executive assistant to the warden, is worried about her job, so she performs oral sex on her colleague, Joe Caputo, in hopes of earning his sympathy and allegiance. Afterward, he tells Fig that he already gave incriminating files to the warden, so her efforts were in vain (Kohan & Makris, 2014). Fig is fired, but, as mentioned above, her career will recover only because of her husband’s social capital.

Using one’s sexuality for personal reward seems to be more effective for women in *How to Get Away with Murder*, with Annalise usually the instigator in such transactions. In season 2, episode 4 (“Skanks Get Shanked”), Annalise rewards her intern Michaela with a “special assignment”—to see if the team’s two new clients, an adopted brother and sister, are having sex. Annalise tells Michaela she is sending her because “you’ve got boobs. A brother not screwing his sister should respond to them” (Nowalk, Robinson, & Williams, 2015). Later, in season 2, episode 8 (“Hi, I’m Philip”), when the brother, Caleb, threatens to

take a plea deal Annalise does not want him to take, Annalise tells Michaela, “It’s time to break out the boobs again. Go . . . convince him not to take the deal” (Nowalk, Saracho, & Getzinger, 2015). Caleb eventually catches on to the tactic, asking Michaela, “Did [Annalise] teach you how to do this? How to act the whore and play people?” (Nowalk, Harrison, & D’Elia, 2016). Annalise also accuses her other female intern, Laurel, of “letting the men think for you” only to, in the same episode, coach Laurel to use her sexuality for Annalise’s benefit. In another episode (season 2, episode 7, “I Want You to Die”), Annalise has Laurel flirt with a doorman to trick him into coming into the courtroom so Annalise can question him (Nowalk, Leonard, & Bray, 2015). Therefore, it seems that Annalise’s attempts at encouraging female empowerment are overshadowed by her conflicting instructions to use sexuality for professional gain.

How to Get Away with Murder also has a running theme of women as temptresses who are responsible for the downfall of a man. When Wes first starts working for Annalise, his fellow interns call him “the puppy”—an apt description that implies a youthful naivete (Nowalk & D’Elia, 2014). At the end of the first season, Annalise reflects on Wes’ change in character—he has now, with the help of the rest of the group, killed a man and is trying to cover up the murder, all mainly out of love for his girlfriend Rebecca and a need to please Annalise. In season 1, episode 15 (“It’s All My Fault”), Annalise tells Rebecca, “He came to us so innocent. . . . But now he’s grown up. You and I have made

him grow up (Nowalk, & D'Elia, 2015a). This allusion to the loss of innocence and women as the bearer of original sin is repeated with Asher, another of Annalise's interns. Asher is portrayed as blissfully ignorant of the way the world works, largely due to his rich and powerful father and the lifestyle that accompanies that. Annalise had promised Asher that she would not go after Asher's father, but Annalise changes her mind in season 2, episode 6 ("Two Birds, One Millstone"), when she becomes afraid Judge Millstone will come after her first. Annalise defends her actions against Asher and his father, saying, "That was before. . . . He has to grow up sometime" (Nowalk, Foley, & Listo, 2015). It seems Asher's loss of innocence is complete when he impulsively runs over and kills District Attorney Emily Sinclair (Nowalk, Foley, D'Elia, 2015)—something the old Asher arguably could never do.

Similarly, women in the show are shamed for expressing any sort of sexuality, while their male counterparts are not. In season 1, episode 7 ("He Deserved to Die"), when both Rebecca and Griffin, Lila's boyfriend, are accused of Lila's murder, Rebecca's picture, not Griffin's, makes all the front pages. The news outlets suggest that Rebecca lured Griffin, a supposedly devout Christian virgin, into sexual relations. Annalise suggests this shaming is a well-known pattern—"everyone knows that it's the woman who gets vilified in these scenarios" (Nowalk, Leonard, & Stoltz, 2014). While this scene sheds some light on the issue, later events downplay how women are shamed and indicate support for hegemonic gender norms. In season 2, episode 2 ("She's Dying"), Annalise

herself is questioned on the stand, when her boyfriend, Nate, is being accused of murdering her husband, Sam. The district attorney asks her multiple questions about the sexual nature of Nate and Annalise's relationship and even insinuates that Annalise is a terrible woman for sleeping with the husband of a stage-four cancer patient (Nowalk, Swafford, & Hardy, 2015). The man's role in this situation is severely downplayed, and the woman receives the brunt of the blame and punishment.

The examples in both shows indicate support for problematic representations of women in the criminal justice field. Overall, female sexuality in both shows is constructed in ways that perpetuate male hegemony.

Normalization of Sexual Deviancy. While other aspects of sexuality are naturalized, both shows purposefully address aspects of sexual deviancy that promote traditional gender roles of men being unable to resist women and thus having power over women. For example, in season 2, episode 12 ("It Was the Change"), inmate Maria in *Orange Is the New Black* acknowledges that her boyfriend will find another woman who her baby will be calling "mommy" by the time her six-year sentence is over. She justifies his actions by saying, "Men can't help it. They're weak" (Kohan, Hess, & Abraham, 2014). This portrays men as helpless to resist women, again putting blame on women and relieving men of any blame or accountability for their actions.

How to Get Away with Murder takes it a step further by implying that men are predisposed to abuse and that women have no power to stop it and

cannot expect society to avenge men. When Annalise's mother comes to visit her in season 1, episode 13 ("Mama's Here Now"), we discover that Annalise's uncle raped her when she was little, and Annalise never realized her mother knew about it. Her mother reveals that she purposefully burned the house down with the uncle inside as punishment for the rape—presumably because she lacked faith in the justice system. However, Annalise's mother justifies the uncle's actions, saying, "Men were put on this planet to take things. They take your money, they take your land, they take a woman, and any other thing they can put their grabby hands on. That's men. And women, they're made to give love, to nurture, to protect, to care for. That's women" (Nowalk, Green Swafford, & Listo, 2015). Drawing such hard lines between genders gives men power to punish women with the false justification of genetic predisposition. Furthermore, by letting Annalise believe she knew nothing about the rape, Annalise's mother taught her daughter that the only way to deal with the emotional fallout of sexual abuse is to ignore the issue. Both shows, thus, call attention to society's tendency to rationalize male sexual deviancy.

Corruption in the Criminal Justice Field

The corruption in the criminal justice system is showcased in both *Orange Is the New Black* and *How to Get Away with Murder*. Discourses of corruption in the shows include prisoners' lack of civil rights, as well as a system defined and ruled by bribery and bias.

Civil Rights in Prison. *Orange is the New Black* provides a glimpse into the punishment aspect of the criminal justice system. The show's producers use the prison setting to illuminate prisoners' lack of civil rights, especially as it relates to money and feasibility. In season 1, episode 3 ("Lesbian Request Denied"), the prisoners are denied access to the running track due to budget cuts (Kohan, Heder, & Foster, 2013), and the sub-par quality of the food and bathrooms with constant sewage problems are both running issues throughout the show. Sophia Bureset, a transgender inmate, finds her hormone dosage has been changed and is now insufficient because the "whole prison is going generic" (Kohan, Heder, & Foster, 2013). In season 2, episode 7 ("Comic Sans"), another inmate, this one elderly and physically and mentally ill, is granted "compassionate release"—she is dropped off at the bus station and left to die—because the prison refuses to pay for her medical care (Kohan, Hess, & McCarthy, 2014).

The prisoners are even denied civil rights that do not cost money. In season 2, episode 11 ("Take a Break From Your Values"), Piper is given permission to start a prison-wide newsletter, *The Big House Bugle*, under the direction of Counselor Sam Healy. However, the publication is short-lived; Natalie Figueroa, executive assistant to the warden, discovers that Healy let the inmates publish their hunger-strike demands and revokes her permission. When Sister Ingalls protests that her fellow inmates have the right to free speech, Figueroa responds, "You did and then you broke the law . . . This little experiment in free expression, Waldorf-style prison is over" (Kohan, Jones, &

Makris, 2014). Joe Caputo, the head correctional officer, sums up how the prisoners are treated in season 1, episode 12 (“Fool Me Once”). When instructing a new correctional officer on how to instill authority over the inmates, he suggests, “It helps if you don’t use their names. Just say ‘inmate’ like they’re all the same to you. It reminds them that they’re not really people. . . . They are sheep. . . . They’re not like you” (Kohan, Hess, & McCarthy, 2013).

Bribery and Power. Another way the guards in *Orange Is the New Black* exert power over the inmates is through bribery. Counselor Healy especially has such a relationship with the inmates assigned to him. The first example of this occurs in season 1, episode 2 (“Tit Punch”) when inmate Taystee snitches to Healy about Red, the head cook, who is refusing to serve Piper real food and instead gives her a used tampon. In exchange for this information, Healy gives Taystee candy, as he promised he would (Kohan, Ramirez, & Briesewitz, 2013). Healy later buys another inmate’s silence when he fails to break up a fight between Piper and another inmate, Pennsatucky. In season 2, episode 2 (“Looks Blue, Tastes Red”), Pennsatucky threatens to tell his superiors on him, and in exchange he offers to get her a new set of teeth (the first of which were destroyed by meth) (Kohan & Trim, 2014). In both instances, the inmates’ rewards are fleeting; although they get what they want in the moment, they are ultimately at the mercy of Healy and are left with no bargaining power.

The inmates also receive bribes instead of other changes that could initiate prison reform. In season 1, episode 7 (“Blood Donut”), the newly elected

Women's Advisory Council meets with Healy, ostensibly to request concessions for the inmates they represent. Healy, however, starts the meeting off by giving them donuts as "a small token of [his] esteem," with the condition that they will not tell anyone unless they do not want to get any more bear claws. After listing the changes they would like to see in the prison (preventative health care, reopening the closed running track, and education), Healy indicates that he can do his best to accommodate their concerns, but in exchange they will not be able to have donuts at their meetings. The council automatically chooses donuts over the larger concerns (Kohan, Hess, & Penn, 2013). In season 2, episode 2 ("Looks Blue, Tastes Red"), Taystee wins the prison's job fair competition, but instead of winning a job after her release like she thought she would, she gladly accepts ten dollars in commissary credit from Natalie Figueroa instead and forgets about the job (Kohan & Trim, 2014). In season 2, episode 11 ("Take a Break From Your Values"), when a group of inmates tries to initiate a hunger strike, the guards bring in Little Caesars pizza, "the only thing better than getting what you want" (Kohan, Jones, & Makris, 2014). Some of the inmates accept the bribe, and the hunger strike loses its original momentum. In all of these cases, the guards use bribery as a small price to pay for the inmates' complacency. The bribes, like the prisoners' lack of civil rights, seem intended to showcase the harsh realities of prison and its societal function.

Attorney Annalise Keating uses bribery in a similar way to get her interns to do her bidding in *How to Get Away with Murder*. On the first day of class in

the pilot episode, Annalise introduces the “immunity idol” that the “top student” receives and can redeem at any point in the semester to get out of an exam (Nowalk & Offer, 2014). Annalise chooses a winner subjectively and, throughout the first season, the five interns in her law firm (Wes, Laurel, Michaela, Oliver, and Asher) vie for the trophy, as well as the accompanying approval of their professor. They reach a point where it seems they expect validation for their work—after bringing Annalise information in season 1, episode 7 (“He Deserved to Die”), Asher asks, “Don’t we get a prize?” (Nowalk, Leonard, & Stoltz, 2014). In the first episode of the second season, however, Annalise has tired of this system and tells the students the trophy is gone; now they will have to work or get out of her house (Nowalk, Swafford, & Hardy, 2015). When Asher asks what they will win instead, she responds with “my respect” (Nowalk, Fazzio, & Terlesky, (2015). Although the physical totem is gone, the students continue to fight for the reward of Annalise’s favor.

Biased Justice System. Both shows display the subjective nature of the criminal justice system. In *Orange is the New Black*, the guards use the Security Housing Unit (SHU), or solitary confinement, as the ultimate threat of punishment. No one wants to go to the SHU, where inmates are confined to their cells, meals are delivered through a slot in the door, and the lights are on at all times. As a result, many inmates go insane there. Throughout the show, there do not seem to be any hard and fast rules on which offenses merit being sent to the SHU. Criminal activity like stabbing someone results in being sent to SHU (Kohan, Hess, &

Abraham, 2014), but so does back-talking a guard (Kohan, Friedman, & Trim, 2013). In season 1, episode 9 (“Fucksgiving”), Healy sends Piper there for “lesbian activity” with her girlfriend, Alex, because Healy’s mental image of a heterosexual Piper is ruined (Kohan, Heder, & Trim, 2013). Later, in season 2, episode 7 (“Comic Sans”), Bennett uses SHU to exert his authority over inmates threatening to blackmail him (Kohan, Hess, & McCarthy, 2014). Not only do the guards use SHU as a way to exert power over the inmates, but the results often show prejudice as well, as is proven by the previous example of Janae, a black inmate, being sent to the SHU for an offense far less criminal than white inmate Pennsatucky’s offense (Kohan, Jones, & McCarthy, 2013b).

On a larger level, the prison system is influenced and biased by politics. Executive assistant to the warden Natalie Figueroa’s corruption is an example of such influence. In trying to downplay the potential for scandal, in season 1, episode 13 (“Can’t Fix Crazy”), Figueroa tries to bribe the guard Bennett with “incentive pay” of \$130 per month to not talk about drugs that almost entered the prison (Kohan, Herrmann, & Trim, 2013). In season 1, episode 12 (“Fool Me Once”), in order to stop the prison’s accountant from asking further questions about overlaps in the budget, she invites him to her husband’s fundraiser for his senatorial run (Kohan, Hess, & McCarthy, 2013). Overall, *Orange is the New Black*’s subjective use of solitary confinement and political corruption seem intended to highlight real problems within the U.S. prison system.

How to Get Away with Murder also displays politicians being above the law. In season 1, episode 6 (“Freakin’ Whack-a-mole”), Annalise finds that a state senator, Art Trucco, is responsible for the murder her client is on trial for. In the process of developing land, the senator displaced thousands of people in low-income housing, had the loudest member of the opposition murdered, framed her boyfriend for the murder, and bought one of his tenant’s testimony to say she saw the boyfriend with a gun (Nowalk, Foley, & D’Elia, 2014). Annalise often points out the unjust nature of politics and the criminal justice system, and does so when questioning Senator Trucco on the stand (Nowalk, Foley, & D’Elia, 2014). In another episode (season 1, episode 15, “It’s All My Fault”), Annalise reminds her students that “there’s no truth in the courtroom. There’s just your version of what happened versus theirs. That’s how the justice system works. It’s not what’s right and what’s fair, it’s who tells the most convincing story” (Nowalk & D’Elia, 2015a).

Annalise frequently calls the system flawed and unjust, claiming to laud “standing up for the pawns” (Nowalk, Fresco, & Zisk, 2014) and making “an unjust system just” (Nowalk, Foley, & D’Elia, 2014), and these statements seem to be conscious attempts to expose the justice system’s flaws. However, Annalise’s methods of interacting with the system are dubious at best, and illegal at worst. She regularly blackmails the police and the district attorney and sends her employees and student workers to do dirty work like, in season 2, episode 8 (“Hi, I’m Philip”), promising a DNA specialist \$50,000 to get her to expedite

their case (Nowalk, Saracho, & Getzinger, 2015) or like, in season 1, episode 2 (“It’s All Her Fault”), digging through the trash to find strip club receipts to get someone to lie on the stand (Nowalk & D’Elia, 2014). Thus it seems that no one in the criminal justice system is immune to the appeal of power and getting ahead by any means necessary. Her ethically questionable tactics cannot contribute to the just system she claims to desire, thus suggesting that a truly just system is impossible. This representation is ultimately indicative of the naturalized dominance of a flawed justice system.

CHAPTER SIX: DISCUSSION

This discourse analysis of *Orange Is the New Black* and *How to Get Away with Murder* analyzed intersectional discourses of race, gender, and class within the framework of the criminal justice system's televisual representation, as well as how that relates to who is rewarded and punished and who has the most power. This section dissects the above findings and what the discourses indicate about power, ideology, and hegemony.

The various discourses, or cultural knowledge, in *Orange Is the New Black* and *How to Get Away with Murder* both raise audience awareness of and reinforce hegemonic representations. Especially in *Orange Is the New Black*, certain representations subvert common representations and stereotypes in order to refute them. Many of the producers' choices emphasize current social issues. The inmates are divided into "tribes" along mainly racial lines. The show's hyperaware stereotypes related to both race and masculinity seem intended to highlight the absurdity of racism and toxic masculinity. Punishing minority characters more often and rewarding white characters more often calls attention to real-life racial inequalities. Normalizing sexual deviancy emphasizes the need for stronger punishments for sexual assault. Finally, the show exposes corruption by decrying prisoners' subpar civil rights and rampant bribery and bias.

Orange Is the New Black's representation of punishment in prison reflects real-world criminalization. Racial minorities in the United States are incarcerated and punished disproportionately compared to their white

counterparts. In 2015, black and Hispanic people made up approximately 32% of the U.S. population, but 56% of incarcerated individuals (NAACP, 2018). *The New York Times*' 2015 investigation of state prisons in New York revealed that both black and Latino men were disciplined sometimes as much as twice as often as the white male inmates (Schwartz, Winerip, & Gebeloff, 2016). For women in U.S. prisons, in 2014 black women were imprisoned more than twice the rate white women were imprisoned (109 per 100,000 versus 53 per 100,000, respectively), and Latina women were imprisoned 1.2 times the rate of white women (64 versus 53 per 100,000) (The Sentencing Project, 2015). As for recidivism rates, black inmates are 43.6% more likely to be imprisoned again than other ethnicities (Florida Department of Corrections, 2001). Thus it seems the very justice system meant to protect its citizens fails racial minorities with its inherent prejudice.

Many of the producers' messages depict what this injustice looks like in action. However, other messages within the show provide hegemonic support for the flawed system's dominance. The overall method the producers use to convey their message is the foremost issue. Described by *Orange Is the New Black*'s creator Jenji Kohan as her "Trojan horse," the show's main character, Piper, proves to be a filter for the minority women's stories, thereby diminishing their impact and clouding their truth. Piper is a representative "tourist" in prison (O'Sullivan, 2016) who makes relatable what is foreign to the audience (Gray, 1989). She gives privileged viewers an entry point to follow Piper, their peer,

into prison (Enck & Morrissey, 2016). On the surface, the show is diverse in race, ethnicity, socioeconomic status, sexuality, and gender identity (with the inclusion of a transgender character played by Laverne Cox, a trans woman) (O'Sullivan, 2016). However, the fact that Piper is such a “fish out of water” implies that women like Piper do not belong in prison, simultaneously criminalizing the “Other” (including women of color and the lower class) (O'Sullivan, 2016). The show's representation of class contributes to white, upper or middle class hegemony. Furthermore, the show contributes to the normalization of racism when it misses opportunities to combat recidivism related to race and certain aspects of the black experience.

Even though the show's representation of men and masculinity comes across as over-the-top, its representation of women and female sexuality arguably supports hegemonic gender roles. Women who want to be in power must conform to stereotypically male norms to be taken seriously. Unlike how they portray men, the producers do not draw excessive attention to women's gender roles, thus simultaneously normalizing them. Similarly, LGBT characters conform to heteronormative ideals. Therefore, while *Orange Is the New Black* successfully draws attention to certain contemporary social issues, it is influenced by hegemony on other issues.

How to Get Away with Murder is arguably more influenced by hegemony than *Orange Is the New Black*. *How to Get Away with Murder* calls attention to certain stereotypes, rewards and punishments based on race, sexual deviancy,

and corruption in the criminal justice field. Annalise Keating is a black, female lawyer who often acknowledges the various hardships women and minorities face, making several impassioned courtroom speeches calling for reparative social reform. However, behind the scenes, Annalise's methods of fighting against the biased system are often illegal and immoral, thereby negating any sense of righteousness. Annalise's questionable tactics go above and beyond those used by lawyers on other criminal justice dramas, which mainly show the lawyers finding legal loopholes to manipulate the system in their favor (Corcos, 2003). The mixed messages of outward support for social reform and inward immorality send an ultimate message that the unjust system begets more injustice that does not, and will never, lead to positive change.

Furthermore, Annalise largely fights on behalf of rich, white, male clients, presumably because she knows the system is inherently biased against racial minorities and women. By representing these men, Annalise admits defeat to the system and thus relinquishes any real power. This supports the traditional gender portrayals in which women lack power in the workplace (Atkin, 1991) and particularly in the criminal justice field (McNeely, 1995). Her loss of faith in the system and lack of power suggest that resistance to society's dominant values is futile, and the ultimate winner in the show is the flawed and unjust legal system.

Annalise also creates for her students an environment motivated and rewarded by fear, favoritism, bribery, and exploitation. For the most part, the

rewards and punishments are trivial, but the way she treats her female interns is problematic and supports traditional gender roles. She frequently encourages women to use their sexuality for professional gain, thereby reducing women to a stereotypical sex object. This depiction of women in criminal justice professions relates to DeTardo-Bora's (2009) analysis of women in prime-time crime dramas, which found women in such jobs to be portrayed as younger, more attractive than men, and more provocatively dressed. It also supports Sink & Mastro's (2017) definition of "hyperfemininity," which includes the idea that women exist mainly for the way their sexuality affects men. Such stereotypes and confining gender roles affect viewers' constructions of social reality regarding women's accepted roles in the criminal justice field (Eschholz, Mallard, & Flynn, 2004).

The hegemonic structures at play in both of these shows are important when considering their place in the representation of the criminal justice field. Audiences incorporate these shows into their understanding of the justice system, and studies have shown that shows in this genre are often intended to support social control (McNeely, 1995). The result can be a separation of "good citizens" versus "bad criminals" and can legitimate the system's naturalized authority to punish the criminalized "Other" (Eschholz, Mallard, & Flynn, 2004, p.166). Specifically regarding perceptions of different groups of people, Russell, Schau, and Crockett (2013) note that viewers use the media's narratives to confirm

positions of gender and ethnicity, appropriating what they see to build their own ideas about diversity.

CHAPTER SEVEN: LIMITATIONS AND IMPLICATIONS FOR FURTHER RESEARCH

This discourse analysis of *Orange Is the New Black* and *How to Get Away with Murder* sampled a total of 56 episodes of both shows in order to study the representation of race, gender, and intersectional positions, as well as who was “rewarded” and “punished” to determine the underlying power structures in televised depictions of criminal justice.

There are some limitations for this analysis, including, first and foremost, the sample. This study only examined two seasons of each show. At the time the study began, *How to Get Away with Murder* was only in its third season. *Orange Is the New Black* currently has five seasons, and seasons three through five relied increasingly less on Piper to be the conduit for the minority women’s stories. This is likely due to critical reception that demanded more emphasis on their stories. Further analysis of later seasons of both shows could help determine whether and how the representation of race, gender, and class evolved over the lifespan of each show. Further research could also expand the analysis of race, gender, and class to other shows in the fictional criminal justice realm. This could include shows on all aspects of the criminal justice system: police, legal, and prison dramas. Such analyses could provide insight into the power dynamics at work in this genre, outside of the two shows analyzed here. On a broader scale, further research could include not just fictional depictions of the criminal justice system, but also nonfictional depictions, such as news programming or

reality television related to crime and justice. Finally, this textual analysis provides only a close reading of representation. An audience analysis could provide real data on viewers' interpretations and appropriations of the shows' depictions of the criminal justice field.

CHAPTER EIGHT: CONCLUSION

At least on the surface level, *Orange Is the New Black* and *How to Get Away with Murder* appear to defy the normal depictions of the criminal justice system. Both shows provide strong female main characters and diverse casts. *Orange Is the New Black* allows viewers entrance into a women's prison, whereas previous depictions of prisons have been mainly set in male prisons and defined by hyperviolence and terror (Yousman, 2009). It also highlights women as offenders, as opposed to the genre's tradition of victimizing women (Signorielli, 1989). Annalise Keating in *How to Get Away with Murder* is strong-willed and independent and does not outwardly defer to men, as opposed to previous studies that have found women to have less authority in the criminal justice drama (DeTardo-Bora, 2009). Even behind the scenes, both shows defy the notion of Hollywood as a club for straight, white men (Smith, Choueiti, & Piper, 2015) in that they both have female directors, one of whom is also a woman of color.

However, both shows also conform to the norms of the criminal justice drama genre in various ways. On the whole, fictional depictions of the legal system depend on the idea that justice can triumph perfectly—unlike in the real world, where justice is imperfect because we cannot follow the entire story (Corcos, 2013). The genre also appeals to the audience's need for stability and justice (Corcos, 2013). *Orange Is the New Black* fits that mold by confirming the inmates' rightful place in prison and satisfying the audience's desire to punish

wrongdoers. Although the legal system in *How to Get Away with Murder* is biased and unjust, its power is all-pervasive, which therefore reinforces the idea that its dominance will persist. While certain discourses found in the text illuminate social issues, others reinforce the presence of white male hegemony in the justice system. The two shows portray a criminal justice system that is still biased toward rich, white people, especially men, and against the lower class and people of color, especially women of color.

Even the shows' surface-level diversity, when examined more closely, reinforces a system dominated by white male hegemony. Molina-Guzman (2016) would classify both shows as examples of "exceptionalism" in that they feature "exceptional" minority characters. Although a step in the right direction, such exceptionalism "decrease[s] social and political pressure on Hollywood's gender and racial structures" (Molina-Guzman, 2016, p. 444). Producers of these shows mask the larger issue of unequal racial and gender representation by providing "increasing images of difference rather than structural transformation" (Molina-Guzman, 2016, p. 444). As a result, the outward representations of diversity cover up the underlying problematic power structures. Furthermore, both shows contribute to the invisibility of certain races, which has been a continuing problem on all primetime shows, including criminal justice dramas (Downing, 2013; Miller, 2016). Both *Orange Is the New Black* and *How to Get Away with Murder* focus mainly on white, black, and Hispanic/Latino characters

with little to no representation of other groups such as Asian American, Middle Eastern, or Native American ethnicities.

It is imperative to consider the criminal justice drama genre's representation of race, gender, and power due to its impact and influence on viewers. Society has always been intrigued by the spectacle of punishment, but the increasing images of crime and punishment as entertainment have shaped public opinion on important issues (Novek, 2009). Americans' taste for more and more shows about the criminal justice system has led to the ability "to binge on incarceration" (Novek, 2009, p.377). Novek argues that the 2000s-era increase in incarceration and boom in the construction of new prisons was a direct result of the media's dramatizations of crime. Enck and Morrissey (2015) argue that the mass incarceration of people of color is merely a replacement of earlier blatant racism. By supporting white male hegemony in the criminal justice field on any level, *Orange Is the New Black* and *How to Get Away with Murder* could similarly contribute to a negative public opinion on important social issues like criminalization, recidivism, welfare, and affirmative action.

Overall, the two shows analyzed here contribute to incremental change regarding the representation of women and minorities in the criminal justice drama. They call attention to certain discourses of inequality and injustice, but they also reinforce other hegemonic ideologies. As Molina-Guzman (2016) indicates, true change in the way race and gender are represented on television will only occur when media producers both 1) empower, rather than "Other," the

misrepresented groups and 2) make a conscious effort to defy the current political, economic, and cultural power structures in place. Perhaps future television shows in the genre will be able to build upon the examples of these shows in an attempt to subvert the genre's prevailing power structure.

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