"Who Gives This Woman": Ted Hearne's Musical Exploration of Sexual Violence

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“WHO GIVES THIS WOMAN?”: TED HEARNE’S MUSICAL EXPLORATION OF SEXUAL VIOLENCE

Leonard Bill Walker Jr., M.A.

Western Michigan University, 2022

This thesis considers Ted Hearne’s sixteen-voice choral composition Consent as a demonstration of the gender-based violence, rape. Scholars have observed the relationships between trauma, identity, sound, and performance; however, few have explored the effects of cross-generational violence in a choral setting. The author primarily focuses on the origins the composer’s selection of the religious and primary-sourced texts, where he defines the rhetoric that either incites and/or justifies sexual violence using historical and theological contexts. This thesis contains interviews from members of the professional chamber choir that brought the piece critical acclaim, The Crossing, where participants shared their musical experience and relationship to rape culture. To rationalize these experiences, the author draws on psychomusicological research that details the bodily manifestations of trauma during performance. Proven by historical context, musical prose of insidious rhetoric, and firsthand accounts, Ted Hearne’s Consent acts as both a mirror and magnifying glass to our patriarchal society that sustains rape culture.
“WHO GIVES THIS WOMAN?”: TED HEARNE’S MUSICAL EXPLORATION OF SEXUAL VIOLENCE

by

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Leonard Bill Walker Jr.
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INTRODUCTION

Ted Hearne is a composer, singer, bandleader, and recording artist who creates works for voice, technology, instruments, and any combination of the three. His compositions have been widely recognized for their expressive engagement with American politics and society.\(^1\) Inspired by ravaging sociopolitical events, Hearne sets reality to music through virtuosic means. He abandons the traditional strategy of setting either self-composed lyrics or existing poetry by transforming text found within various primary sources. His most widely recognized and critically acclaimed masterworks (both of which are Pulitzer finalists) *Sound from the Bench* (2014/17) and *Place* (2020) establish his music’s direct relationship to American society.

Although Hearne encapsulates the grandeur and fortitude of combining voices with various sonic mediums, he also exhibits these attributes within other settings. He composes a cappella choral compositions in which he develops sociopolitical commentary by similar means, whether it be texts, dense harmonic texture, and inventive musical form. *Consent* explores how language can contribute to or justify sexual violence. As evident in the Steubenville Rape Trial of 2013, this debate sparked new emotions, thought processes, and divisive opinions on what true consent is. Hearne’s musical adaption of this event further demonstrates this societal shift by juxtaposing a variety of text sources within an unorthodox musical treatment. Through my rhetorical and musical analyses, I demonstrate how Ted Hearne’s selections challenge patriarchal foundations that diminish women’s agency over their bodies while mirroring events reminiscent of sexual assault.

I first encountered Ted Hearne’s music when I designed a concert for a choral literature class that focused on personal experiences within the #MeToo movement. I entitled the concert

“R E T E L L I N G” as the narrative arch depicted the events preceding, during, and following sexual assault. To challenge myself, I sought to only program living composers, including Hearne. To find these types of compositions, I started by surveying albums by The Crossing, a vocal ensemble I greatly admired for several years before this project. Although I had surveyed a multitude of vocal compositions related to the subject by various composers, one-piece piqued my curiosity: Hearne’s Consent. I became fascinated by how his music served as a response to sexual trauma. For my thesis, I decided to revisit this work to demonstrate Hearne’s response to rape culture as well as its societal implications.

I became captivated by Consent’s cacophonous nature and the challenge of discerning the differences between lyrics. My inquisitiveness led me to further analyze the derivative of textual elements. Discovering that Hearne’s personal motivation for composing this piece was to explore his relationship to language that justifies sexual violence led me to reflect upon how I contribute to or sustain rape culture and male patriarchy. This thesis examines Consent through rhetorical, musical, and sociological approaches. I observe the structure and implementation of Hearne’s selection of texts from the religious foundation and modern communication of love, then detail their musical setting. I compare these two compositional elements to the events that inspired this work: the Steubenville Rape Trial of 2013. I provide testimonials from members of The Crossing, who have collaborated with Hearne and recorded the definitive version. Through these methods, I demonstrate that Hearne’s composition suspends elements of rape culture such as coercive language, thus proving its ability to evoke introspective reflections.

To understand the significance of these interviews and Hearne’s prose, I take a more contemporary approach to analysis supported by research concerning sound studies, voice studies, and trauma studies. To situate Hearne’s composition as an auditory experience, I draw
on the scholarship of Don Ihde, Dominic Pettman, and Nina Sun Eidsheim, which analyzes the roles of sound in our world.² Ihde approaches sound like a phenomenon and argues that it is an experience of language, music, religion, and silence. Pettman categorizes sounds as cybernetic, gender, creaturely, and ecological to demonstrate their relationships to aural reception. In a more musically focused study, Eidsheim theorizes that humanity is connected in and through sound. To elaborate on Hearne’s soundscape, I focus on how the voice can both represent or dispel identity. In addition to Eidsheim’s other scholarship, Adriana Cavarero and Anne Schlichter explore the performance of the voice as it relates to individual identity and politics.³ They address how race, sexuality, gender, vocal timbre, and technique can affect the internal and external perception of individual identity. I combine these readings with those that address performances of trauma. Imani Mosley, Maria Cizmic, and Alexander Stein contextualize violence within the music and provide insight on the psychological effects of trauma that alter performance.⁴ These sources establish a foundation that allows me to explore the ways that Hearne manipulates voices through his musical treatment of primary and religious-sourced texts to comment and reflect on rape culture.

While extensive scholarship on Hearne’s choral compositions does not exist, the public media consistently reviews and acknowledges them. News sources such as NPR and the New

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York Times focus on his more textural choral works such as The Source and Sounds from the Bench. Several interviewers question Hearne on his choice to overtly incorporate politics. University of Michigan’s EXCEL Program produced an interview with Hearne that explores his compositional process and how his collaborations direct his ideas. Assistant director of the EXCEL Program Jonathan Kuuskoski asks about the composer’s training in voice and the influence that it has on his compositions. Hearne states that he uses the voice as a vessel to share the ill-communicated feelings of society. This intention supports the implications and reflections of modern rape culture in Hearne’s Consent.5

Since the beginning of the new millennia, the American population has become more socially aware and cognizant of their positions within rape culture. Individuals have brought sensitive and controversial topics to the forefront to question the public’s moral values. Many scholars have researched society’s positions on consensual and coercive sex. Christine Alksnis, Serge Desmarais, Charlene Senn, and Nichola Hunter examine the legislation regarding rape and physical violence within sexual coercion and find that male rapists are often found innocent due to how consensual sex is commonly defined and understood.6 Sharon Block explores the historic politicization of rape and how it is discussed in the printed media, more specifically how men are protected within the rape narrative and blame is placed on the victim.7 Block explains how the onus of being raped is shifted onto the female victim by criticizing her actions, clothes, or, most generally, her gender. Psychologists Jennifer A. Livingston, Amy M. Buddie, Maria Testa, & Carol VanZile-Tamsen study and define tactics men use to coerce women into having sex with

These case studies demonstrate individuals’ definitions of consent and iterations of guilt within their violent sexual encounters. Together, these sources exemplify the ways rape culture ideologies support Hearne’s commentary of rhetoric that justifies sexual violence.

Hearne explores this shift in *Consent* and invokes feeling beyond sonic pleasure without censoring his political stance. With such a nontraditional musical setting, he solicits visceral reactions from his audience and those who perform the work. I support this claim by drawing from the experiences of four members of The Crossing, three vocalists, and Donald Nally, their conductor. These individuals have interacted with the score countless times and performed it for numerous audiences across America. The ensemble recorded it as part of their album *Ted Hearne: Sound from the Bench* which included his most politically influenced pieces. They interviewed members to establish that the effects of sexual violence pervade all identities and detail their own experiences when rehearsing and performing *Consent*, specifically attachments and aversions to certain musical moments, personal positions within rape culture, and understanding of “consent.”

The first chapter establishes *Consent*’s presence within Hearne’s choral catalog. I explain his original motivations for composing the piece and the events that inspired it, the Steubenville Rape Trial of 2013. On the night of August 11, 2012, a high school girl was sexually violated several times by members of the local high school football team. The assailants, who documented the event and posted it on social media, were eventually convicted. The trial sparked controversy and conversation about rape culture throughout the nation. Within this chapter, I provide an examination of the events preceding, during, and following the rape.

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This narrative focuses on the actions of those closely tied to the case: the victim, her family and friends, assailants Trent Mays and Ma’Lik Richmond, and the various high school athletes who witnessed the rape. I detail the nature of Rape Shield laws and their protection of victims, thus explaining my reasoning for referring to the victim as “Jane Doe” rather than her name. Through this prose-centered method, I contextualize the event thus providing several reference points for my rhetorical and musical analysis.

An examination of extensive hearings and trials along with societal reception follows this journalistic exposition. I compare the events to Hearne’s composition by focusing on the evidence used to persecute the two rapists. From text messages, social media posts, YouTube videos, and photographs, these actions prove the case was the impetus for a national debate. Another driving force that initiated conversations surrounding the event was the hacker group Anonymous. I explain their role by displaying their strategy of releasing the incriminating evidence to alert the nation of what exactly was going on in Steubenville, Ohio. This compilation of primary sources demonstrates the societal reaction on both a local and national level. Communities began to contemplate rape culture and reassess their understanding of consent, which was initiated by both true crime blogger Alexandria Goddard and international hacktivist collective Anonymous.9 Using additional personal testimonies, I detail the different sides of the argument: the victim is to blame for her behavior and the boys’ “not knowing better” versus the boys are to blame for assaulting a girl too incoherent to properly consent. This argument, supported by testimonies, illustrates the complexities of the nation’s reactions. As the general population commented on the aspects of the trial through protesting, posting on social media, or taking legal action, artists of various disciplines created their commentary on the subject.

9 “Hacktivist” as portmanteau of “hacker” and “activist”: one who hacks, or breaks into, computer systems with political motivations.
Descriptions of their artistic responses introduce Hearne’s contribution as one of the first to compose in response.

Chapter two includes my rhetorical and musical analysis. Hearne composed this work to explore his relationship to language that justifies sexual violence. Following this preface, I list the several text sources that he uses within the piece, such as the Traditional Jewish Ketubah (Marriage Contract), The Catholic Rite of Marriage, love letters the composer wrote in 2002, and love letters his father wrote in 1962, and the text messages used as evidence within the Steubenville Rape Trial.\(^\text{10}\) Considering the various text origins and observation of their rhetoric and syntax, I explain how Hearne’s prose displays the intricacies of rape culture such as gender roles, coercive language, justifications of rape, and our cultural norms. I sustain this argument using psychologists Jennifer Livingston, Amy Buddie, Maria Testa, and Carl VanZile-Tamsen's psychological study that defined men’s tactics to obtain sex.\(^\text{11}\)

I compare the Steubenville narrative to sexual assault in general through a chronological description of Hearne's musical setting. I preface this comparative analysis with Voice studies scholar Michel de Certeau’s description of glossolalia to leverage incoherent music to create a new fiction narrative, thus positioning Consent as both a choral work and an audial experience.\(^\text{12}\) I revisit the rhetorical themes evident throughout the piece and along with specific vocalizations and articulations develop a narrative in and of itself. Furthermore, examples of the harmonic structure demonstrate a pervasive sonic atmosphere. Considering the construction of the harmonic setting, I contextualize Hearne’s music to their rhetorical parallels such as verbal


persuasion, relation to climax, and male superiority. Through this analysis, Hearne’s setting represents the different sides of rape and rape culture at large.

To support this analysis, I employ a testimonial that depicts the reception and personal reflection of experiencing Consent firsthand. During a four-day residency at Western Michigan University (WMU), I conducted a group interview with three vocalists from The Crossing: Rebecca, Chelsea, and Dimitri then an individual interview with the conductor Donald Nally. I find that individuals are valuable additions to this document considering their numerous encounters with Consent: the group recorded the piece and performed it at several concert venues and on national tours. To provide more background, I detail the mission of their ensemble, their relation to Hearne, and their time at Western Michigan University. I detail our conversation by implementing direct quotations from our collective discussion alongside my commentary. I contextualize and expand on their contributions of personal experiences, motivations, and reflections as a consequence of singing Hearne’s emotionally disruptive composition.

To conclude, I summarize the scope of this document. I demonstrate the various ways that iterations of sociopolitical issues, and sexual violence, influence both artistic creation and performance. While this is not uncommon for artists, Hearne’s Consent incites specific responses. Hearne combines nontraditional texts with illustrious musical settings to compose various forms of violence other than just sexual whether war or psychological (Ripple and Animals, respectively.) Along with these settings of violence, I also highlight Hearne’s attempt to uncover the realities of our society that encourage Americans to question their societal roles (Place and Privilege). I situate these compositions alongside Consent to display the artist’s attempt to make sense of the world around him. I explain how Hearne acts as both a mirror and
magnifying glass. His compositions invite those who interact with them to have visceral reactions as evident in the interviews regarding Consent.
CHAPTER 1

RAPE IN ACCORDANCE WITH CONSENT

Inspiration for Creation

Hearne actively engages with American sociopolitical events throughout his composition process. The 2010s provided a great amount of source material, as the composer found inspiration from historic presidencies, societal upheaval, and international conflicts. In 2014, the Yale Choral Artists, directed by Jeffrey Douma, commissioned Hearne to compose Consent for the International Festival of Arts and Ideas in New Haven, Connecticut. When conceptualizing the work, Hearne sought to explore his relationship to gender inequality and societal connection to justify sexual violence. He explains that he ventured on a journey to understand language that might have a duplicitous role in his life.\(^\text{13}\) The majority of Hearne’s culled texts are written in good faith; however, he uses one malicious text to which he has no direct personal relation. The text messages were composed by the rapist and a bystander from the Steubenville Rape Trial in 2013. The trial catalyzed Hearne when composing the piece. To understand Hearne’s reason for including the texts, one must be familiar with the significance of the case and trial within contemporary American history. In the following sections, I narrate the rape at the center of the Steubenville trial. This narration is an amalgamation of primary sources: social media posts, news publications, and, most saliently, the transcript of the October 12 Probable Cause Hearing of the Steubenville Rape Trial.\(^\text{14}\) I will then explain the implications that the trial had on a community, society, and, specifically on artistic creation.

\(^{13}\) Ted Hearne, “Consent (2013, 7 min.)” (accessed 9 September 2021) <http://www.tedhearne.com/works/consent>

The following sections explicitly detail the violent nature of the Steubenville Rape of 2013. They include graphic descriptions of sexual assault, underage drinking, and degradation. The purpose for this is twofold: it provides context to the text messages in Hearne’s prose, and it establishes rape as a sequence of events rather than a singular act. The context proves the male-inflicted violence evident in the boys’ text messages whereas the narrative includes events beyond the attack. In his composition, Hearne sets various texts to represent male sexual coercion, the rape itself, and the societal reactions detailed in this chapter. Furthermore, Hearne’s text treatment provokes those who have performed Consent to compare their own experiences to Steubenville. As described in the third chapter, those who have borne witness to, or experienced, sexual violence identify with at least one element of Steubenville thus proving its universal translation as not an isolated incident. In short, the following narrative acts as the foundation for textual and musical analysis, Hearne’s exploration, and a reference point for those who share their experiences of Consent.

A Rape in Steubenville, Ohio

On August 12 of 2012, two high school football players publicly sexually assaulted an incapacitated female peer in Steubenville, Ohio several times. The two high school boys, Trent Mays, 17, and Ma’Lik Richmond, 16, were the stars of their high school football team, Big Red. A day before the rape, the town gathered to watch the team’s second practice game as part of their annual tradition. On the evening of August 11, Big Red took home the big win, meaning festivities would ensue. Across town, teenage community members held parties that involved underage drinking. While most of the partying teens were students at the local high school, teens from neighboring communities also attended, one of whom was the victim of Mays’s and Richmond’s actions. A student at her local Catholic high school, Jane Doe traveled to
Steubenville from neighboring town Weirton, West Virginia, where she started drinking at her friend’s house.

As the night progressed, the friend group traveled from party to party. Eventually, Big Red Athletes began taking advantage of incapacitated Jane Doe by daring his friend to urinate on her. Some athletes including Mays and Richmond drove her to another party, where Mays began digitally penetrating her. While Mays penetrated Jane Doe, she lay motionless while indiscernibly speaking. This lasted approximately half of the fifteen-minute drive to Cole’s house. When the five teens arrived at Cole’s house, Mays and/or Richmond helped the silent Jane Doe inside and down to the basement. Mays then attempted to convince the girl to perform oral sex on him. Doe continued to silently lay motionless on the ground as Mays exposed himself to her. Richmond then joined Mays and began digitally penetrating her. The two other athletes urged them to stop the assault so that they would not do anything that they would regret.

The next morning when she awoke, Doe was unaware of the violent acts that Mays and Richmond inflicted upon her. She soon found out from her friends and family, who pieced together a theory of what happened to her. Her assault began trending locally on various social media platforms such as Twitter, Instagram, and several messaging apps. Teens shared a video of a former athlete talking about the rape, and tweets that involved justifying and making light of their actions. Several individuals sent Doe’s parents these posts at which point they rushed her to the hospital and turned over a flash drive of the digital content they received to the police. Upon this delivery, the police claimed that it would be hard to make a case because of their

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15 Although the victim has come forward and case transcripts have been released, I honor her by referring to her as “Jane Doe” to detach her identity from the violence she has experienced.


17 To clarify, “digital” refers to “finger” rather than “technology.”

delayed report. Further complications arose since Jane Doe had already showered, thus stripping her of any genetic evidence of rape. The time delay also erased the validity of a toxicology report since Jane Doe’s body could have already metabolized any evidence of her being drugged.

As word of these allegations spread, the chances of authorities becoming involved increased. In an attempt to save himself, Mays texted Doe’s father claiming that it was all a misunderstanding and that he never tried to do anything to his daughter. Other texts include incriminating evidence that Big Red coach Reno Saccoccia helped cover up the rape. When asked how Saccoccia reacted, Mays texted, “Nothing. Going to stay in for a while.” In a separate text, he says, “He took care of it and [expletive] ain’t even going to happen, even if they did take it to court.”

Both Mays and Richmond were arrested on August 22, 2012, weeks after they raped Jane Doe. March 13, 2013, a formal trial began. Four days later March 17, 2013, Trent Mays and Ma’Lik Richmond were found guilty as minors judicially defined as “delinquent beyond a reasonable doubt.” Richmond was sentenced to one year in the state juvenile center, and Mays two years since he was found guilty of both rape and distribution of child pornography. Both were classified as tier two sex offenders since they were convicted of an offense against a minor and were punished for more than one year. Richmond was released on January 5, 2014, and Mays on January 8, 2015.

Along with the two athletes, four adults involved in the early stages of the rape that were employees of the city’s school system received legal repercussions. Superintendent Michael

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19 Abad-Santos, “The Steubenville, Ohio Rape Case Is Far from Over.”
McVey, elementary school principal Lynett Gorman, high school wrestling coach Seth Fluharty, and former assistant football coach Matthew Bellardine, were indicted for covering up aspects of the crime. The four were charged with obstruction of justice, failing to report child abuse, failing to report abuse, and allowing underage drinking while contributing to the delinquency of a minor, respectively.  

**Taking a Stance**

Because primary evidence was sourced from social media, the details of the rape and trial spread across the country, but first, they sparked debate throughout the tight-knit Steubenville community on the localized definition of rape. The varying definitions divided the community: some defensive of their own from an outsider, some victim-blaming, and others who demanded repercussions. In their comprehensive expository article, Juliet Macur and Nate Schweber highlight how community members viewed Mays and Richmond. They interviewed Steubenville local Jim Flanagan who defines the communal instinct to protect the boys: “The players are considered heroes, and that’s pretty pathetic because they’ve been able to get away with things for years because of it. Everyone just looks the other way.”

Just weeks after Mays’s and Richmond’s arrests, true-crime blogger Alexandria Goddard took to her blog Prinniefied on August 23, 2012. Here, she comments on the nature of the events while providing updates on their arrests. Within her post, she recalls some of the evidence that would be used within the trial. Regarding local and national reactions, her blog incited strong opinions across the board. Numerous Steubenville locals were outraged by Goddard’s

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24 Ibid.
decision to name the individuals involved with the rape in her post. In her descriptions, she also provided incriminating screenshots and videos that were posted by these individuals.

This led to legal action against Goddard by the parents of one of the boys, Cody Saltsma, who had posted a photo of intoxicated Doe and tweeted comments on his social media. His parents sued Goddard and those who commented on her blog for defamation of their son. During their legal pursuits, the persecution did not have enough ground to stand on since the “defamation” did not reach that worthy of legal action. While the case was dismissed, Goddard agreed to post Saltsman’s statement that detailed his remorse for his contributions to the Steubenville rape case.26

The event that most propelled the case to national recognition as an information leak by the hacker group Anonymous. The group released a video of a man wearing a Guy Fawkes mask who threatened to release private information about the rapists to bring forth justice for the victim and her family. In this threat, they detailed their motivations for doxing the assailants:27

A preliminary dox is being released on some of those involved, while a full-size dox of everyone involved including names, social security numbers, addresses, relatives, and phone numbers is being compiled as you watch this video on every single member of the football team, those involved, the coaches, the principle [sic], and more. This dox will be released unless all accused parties come forward by New Year’s Day and issue a public apology to the girl and her family. Make no mistake, all you need is a google search engine to realize we are serious in what we do. You can hide no longer; you have attracted the attention of the hive. We will not sit idly by and watch a group of young men who turn to rape as a game or sport get the pass because of athletic ability and small-town luck. You now have the world looking directly at you.28

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27Merriam Webster Dictionary, “dox (v.t.)”: to search and publish private or identifying information about a particular individual on the internet, typically with malicious intent.
The man, Deric Lostutter, known by his screenname KYAnonymous, exposed media that would soon be used as evidence in the rape trial. He released texts and messages sent between students and authorities that contained incriminating evidence. Popular news channel CCN also interviewed Lostutter where they asked for his reasoning for releasing the evidence. In this interview, he states that “We [Anonymous] are neither the judge nor the jury, but it’s fair to say we are the executioner.”

While the threat caused hysteria within Steubenville, online news outlets commented on Anonymous’s actions. In her editorial published on Jezebel, a website that curated news and political commentary for a feminist-oriented audience, Katie J.M. Baker acknowledges Lostutter’s problematic approach to bringing forth justice: “Regardless of how you feel about Anonymous…or internet vigilantism in general, you have to admit it’s nice to see a group of lawless internet hackers who believe that rape is rape.” While many users’ comments echo Baker’s sentiments, some state that they have conflicting views. The user BluestockingBitch was hesitant about the ethics of the hacker group but acknowledged that the American justice system has its shortcomings: “Vigilantism makes me very nervous…But! The justice system is also fallible…I’m conflicted. Very conflicted.” A user by the name of Pichou sees the group as nothing other than an ordinary citizen that has a societal duty to report a crime. They also agree with BluestockingBitch: “the police, in this case, don't seem to care is the sad part of all of this.” These commenters agree that Richmond and Mays raped Doe and deserve to be persecuted. Baker, BlueStockingBitch, and Pichou represent the national uncertainty and

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30 Baker, “Anonymous Outs Members.”  
31 Ibid.
hesitation on whether this was an appropriate way to obtain justice in cases of rape. They want justice but struggle to justify the argued unethical means to obtain it.

Because of Alex Goddard’s blog, Lostutter’s threat, and various print and online publications, major news outlets covered the case extensively. They profiled Steubenville, interviewed locals, and provided detailed accounts from the trial and those beyond. These depictions of the case soon pervaded the homes of the American public and beyond. American society increasingly aware of the crime, reacted by protesting outside of courthouses, posting to social media, creating YouTube reaction videos, writing their state representatives, and parsing their definitions of “rape” and “consent.”

Artistic Response to Injustice

While the collective public continued to stand against or for the defendants, not all individuals took an aggressive approach. Considering the highly debated and somewhat polarizing aspects of the trial, there was a significant impact on both society and artistic creation. Artists from various disciplines, including Hearne, crafted responses to the nature surrounding the case. Several artists’ creative responses gained critical acclaim while demonstrating their respective personal relationships to the issues of the trial.

Actors and directors alike shaped Steubenville into a common medium that recounts historical events: movies. Perhaps the most comprehensive film depiction is the 2018 documentary *Roll Red Roll.* Director Nancy Schwartzman explores the motivations and intentions behind both the assailants and bystanders within the small Ohio town. More specifically, this documentary questions the consequences of denying rape culture. Using the community’s reactions, the film exhibits the ideologies contributing to American rape culture

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such as protecting rapists and blaming victims. One of the main focuses of the film is Goddard’s documentation of the social media posts that display the assault of Jane Doe. The documentary won several Best Picture awards including the Tribeca Film Festival, where it premiered. *Roll Red Roll* was not the only attempt to place Steubenville on the silver screen. While it did not come to fruition, Brad Pitt and Plan B Entertainment planned to produce a film that focused on the Anonymous hacktivist Deric Lostutter, who leaked the photographic evidence that ultimately led to Mays’s and Richmond’s convictions. While it was not a direct depiction of the case, Lifetime Movie Network premiered a film entitled *The Assault* in 2014 with the tagline “It was the night she can’t remember, but the town will never forget.” In the film’s promotional material, its creators stated that the film was based on true events. These depictions, whether successfully produced or not, spotlight the case as a pivotal moment in contemporary American society.

Mixed-media artists also offered creative responses. For example, Los Angeles-based artist Andrea Bowers curated an art exhibition entitled “#sweetjane.” The title references the hashtag used to support the victim of the 2013 rape. In her artwork, Bowers combines video of Steubenville, interviews with Anonymous members, news coverage and public responses to the case, old footage of herself as a teen cheerleader, and photos of masked women protesting how court officials were treating the men as victims. Along with these videos, Bowers employs another primary source: the text messages that were used as evidence in the trial. She collected these during a trip to Steubenville to observe the trial. The official transcription had not yet been available, so during the trial, she transcribed the testimonies and questioning to the best of her

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ability. In her exhibition, she crafted seventy-foot-long text-based drawings that depict the narrative. In a 2014 interview, Bowers declaims that “what the boys said and how they behaved can’t be buried, forgotten, or silenced.”\(^{35}\) Through this work, Bowers displays how society sustains rape culture by dismissing and justifying the actions of rapists.

Musicians also used their medium to comment on both the case and rape culture at large. The societal implications of the trial have surpassed the American border prompting musicians outside of the U.S. to respond. Canadian progressive metal band Protest the Hero released their fourth studio album, *Volition* in 2013. The track “Plato’s Tripartite” comments directly on the treatment of Mays and Richmond during the trial:

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Oh, how the system fails you completely
When monstrous children get treated so sweetly.
The violence is praised, and the decision cemented
(They seem like nice kids).
Crimes go committed but never lamented
(That doesn't change what they did).
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\(^{36}\)

Much like Bowers, songwriter Rody Walker considers how the media exiled the victim and sympathized with the boys who “did not know any better.” They satirized the media and extended how they expand on gender disparities. Although the lyrics are just a segment of the politically engaged band’s song, they exemplify the ways that Richmond and Mays were treated throughout the trial. The song acts as a direct response to the trial, serves as an apology to Jane Doe, and comments on the implications that the praise of violent teenage boys has on the victim.

Just like any editorial, YouTube comment, or news broadcast, these artists communicate facts, communal perspectives, and personal reflections on the Steubenville Rape Trial of 2013. These artists situate themselves within the narrative and provide an impetus for audiences to do

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\(^{35}\) Ibid.

\(^{36}\) Protest the Hero, “Plato’s Tripartite,” *Volition* (Razor & Tie records, MP3 album, 2014).
the same. This disbursement of artistry provokes others to respond in protest or agreement with their stances.

**Hearne’s Place in Steubenville**

Thematically, justifications of sexual violence serve as a common thread between these various media reactions. *Roll, Read, Roll* reveals the facts; *The Assault* dramatizes the events making them more digestible for the public eye; Bowers invokes personal reflections by juxtaposing her gender identity and the case findings, and the band Protests the Hero comments on media manipulation to protect her assailants. Considered as a group, the general responses problematize gender disparities exhibited throughout the case.

The Steubenville narrative serves as the impetus for these responses to sexually violent events of Steubenville and provides context for Hearne’s choral setting. The details of the rape itself demonstrate how men use language to coerce or enact violence against women. It alone evokes one to question their perspective of consent, thus positioning themselves within rape culture. The events immediately preceding within the Steubenville community, such as the quick spread of information, photos, and videos along with texting as a form of self-protection, reveal an added layer of rhetoric used as a manipulation tactic. In *Consent*, Hearne touches on both themes while subtly addressing the overarching ideology that societal reactions allude to patriarchal hierarchies. For example, in the trial, the boys are treated as victims, thus putting the onus of rape on Jane Doe. The event of Steubenville serves as a context for the work and a point of reference as a real-world example to which Hearne subtly alludes.

These themes align with Hearne’s intention behind composing *Consent*. Hearne sought to explore language that justifies sexual violence and his relationship to gender inequality. The composer achieves this exploration through the use of textual and musical settings. Much like
Bowers, Hearne places himself within the Steubenville community by setting either text that is closely tied to his life or a combination of foundational religious texts and text messages from the city’s local “stars.” In his composition, Hearne’s texts serve two functions: they urge both listeners and performers to reassess their position within rape culture and act as a culminating parallel to the experience of sexual assault.
CHAPTER TWO

RECONFIGURING RHETORIC INTO MUSIC

Sourcing “Consensual” Language

Through his pragmatic placement of text in the vocal register, Hearne both exacerbates sexual violence and evokes visceral reactions from those performing Consent. The following sections detail how both religious and modern texts sustain Hearne’s exploration of duplicitous rhetoric. The composer culled text from five sources: love letters he wrote in 2006, love letters his father wrote in 1962, the Catholic Rite of Marriage, Traditional Jewish Ketubah (Wedding Contract), and text messages by convicted rapist Trent May and bystander Lucas Herrington that were used as evidence in the Steubenville Rape Trial. As displayed in Figure 1, The composer truncated the love letters, texts, and marital contracts to use as a framework for both lyrical prose and audial landscape.

While discussing his original motivations for writing Consent, Hearne shared that he intended to pair the piece with a motet by Thomas Tallis.37 In his motet Loquebantur variis linguis, Tallis sets the text “the apostles spoke in different tongues” for seven voices.38 Hearne explains that this concept of communicating with the Holy Spirit required oneself to abandon all understood language. The true impetus for composing Consent was Hearne’s recognition of power structures and their consequently created hierarchies in language evident in the motet. Tallis’s composition displayed adoration for the Divine with contrapuntal textures, where singers engulfed listeners in praise.

37 Hearne, “Consent (2014, 7 min.).”
38 Thomas Tallis, Loquebantur variis linguis, in The Baldwin Partbooks, no.106, manuscript, ca. 1575; Hearne also used this piece as source material when composing Sound from the Bench.
i want you 
i want to 

i want you 
i want to 

i want you 
i want to 

I do. 

I was thinking penetrating thoughts about you 
It will be good, we can do it, and we need it.

It can be taken from me - even from the shirt on my back.

I was thinking penetrating thoughts about you 
It will be good, we can do it, and we need it 
I miss you too, in a heart-aching kind of way.

All of it shall be mortgageable and bound as security -
It can be taken from me - even from the shirt on my back.

I do. 

I just took care of your daughter

Declare your consent
The missing you hurts 
You’ll be in it soon 
What a way to feel 
Who gives this woman?

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i want you 
i want to 

All of it shall be mortgageable -
I just took care of your daughter
and bound as security -
  she said you could take a picture

i want you
i want to

I just took care of your daughter and made sure she was safe
she was so in love with me that night
I ask you to state your intentions

All of it shall be mortgageable and bound as security -
it can be taken from me, even from the shirt on my back -
during my lifetime and after this lifetime,
this day and forever.

I just took care of your daughter and made sure she was safe
she said you could take a picture
she looks dead lmao

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I do.

I was thinking penetrating thoughts about you
It will be good, we can do it, and we need it.
I miss you too, in a heart-aching kind of way
I’m really looking forward to adding to it

All of it can be mortgageable and bound as security -
it can be taken from me - even from the shirt on my back -
during my lifetime and after this lifetime
this day and forever

How have you been holding out on me with that picture for so long?
she said you could take a picture
oh i am looking at all my pictures of you

You don’t even want to know what I am imagining you doing right now
she was so in love with me that night
Declare your consent before God

I just took care of your daughter when she was drunk

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This original amount, I accept upon myself and my heirs after me-
It can be paid from the best part of my property and possessions
that I own under all the heavens.
All of it shall be mortgageable and bound as security –
it can be taken from me – even from the shirt on my back –
during my lifetime and after this lifetime –
from this day and forever.

even from the shirt on my back
she said you could take a picture
I refuse to get excited

Will you accept children lovingly from God?
Declare your consent before God and the church.

I felt knowing what was right
she looks dead lmao
i just took care of your daughter

but i also know we are equal to almost any…
she said you could take a picture

Who gives this woman?39

Andrew Gant refers to Tallis as the “Father of English Church Music” because of his diverse compositions in religious idioms. Tallis’s musical writing during Queen Mary’s reign represents a return to the well-established style of Catholic composition its key features.40 He often included thick polyphonic texture and Latin texts, both of which would have been rejected by the Protestant church. Joshua Gore claims that Tallis’s shift of language and content served as commentary on the shifting religious values between monarch rules.41 For example, in *Gaude gloriosa mater*, Tallis praises the Virgin Mary using Latin texts. Praising The Virgin was a

39 The format is the exact construction in Hearne’s score; Ted Hearne, *Consent*, Unsettlement Music, 2014.
Catholic feature, so he rendered the text almost unintelligible using exuberant polyphonic voicings to cover the controversial subject-matter. Hearne relies on a rhetorical approach that was typical of Renaissance music to obscure the various controversial readings of rape.

Michel de Certeau explains how French composers have used glossolalia to create illusion and birth new narratives. The aurality of this art of speech resembles a language but lacks conventional structure. de Certeau claims that the phenomenon incites an impulse to decipher meaning from the indiscernible sounds. When individuals have successfully decrypted glossolalia, they discover that the confession from the fragmented or tortured voice confirms that language organizes meaning and articulates reality. When composers use this phenomenon, they create a work of fiction that closely resembles their respective realities. I use de Certeau’s descriptions of glossolalia as a preface to this analysis to position Hearne’s piece as both a narrative and audial experience rather than just a choral composition.

Therefore, Hearne creates a work of fiction that resembles the experience of sexual assault, specifically the Steubenville Rape Trial. As the piece progresses, it reveals similarities to the events preceding, during, and following rape using truncations and dense musical texture. Supported by psychological experiments and various religious commentaries, I explain how the origins, rhetorical structure, and musical treatment of Hearne’s prose display sexual violence.

**Religious Examinations**

Hearne confronts common American ideologies that exacerbate the inherent patriarchal hierarchy by placing texts from their religious foundations between problematic contemporary sources. He positions the texts in a way that highlights how religious practices encourage male

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42 Voice studies scholar Michel de Certeau describes glossolalia as a class of related deviant linguistic behaviors characterized by discourse that is fluid and mobile, divisible into phonemic units, and entirely or almost entirely constituted by neologisms; de Certeau, “Vocal Utopias,” 29.

43 Ibid.
superiority by the removal of women’s agency, specifically in marital partnerships. Both the Jewish Ketubah and the Catholic Rite of Marriage represent a mutual agreement, or contract, of a partnership between a consenting man and woman. The former outlines the couple’s obligations to one another. Upon marriage, it is agreed that the husband is to provide food and clothing, engage in intercourse, and, if marriage ends in divorce, pay an agreed amount of money to the wife’s father. The Ketubah involves this contractual agreement that is then bound by a rabbi and paid with a monetary endowment. The latter of the unions is the last of the seven sacraments of the Catholic Church. In this sacrament, a baptized man and woman vow to a lifelong partnership that reflects the union of Christ with the church. Both forms of unions place husbands in the superior role in the hierarchy, expanding on both religious foundational beliefs.

Both Catholic and Jews scriptures establish that woman was created from man as told in the first book of Genesis. In this Creation Story, elements of male superiority are essentially engrained into text and practice. Genesis 2:21–24 establishes this concept, which is coincidentally commonly used in a liturgical reading in the Catholic Marriage Ceremony:

And the Lord God caused a deep sleep to fall upon Adam and he slept: and he took one of his ribs, and closed up the flesh instead thereof; And the rib, which the Lord God had taken from man, made he a woman and brought her unto the man. And Adam said, This is now bone of my bones, and flesh of my flesh: she shall be called Woman because she was taken out of Man.

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45 These sacraments are believed to be God granting the participating individuals with His grace. Seven sacraments are Baptism, Confirmation, Eucharist, Reconciliation, Anointing of the Sick, Matrimony, and Holy Orders; Catholic Church, “The Seven Sacraments of the Church” in *Catechism of the Catholic Church*, 2nd ed. (Vatican City State: Liberia Editrice Vaticana), 1210–1211.
46 Catholic Church, “The Sacraments and the Catholic Church.”
48 Gen.: 2:21–24 (King James’s Version)
Theologian C.F. Keil comments on the order of human creation and argues that “by this, the priority and superiority of the man, and the dependence of the woman upon the man, are established as an ordinance of divine creation.” Here, he asserts that a woman’s derivative creation is therefore both dependent and subordinate. Keil then expands on his claim by identifying the purpose, rather than order, of female creation: “It is not good that the man should be alone; I will make him a helper fit for him.” The word “helper” supports women’s subordinate status. Some have challenged this hierarchy by arguing that the original Hebrew is used for both women and animals pertaining to their relationship to man; however, the contemporary relationship between man and animal (such as domestication and hunting) negates this claim.

Heane’s selections from these religious practices exemplify their habit of robbing women of their bodily autonomy and agency when forming a union with their partner. “Who gives this woman?” “Declare your consent before God,” and “Will you accept children lovingly from God.” These selections sustain an ingrained hierarchy in which men take precedence. “Who gives this woman” acts as a double entendre demonstrating males’ ownership of women and, contextually, an offer to sexual deviancy. The subject matter that inspired this piece doubles as “who gives this woman sexual trauma.” Hearne inserts the religious texts between the three more recent composing text sources: Hearne’s and his father’s love letters and the text messages between Mays and Herrington. These quotes precede texts that allude to the male desires or acts of sex—calling attention to the female communication of consent.


Gen.: 2:18 (King James’s Version)

One of the last phrases inserted in the piece sourced from the Catholic Rite is “Will you accept children lovingly from God.” Within the Catholic religion, the primary function of sexual intercourse is to reproduce. This practice is evident within the Catechism of the Catholic Church regarding “lust”: “Sexual pleasure is morally disordered when sought for itself, isolated from its procreative and unitive purposes.” By inserting this “childbearing” phrase, Hearne implies that the intercourse was strictly intended for reproduction rather than pleasure. Within the ceremony itself, this question is asked to both the bride and the groom. Children, quite literally, are the consequence of sexual intercourse. In this piece that explores topics surrounding sexual violence, I deduce that “children” become synonymous with sexual intercourse. This phrase questions those involved directly, asking if they are prepared to accept the consequences of their actions. Hearne magnifies this violent implication by following with “Declare your consent before God and the church,” thus ironically highlighting the one-sided decision of sexual intercourse. All parties must bear witness to confirm that they will “accept children lovingly from God.” Again, the word “children” in this instance is synonymous with sex. Following this declamation, Hearne creates a medley of contemporaneous letters and concludes the amalgamation with “who gives this woman.” Completing the circle of male agency over women’s bodies and choices.

Hearne segments the Traditional Jewish Ketubah (Wedding Contract), and strategically implements it throughout the piece. This contract exhibits a similar structure and rhetoric. Just by the translated title, one can observe that it appears as a business agreement rather than a union of love. Similar to the Rite of Marriage, the Ketubah also positions women as a form of male property. Each marital union writes their own Ketubah, this general structure:

Be my wife according to the law of Moses and Israel. I will work, honor, feed, and support you in the custom of Jewish men, who work, honor, feed, and support

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their wives faithfully. I will give you the settlement of [...] silver zuzim, which is
due you according to [...] law, as well as your food, clothing, necessities of life,
and conjugal needs, according to the universal custom.”

Ms. [...] agreed and became his wife. This dowry that she brought from her
father’s house, whether in silver, gold, jewelry, clothing, home furnishings, or
bedding, Mr. [...], our bridegroom, accepts as being worth [...] silver pieces.53

Although this contract ensures that the wife has security, Hearne’s selections imply otherwise.
The contract continues: “All of it shall be mortgageable and bound as security.” In this
contemporary reading of the translation, the stipulations outlined in the contract are loans and not
a true sense of ownership, meaning that this contract is circumstantial. Furthermore, the use of
the word “bound” alludes to its aggressive connotative definition to confine or restrict. Hearne
demonstrates this thinly layered form of aggression in his musical setting by interpolating dense
and bombastic harmonies. He takes the sanctified texts and bastardizes them by interpolating
them with the more contemporary sources, thus revealing the insidious nature of all sources.
Within the musical setting, Hearne truncates this quotation, most commonly “it can be taken
from me” to illustrate the various ways in which men enact physical violence against women.
This suggested violence then sustains the religiously established subordinate role of women.
Although Hearne does not use this excerpt the second paragraph states: “this dowry that she
brought from her father’s house…our bridegroom accepts as being worth […] pieces.” This
dowry is based on the purity of the bride: more money for a virgin and less otherwise in the case
she was a widow, convert, divorced, or sexual deviant.

Hearne emphasizes the transactional relationship between man and woman to comment
on both scripture and contemporary unions. He completes the outlined agreement with “it [the
dowry] can be taken from me, even from the shirt on my back, during my lifetime, and after this

53 The original form found in Maim. Hil. Yibbum 4:33 (The Talmud: The Steinsaltz Edition)
lifetime this day and forever.” The dowry obtained from the groom’s bride, again, relies on if the groom fulfills the agreement outlined in the contract. The groom utters this text; thus, however, this can be seen as the point-of-view of a victim of sexual violence. The “it” mentioned in the quote suggests sexual independence or, dare I say, “consent.” By form of sexual violence, assailants strip the victim of their bodily autonomy by force. Again, Hearne creates a double meaning; “it” means both consent and adherence to contractual obligations.

While he may not use direct depictions or descriptions of the lack of female agency in religious scriptures, he selects texts that allude to the magnitude of these traditions and their influence on our contemporary society. With these religious foundations, Hearne exemplifies the belief systems most of our society associate with and which sustain and justify female inferiority and lack of autonomy.

**Modern Language and Coercive Acts**

The three other text sources place the piece back into modernity: love letters from 1962 and 2006, and the text messages used as evidence in the 2013 Steubenville Rape Trial. While the love letters do hold expressions of romantic intimacy, some of these texts the text messages exhibit inherent malintent and violence. Given the vulgarity of the evidence leaked from the trial, Hearne employs some of the tamer, less explicit messages. Retaining their originally composed syntax and style, the composer blurs these messages and love letters together, therefore making them indiscernible for those unfamiliar with the sources. With knowledge of case evidence and psychological tactics, the following section defines how text messages and love letters exhibit coercive and volatile attributes.

To establish an understanding of psychological tactics, I refer to a study that demonstrates sexual violence justifications. In 2004, psychologists Jennifer Livingston, Amy
Buddie, Maria Testa, and Carl VanZile-Tamsen defined methods that men use to coerce their female partners into engaging in sexual intercourse. The strategies include persistence as well as physical and verbal persuasions. Physical persuasion does not entail violent nor aggressive actions but rather suggestive ones such as subtle stripping, caressing the woman, etc. Verbal persuasion, however, does not have as simple of a definition. They categorized these strategies according to their respective connotation. The first, “negative persuasion,” includes threats, expressions of dissatisfaction, combative language, and attempts to elicit sympathy. Using this tactic, men obtain sex through means of guilt, obligation, or fear. Another is “neutral persuasion”: emotionless requests, nagging, or pleading. The last: to entice the woman into engaging in sexual intercourse, men use “positive persuasion,” which involves excessive compliments and promises. These findings contribute a framework for classifying the following contemporary text sources that Hearne sets.

Hearne blurs the line between modern expressions of love and violence using text messages and his and his father’s love letters. While they are not as explicitly volatile, Hearne’s letters display what may be the most perfect example of the composer’s intentions to discover the duplicitous language in his own life. The Hearne love letters join the Steubenville evidence in providing several examples of both neutral and positive persuasions. To emphasize men’s coercive habits that existed well before Steubenville, he blurs the love letter authors’ sentiments together. The Hearnes’ love letters prove their attempts to entice their female partner using compliments, specifically in the quotes “I miss you too, in a heart-aching type of way,” and “it will be good, we can do it, and we need it.” The compliment is the former and the latter is justification and reassurance. The authors assure their partners that their sexual relations will not

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be anything but pleasurable. He then sustains these selections with other forms of positive persuasion that are much more sexually direct.

Although it is not explicit, the lyric “I was thinking penetrating thoughts about you,” informs the recipient of the author’s attraction to them. While it may be synonymous with intense fixation, the connotation of the phrase “penetrating thoughts” deters from their projected intentions. The word “penetrate” alone has several meanings, which aids in Hearne’s search for duplicitous language. An even more suggestive confession, then, exacerbates this thought: “You don’t even want to know what I am imagining you doing right now.” Both in its original and newfound context, this selection insinuates that the author often fantasizes about their partner sexually. Correspondence between two lovers supports this meaning; the removal of its context spotlights the phrase’s suggestive nature. The speaker establishes this sort of commanding or dominant role he has over their subject thus suggesting that his imagination rules his subject’s action or autonomy. Through iterations of both his and his father’s expressions of love, Hearne again highlights how language, regardless of its context, possesses violent attributes.

The text messages Hearne selects detail the events of the night of the rape and exhibit efforts to protect oneself. The piece begins with, what Livingston, Buddie, Testa, and VanZile-Tamsen define as, neutral persuasions using the text message fragments “i want you” and “i want to.” These selections do not display passion nor threat—just malicious lust. Within the first section of their lyric structure, Hearne follows the segment with what might be the most abhorrent of the texts: “I just took care of your daughter.” Trent Mays sent this text message to his victim’s father. The full text reads: “I just took care of your daughter when she was drunk.

55 *Merriam-Webster*, “penetrate (v.t.”): to pass into or through; to enter by overcoming resistance; to affect profoundly with feeling. <https://www.merriam-webster.com/dictionary/penetrate>
and made sure she was safe.”

With this excerpt placed adjacent to his Ketubah selections, Hearne pollutes the religious text’s contractually binding security. This combination reestablishes both the contemporary and scriptural as transactional relations rather than well intention. Moreover, the inclusion of “And made sure she was safe,” also contributes to the former’s bastardization of scripture. Recalling from the foretold Steubenville narrative, Mays does not lie entirely; he neglects to tell the entire story. This false claim sustains how rhetoric can be shaped to augment the truth.

Along with the two sacred texts, Hearne includes another text sent by Trent Mays to a group chat of his friends in which he boasts: “she was so in love with me that night.” Here, Trent Mays gloats to friends about his relations with Doe, suggesting that he was unaware of sexually assaulting her. Mays justifies his actions by claiming the presence of “love” alluding to female pleasure. Although not a direct claim to Doe, this message highlights the ways language can alter perceptions of reality. If Jane Doe was “in love” with Mays, then it would not be viewed as rape. This belief exists within the other text sources as well, whether through contractual obligation (Ketubah), intercourse as means of procreation (Catholic Rite), or the positive persuasions as shown in the multigenerational love letters. To highlight the boys’ gloating, Hearne juxtaposes the false claims Mays made to Jane Doe’s father against his boastful justification. With these two phrases, we do not know the true intentions or realities of the attack.

As a form of commentary and narrative arch, Hearne uses these texts as parallels to religious texts again. Sourced from the Rite of Marriage, “I ask you to state your intentions” follows these two texts to question Mays’s true intentions and highlight the dichotomy of his stories. Hearne slowly builds upon these two giving a reprieve of the Ketubah and Catholic Rite.

56 Abad-Santos, “The Steubenville, Ohio Rape Case Is Far from Over,”
Just before another iteration of Mays’s texts, Hearne revisits the Ketubah “during my lifetime and after this lifetime this day forever.” With these words following the trial evidence texts, this insertion suggests that the consequences of sexual violence last eternally. Hearne then completes the segmented text message narrative by ending the “lifetime and after this lifetime” with a text from Lucas Herrington to Trent Mays in response to a picture of Jane Doe on the night of her rape.

In what may be the most emotionally evocative line, which I discuss further in the following chapter, Hearne includes: “she looks dead lmao.” The use of death within Hearne’s poetry rhetorically represents the death of the victim’s social and sexual identity. This exemplifies the lack of bodily autonomy. This lack of agency over one’s body, especially when being sexually assaulted. Placing with the context of sexual assault, this death is the loss of innocence.

**Musical Settings of Harmful Language**

Using a combination of this rhetoric, vocalizations, and articulations, Hearne creates a sonic narrative that also comments on rape culture. There is a clear division of audial expressions depicting the events preceding, during, and following the Steubenville Rape Trial: the coercion, the act, the objecting viewpoints, and gender disparities. This sonic analysis identifies how Hearne explores his intentions by audial manipulation. Structurally, he divides his composition using several alphabetical rehearsal marks. The consistent separation of treble and lower voices represents the victim and the rapists respectively. He establishes motifs that he eventually alters to correspond with the plot time. Observing the metric and emotional direction that Hearne sets

57 “LMAO” is an abbreviation for “laughing my ass off.”
to begin, “Simple, with emotional range but never dramatic, always in time,” he sets precedence for the violence he conveys.

Hearne begins the piece with a minimalist setting making any alterations from the following theme easy to discern. He presents the lower voices forthright as they oscillate between “i want you” and “i want to” which are a mere semitone apart.

![Figure 1: Primary "i want you/i want to" motive](image)

This phrase establishes the first theme using the two pre-defined neutral persuasions in which male superiority is founded in the introduction. Notably, the phrase is divided into three (triplets), suggesting a reinforcement of Catholic ideologies specifically the Holy Trinity. To parallel this to the Steubenville rape, we recall that Jane Doe was rendered unconscious for most of her evening by the mass consumption of alcohol. Although she was not dead, she was essentially comatose as the athletes carted her around town. Hearne’s treatment within the treble
voices suggests a representation of Doe’s lack of speaking. Two treble voices are instructed to inhale, hold, then exhale for the entire duration of the lower voices’ passage. A deafening pause follows this phrase only for it to repeat with slight alterations.

Heame gradually employs additional lower voices to continue the theme with an equal number of treble breaths to match. As he repeats the understood theme, he rhythmically alters it, thus suspending the length of the coercive language. As he transitions rhythms, he swaps the “I want you/to” with “I was thinking penetrating thoughts about you.” Here, he equivocates the neutral persuasions with the positive. Immediately following this positive persuasion, the treble voices enter for the first time by stating “I do” as one on a unison pitch, succumbing to the coerciveness. Between the trebles’ static unison admission of consent, the lower voices combine the penetrating thoughts with the reassuring “it will be good, we can do it, and we need it.” Again, coincidentally before the third iteration of “I,” reestablishing the Catholic rule of three’s, the lower voices assert yet another persuasive idiom: “I miss you in a heart-aching type of way.”

This incites a cascade of “I do” throughout the treble voices. This disjunct declamation of consent represents both the unconsciousness of Jane Doe and her inability to discern things being said to her and, more generally speaking, a conflation of the feeling of being wanted and being used for sexual gain. As they statically progress, the treble voices then retrograde their presence by cutting off in the opposite order in which they entered, adding to the dense texture. As they enter, both the treble and lower voices gradually crescendo into the climax of the piece, which signifies the act of rape.

All voices join in a bombastic unison where they exclaim “declare your consent.” This is repeated but every other declamation “declare your consent” is substituted with either “the missing you hurts,” “what a way to feel,” or “you’ll be in it soon.” In this explosive setting, the
combination of these text substitutions comments on the pain inflicted on the victim during rape. The words “hurt” obviously represents the violence of the rapist’s euphoric “feelings,” both of which are exacerbated by the penetrative allusiveness of “you’ll be in it soon.” Following this depiction of sexual violence, Hearne abruptly condenses the sixteen voices into an eight-voice texture where they back to the neutrally persuasive and religiously suggestive “I want you/to” motive. Here, they iterate these words exceptionally quietly as marked with the dynamic ppp, and Hearne’s specific instructions state, “very internal, lips almost closed stagger breathing as necessary.” The lattermost instruction supports the suggestion that there is no stopping [rape] once it starts.

As the voices slowly disperse back into an indiscernibly dense texture, Hearne starts to incorporate texts that allude to events that follow a sexual assault either from the victim’s, assailant’s, or society’s perspective. He introduces the contractual obligation from the Ketubah such as “all of it shall be mortgageable” in the alto voices placing it in a range that is adjacent to the speaking pitch. This quotation then pervades the rest of the treble voicings, proving that the (commonly) woman has and will continue to pay the price for her assault. Meanwhile, the lower voices introduce “I just took care of your daughter” and sing it, in its first iterations, at the same time and duration as the “mortgageable” texts. While difficult to discern between the two, these texts are of a sustained duration, which separates them from the repeated triplet theme underneath them.
Figure 2: "Declare your consent"
The lower voice texts allude to Mays’s attempt to protect himself following the rape as evident with Hearne introducing his texts at this time. He continues a similar rhythmic structure but interpolates Mays’s texts “she said you could take a picture” then “she was in love with me that night.” By establishing these with a similar rhythmic value, Hearne sustains that these deceitful claims both are justifications for immorally violent actions. This concept is then supported by the treble voices reciting that they are bound as security while the lower voices state “she said you can take a picture.” While this juxtaposition speaks to the role of rhetoric, it also explains that the photo of unconscious Jane Doe serves as a sense of security and reassurance that she would receive justice. Security that allowed her to understand what happened to herself while she was incapacitated.

As the piece progresses, these iterations of love and security, and deceit begin to represent both the Steubenville rape and the societal opinions. Originally set in the lower voices alone, Mays and Herrington’s texts soon pervade the treble voices. These transfers exemplify the ways that both women and men conflated love and coercion. Jane Doe (and victims at large) is then brought back into the narrative again through the use of the wedding contract. Several treble and lower voices sing “it can be taken from me, even from the shirt on my back.” In this case, the antecedent represents sexual purity/virginity/unpolluted sexual identity, thus sustaining that the athletes took it by implied force. This phrase then continues with repetitive “during my lifetime and after this lifetime, this day and forever” communicating that rape is now a part of the victim’s identity. What interrupts these conflations, misinformed opinions, and combative rationalizations are the emphatic exclamation of the most volatile piece of Steubenville evidence denoted as “pungent” in the score.
The altos pervade the already indiscernible texture with the text “she looks dead lmao.” Hearne ensures that this text is heard by differentiating it from the others using rhythmic duration and articulation. He also sets it in a register that one must forcefully produce the pitches to clarify it. In this specific placement, this text supports the idea that teen rapists have essentially killed part of their victim’s identity. The lower voices also sing this text, but their declamations reflect the text’s origin. This causes a shift in texture and the role of treble voices. In the following section, denoted by rehearsal mark “E” as “ecstatic,” the treble voices briefly revert into a much more passive role in the dense texture. The sopranos begin to soar in sustained notes singing “I want you” and “I want she” while the altos succumb to the justifications in the lower voices.

Not before long, Hearne resumes his grandiose and sonically jarring harmonic textures. He employs all voices to iterate various selections of the text that exemplify coercive language, false security, justifications of rape, and death of identity. While doing this, he resumes his heavy use of triplets that simulate the endless cycle of rape culture. He grows this texture by expanding
in vocal range and deconstructing any sense of harmonic structure, thus eliminating any possibility for one to discern any of the text. Through these means, Hearne causes an overwhelming sense of fervent anxiety.

Hearne concludes *Consent* with what I believe to be the most effective commentary on gender disparities and the justification of rape culture. All treble voices are dismissed, leaving only the lower voices to perform the final measures of the piece, which in turn demonstrates that women often do not have a choice in terms of the violence inflicted on them or its aftereffects.
The composer ends the piece by the same means he started it, only with more religious implications. He employs the triple versus duple phrasing as seen in the “I want to/you” theme with its followed silence at a much greater frequency than he did before.

Hearne abandons his well-established theme for the Catholic Rite of Marriage: “who gives the woman?” as his final message. These settings' implications are two-fold: the text used questions about who is responsible for these violent acts against women and the harmonic setting pays tribute to Hearne’s attempt to define duplicitous language. The cadential phrasing displays that even if something may sound “nice,” it is not always met with good intentions. Although one may believe that the piece will end on a clear cadential point, Hearne, again, deceives those by having a single tenor voice euphonically deliver the word “woman.”

Using carefully culled sources, Ted Hearne sets foundational and contemporary texts that exhibit his relationship to rape culture to music. The music of Consent both embodies and comments on pivotal historical events as well as the role of coercive rhetoric. This composition places the audience and performer within a narrative evident in their society. This then incites performers to reflect on their definition of “consent” and positions in rape culture.
CHAPTER THREE
HEARNE’S EFFECT ON PERFORMANCE

This piece did singlehandedly shift my own awareness and position of rape culture... Ted’s music and so much of the music that The Crossing does—especially for an impressionable young grad student that was raised in the Evangelical conservative tradition—was pivotal and reorienting in of music in a big way.

— Dimitri, member of The Crossing.58

Hearne creates a musical setting reminiscent of rape. He leverages text to force performers to vocalize his newly formed violent narrative. The following chapter explores the experience of performing Hearne’s exacerbated portrayal of violence. Understanding that the sexual violence within Consent is primarily communicated through manipulation of prose, or lyrics, I contextualize these interviews within psycho-musicological scholarship that describes the somewhat fraught relationship between text and trauma. I then reinforce my rational with proven claims that music expresses emotions: it is not neutral and human beings often associate pieces of music with people, memories, places, and events.59

When observing how artists grapple with narrating trauma, Roger Luckhurst claims that literary text most commonly and effectively relates to trauma.60 These notions serve as a guide when contextualizing these vocalist’s responses. Through these accounts supported by psycho-musicological readings, I propose that Hearne’s musical setting of reconstructed rhetoric prompts performers to confront their varying degrees of internalized trauma.

58 Interview, The Crossing Vocalists with author, 4 April 2022, Kalamazoo, M.I.; See Appendix A.
Sourcing Discussion

While my rhetorical and musical analysis is from my perspective alone, I was curious if those who have performed this piece interpreted it similarly. Featured on their album *Sound from the Bench*, a collaboration with Ted Hearne, the choir performed what is arguably the definitive version of *Consent*. The Crossing is a professional chamber choir that performs almost exclusively new music. They often collaborate with well-established artists to create works that expand on musical canon—both in compositional practices and subject matter. To date, the choir has premiered approximately 110 commissions. Including their collaboration with Hearne, the professional ensemble has released twenty-four recordings, two of which have been recognized by the Grammy foundation with six nominations and two awards for Best Choral performance.61 Coincidentally, in the fall of 2021, our director of choral activities announced that Western Michigan University (WMU) Choirs would host the ensemble for a residency the following semester.

Before their arrival, I requested to speak with any willing choir member about *Consent* by supplying a document that contained a formal greeting, my research intent, and questions regarding their experience with the composition. Three vocalists and the ensemble’s director, Name, agreed to discuss their relationship to *Consent*. The contributing individuals come from various backgrounds: the choir’s conductor Donald Nally (DN), a married gay cisgender male; Rebecca (R), a widowed heterosexual cis-gendered female; Chelsea (C), a cis-gendered married queer cisgendered female; Dimitri (D), a married heterosexual male. In order to provide context for their experiences and establish their connection, or lack thereof, to the text sources, the choir

members identified their sexualities, and religious upbringing, and their knowledge of the Steubenville Rape preceding the interview.

These four members spoke to the ways that Hearne’s selections of words exacerbate his portrayal of violence. More specifically, three vocalists detailed their experience rehearsing the piece and the ways it altered their positions within rape culture. Similarly, Nally explained his perceptions of gender disparities, artistic process when addressing traumatic subject-matter, and contemporary choral practices.62

**Conversations on Consent**

As in the previous analysis, Hearne’s prose colludes the texts to blur their respective origin within another, thus building a new narrative altogether. Nally acknowledged this as one of the composer’s habits explaining that Hearne seeks to learn more about himself and others by using their words, even those he would never say himself. Scholars have studied how lyrics may facilitate personal explorations of feelings, problems, and difficulties.63 In the interviews, I asked questions relating to their emotional and intellectual reactions to subject-matter and Hearne’s prose. The topic most prevalent throughout our conversations was the gender-based violence that lies within in religious contexts. Dimitri, Rebecca, and Nally all commented on how the Rite of Marriage, and Catholicism at large, unabashedly stole all sense of female agency. Dimitri, who has attended several religious institutions, commented on the marriage procedure including the scriptural text, “‘Who gives this woman?’ Ugh, so now we’re giving women away?” He also commented that the marriage rights impacted his perception on the institution of marriage.

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62 Although I do not describe the entirety of our conversations, I highlight certain quotations to demonstrate my understanding of their function as they pertain to Consent. All quotations taken from interview can be found in Appendices A and B.

Moreover, he questioned the traditions that kept women as property, such as asking the bride’s father for his blessing to take her from his home.

Rebecca also detailed her former association with Catholicism and how it represents a male-dominated ideology:

I was raised Catholic; I no longer even believe. Even as a child, I remember they would talk about. To get married in the Catholic church, you have to do premarital counseling with a priest who has never married will not be married and eschews the company of women buy and large. I remember thinking: “Well why on earth would I listen to him about how a sexual and intimate relationship goes should be.”

Here, Rebecca explains the notion that even though the priest is bound to clerical celibacy, they can still rule over women’s body. Even in pre-marriage counseling, the priest has more agency over the bride’s body than she does. Although she did not state explicitly, I inferred that Rebecca was referring to the Rite’s stipulation that the union must agree to lovingly accepting children before God. Catechism’s ruling that sex is just for procreation and anything else is deemed sinful. Coincidentally, Nally also comments on this concept of preserving a woman’s sexuality for the benefit of men. He observes the text that Hearne uses and explains that it extends well-beyond American society, thus showing another example of the composition’s universal application:

We are not the only religion that lifts up the Virgin Woman. There is no expectation of this for men. There is no expectation that a man is going to be a virgin when he marries a woman. There is somehow some sort of expectation that there is virtue, I use that very carefully, there’s virtue to being a virgin when entering a marriage. It is completely—absolutely—a male construction.

He reestablishes that these ideals that subvert women are the foundation for several other nations. Nally, Dimitri, and Rebecca confirm Hearne’s notion that religious iterations of male-superiority continue to be the foundation of our social practices, especially regarding sex.
Furthermore, while considering the three’s sentiments, I argue that this biblical language inflicts religious trauma on woman even before their birth.

Although language may sometimes cause of traumatic events, it can just as well be a consequence. Trauma severely impacts a person’s linguistic abilities such as their inclination to learn, use, retain, or abandon a particular language.64 One can see performers and conductors alike prove this concept. When discussing performing Hearne’s volatile texts, Chelsea and Nally described their respective approaches to aid in processing the traumatizing elements. Nally explained that he retains the meaning of the text and detaches himself from the text by reframing performing them as a job. When questioned about how one could accomplish that, he compared Hearne’s composition to a piece of theater and said, “It’ just a part of your job to take the terrible character and try to understand their motivation… Why would I as a character, in this case Consent, say those words?” Nally presents a strategy that may help mitigate individual recollections of sexual trauma. Although some may not be able, vocalists may reposition themselves to understand the content to give an informed performance.65

In efforts to remove herself from Hearne’s narrative, Chelsea also shifted her mind to view it as a job. While discussing her own emotional journey during the performance, she recalled a text that significantly affected her: the Steubenville text messages. Specifically, she reminisced about the first time she sang “she looks dead lmao”:

I remember getting to that point and— well first, how do I pronounce “L M A O.”[laughs] “La-mow?” — Anyway, the first time I approached that I was like [dry-heaves]. I don’t want to sing these words. These words are repulsive. Eventually, I separated my feelings about the words. I kept thinking “I have to sing these words; I have to sing these words.”

65 This approach may also allow performers to find solace in the fact they are not using their own words. However, one must be aware that this tactic essentially leverages intellect over emotion to avoid processing trauma.
While she did not use the same theatrical approach as Nally, the alto managed to dispel herself from the violence. She does not rationalize the lyric, nor does she ignore its vulgarity. She also considers the placement of the text in her vocal register, stating that is in the lower part of her range allowing her to embody the text with disdain. Rebecca claimed that it was empowering to hear a woman sing those words as it exposed how atrocious they were. Her perception combined with Chelsea’s difficulty with the text displays the effect of violent language on performance and reception.

On a broader scale, they either indirectly or directly spoke to the sociopolitical effect of the piece. Tobias Greitemeyer states that lyrics may also increase the availability of prosocial beliefs, lead to elevated empathy, and foster helping behavior. After discussing their opinions on musical treatments of violent texts, the vocalists explained how the lyrics caused a shift in their personal views on the elements of rape culture as exhibited in Consent. They explained that their newfound definitions of consent encouraged new approaches to their interpersonal relationships. Chelsea was the first to share her experiences. She acknowledged that she, too, contributed to victim-blaming, such as questioning why a victim would have worn certain clothes if they didn’t want to be assaulted. With this context, she explained how her approach to consent in more intimate settings and relationship has changed:

I have always been a very romantic person, someone who wanted a relationship, a very sexual person. In the past, and I maybe got away with it because I am a woman, but I was a very assertive person… This piece made me reflect on how I interact with others… I have lots of conversations with my partner. We have had a journey being sexual partners together. Because of my learned awareness, I am now hypersensitive to other people’s needs.

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Rebecca then shared a similar sentiment explaining that she developed a new awareness that encouraged her to discuss consent in a variety of her relationships. In this, Rebecca reconsidered the ways she would approach her role as an instructor:

… I will approach all physical contact with “consent” in mind. As a voice teacher, I am constantly wanting to. I find that touch is the quickest way to eradicate it [vocal tension]. I am so mindful now because you don’t know what a horrifying traumatic experience could be for someone because it’s something you don’t know about.

Dimitri reflected on his current and past relationship. He recalled the first time that he showed his girlfriend, now wife, The Crossing’s recording of Consent. He claimed that it initiated conversations early stage in our relationship, but made us talk about it in present way, which is super helpful for getting to know someone in the first six months of dating someone. It also made me look back on past partners. [I considered] “Oh, that was kind of thing for that one person…” I wonder what people I have dated have gone through that I was never aware.

Here, Dimitri states that Consent allowed a new dialogue to establish clear emotional and romantic understandings between he and his partner. Moreover, he has become more emotionally aware by assessing his past experiences. Each of these individuals prove that the narrative content within Hearne’s composition encouraged them to establish stronger emotional bonds through trust and communication in their respective relationships.

In his article “From everyday emotions to aesthetic emotions: Towards a unified theory of musical Emotions,” Patrick Juslin claims that the voice alone can also evoke musical emotions, particularly via the activation of emotional contagion. Enraged by currently political discourse, Rebecca spoke fearfully about several states’ attempts to revoke legislation that allowed women to have agency over their bodies. She poses that the ensemble uses this piece as a form of protest or communication. Rebecca then exclaimed, “We need to take this on tour, as

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67 Elaine Hatfield first defined emotional contagion to describe people who observe other people’s emotions and behavior tend to copy them; Patrick Juslin, “From everyday emotions to aesthetic emotions: Towards a unified theory of musical Emotions,” Physics of Life Reviews, (10) (2013) 235–266.
exhausting as it would be, just to be ‘Hello! Do you hear yourselves?’ Let’s parrot your words at you for a minute, so you can hear how bad this is.” With her last sentence, Rebecca inadvertently enforced that Hearne’s prose can be applied to other forms of sexual violence and gender disparities, specifically in referencing Anti-Abortion, or Pro-Life, ideologies. She takes the concept of consent outside of its sexual connotation to reposition it to assert that women should have complete autonomy regardless of the setting.

The conductor joked about the difficulties accepting praise for singing about rape, which prompted one last inquiry about programming: why keep programming songs with controversial or traumatizing subject-matter. His response was: “I’m not going to stop programming, commissioning, or performing them until the issue they address becomes obsolete.” Here, Nally positions Hearne’s work, and choral compositions in general, as form of communication that he hopes will dispel the problematic aspects of society.

**Important Embodiments**

Imani Mosely claims that music is a cultural product, especially when concerning rape, and as reflection of society can expose its harsh realities. Consent is merely a product of rape culture. It exposes the problematic aspects of individual and institutional ideologies present in both its language sources and these interviews. As Dimitri said: although it may have traumatic subject-matter, this “violent” music promotes conversation that involve the issues of society. Looking at this through a trauma-focused lens, Consent can be categorized as the healing method of shared language. Psychiatrist Bessel van der Kolk asserts that sharing trauma through stories explain why and how people suffer. With this definition, I propose that Consent represents

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68 Mosley, "Say Her Name," 157.
69 van der Kolk, *The Body Keeps the Score*, 239.
several stories: Ted’s personal meditation on duplicitous language that inspired this composition, the narrative derived from truncated prose, and the experiences of The Crossing Members.

Although they represent a small population of those who have performed Consent, these stories provide insight on the composition’s ability to elicit emphatic emotional responses and reflections while communicating the subverted violence in our society. Understanding the narrative prose, the vocalists alone prove that knowledge of the composer’s historic influences and text sources force them to actualize their positions within rape culture and catalyzes a shift in human interaction. Supported psychologies of lyrics, this piece can communicate real, explicit sexual trauma and to encourage awareness of one’s emotions, which subsequently lead to their ultimate development. Moreover, the interviewed Crossing members’ indirect advocacies attest to various ways one can use Consent as a tool: Chelsea became more socio-politically informed, Rebecca developed a more trauma-informed teaching practice, Dimitri reassessed his interpersonal relationships, and Donald Nally fights to eradicate societal atrocities.
CONCLUSION

*Consent* exemplifies elements of a form of violence many have experienced to some degree. Hearne’s selections of religious, personal, and case-based texts highlight how rhetoric sustains male-superior gender disparities and rationalizes their need for sex. Although it was not a new subject at the time, Steubenville was the impetus for Hearne’s musical commentary on American rape culture. Largely attributing to the national conversation, social media demonstrated how one’s societal role affects the epidemic at large. For example, the image of the unconscious teenage girl being carried by two of her male peers, who were then found guilty of raping her, ignited a fury either against or in favor of the role of woman. Hearne’s need to explore his relationship to deceitful language and that which justifies rape proved as a great influence on those who perform it.

So often, scholars share the audience reception of politically engaged works. This is incredibly important to determine the critical success or effectiveness of the composition itself; however, there is much to be said about the effects the performing sensitive subject matter has on an individual. As exhibited within my conversations with members of The Crossing, musicians from various backgrounds are affected by the violence displayed in *Consent*. The composition elicits assorted emphatic emotional responses while encouraging performers and audience to reflect on their actions. The contributing individuals spoke to the ways that these words exacerbate Hearne’s portrayal of violence by revealing the true nature of text sources.

In conjunction with my analyses, these testimonies contribute to a larger conversation regarding programming. *Consent* proves the power that new music that is directly tied to our society has on the population. Audiences reconsider rape culture, and performers evaluate their positions within it. Because of this, musicians must continue to perform sensitive subject matter.
Scientifically proven to explain the afflictions of sexual violence, trauma stories, such as this work, must be performed. As Donald Nally stated about choral works that address societal issues, “I’m not going to stop programming, commissioning, or performing them until the issues they address becomes obsolete.”
Leonard Walker (LW): So, had any of you know about the Steubenville Rape Case before your first rehearsal of Consent?

Chelsea (C): I was not nearly as socially aware until I started singing with Donald [Nally]. Before working with [Nally], I was a graduate student musician. Everything else happening in the world at the time was auxiliary to what I did in a practice room on the concert stage. Working with Donald was the intersection of those things. They’re not separate if you’re doing anything meaningful.

Rebecca (R): I was well-out of school; I was very aware. I was a little worried about how this Consent would impact people. It can be very triggering to talk about those things for those who have experienced some sort of sexual assault. If you don’t know who we are, you don’t expect to walk into a concert and be reminded about your sexual assault. Getting rage-y at male privilege in general. We [Americans] have learned a lot in the almost ten years since the trial. We have grown. But the number of people blaming the girl like “well what did she think getting drunk around a bunch of boys”— that is never flipped...although it is interesting that men who are victims of sexual assault or far more likely to not report it than women because its emasculating. [In mocking tone] “The feminine is bad. You can’t as a boy be compared as a woman.” There was a lot of infuriating coverage that spoke to victim blaming similar to Brock Turner: “Well we can’t ruin his life,” but this woman is going to be dealing with this for the rest of hers.

LW: How do you think your opinion of this information, or lack thereof, affected your personal rehearsal process?

R: I was raised Catholic; I no longer even believe. Even as a child, I remember they would talk about. To get married in the Catholic church you have to do premarital counseling with a priest who has never married will not be married and eschews the company of women buy and large. I remember thinking: “Well why on earth would I listen to him about how a sexual and intimate relationship goes should be.” I think the first time we did it, these inhalations and holdings just felt really… correct. I think as women there is so much of our lives where we are [inhales through gritted teeth] scared or feel like “I got to count to ten.” There were so many layers that hit right to the heart. Several times, I teared up. Then I had this rage on the “who gives this woman.”
The breath at the beginning brings our bodies in the room in a way that other music doesn’t. Half of what makes it so effective is that you have to be in the room. Your body has to be in the room. You have to have your breath under you. You can’t half-ass sing Consent.

It [the breath] commands attention even though we are silent.

It’s disruptive.

I mean, the outburst at the end—you know some people talk about the primal scream in music—it absolutely has that but comes from the buildup. It is so cerebral. Something about it fuses the cerebral and emotive explosion. “Declare your consent” and “What a way to feel.” He brings your brain into the room because you have to be thinking while you’re singing it. You can’t just sing it by rote or by your body memorizing it—processing while you’re performing it.

Dimitri, you mentioned this during our rehearsal together yesterday, but I’m curious about the conversation with your girlfriend, now wife, went when you showed her.

This piece did singlehandedly shift my own awareness and position of rape culture. There was a situation at Northwestern that was very relevant to this. There was an issue with two students and there were two sides to the story. Two people that I knew personally. The conversations that surrounded that before coming to this piece. So much of Ted’s music and music that the Crossing does especially for an impressionable young grad student that was raised in the evangelical conservative tradition church pivotal and reorienting music in a big way.

I played it for my girlfriend at the time, like “oh, we just recorded this!” It was so overwhelming to her as a woman just hearing all of this. I was so excited about the piece like “Oh, this is the most powerful thing that I have thought about,” and for her, it was just…unsettling. I had to stop playing the recording because it was a lot to just put on someone. I think it has that effect on a lot of people. How music like Consent can get under your skin in the good ways. Completely unapologetic and unabashedly about what it is trying to communicate. It [triggering] is the perfect word it gets these emotions out of you, makes you feel uncomfortable, and makes you think.

Interesting! With that, what does the performative emotional arch look like for you.

“Primal scream” refers to Arthur Janov’s psychotherapy method where one violently releases intense frustration, anger, and aggression in a way that mimics childlike actions.
C: There is a part almost halfway through the piece that the altos have to belt out “she looks dead—

C+R: —L M A O.” —

C: Right. I remember getting to that point and— well first, how do I pronounce “L M A O.” [laughs] “La-mow?” — Anyway, the first time I approached that I was like [dry-heaves]. I don’t want to sing these words. These words are repulsive. Eventually, I separated my feelings about the words. I kept thinking “I have to sing these words; I have to sing these words.” Fortunately, Ted doesn’t set it as Eric Whitacre “add nine” chord. He set them at the bottom of our range, [where we were] literally belting it out of our chests. I was singing with [member of The Crossing], and we were just ripping it.

R: I have to say: at that part, even as a soprano, because we are in our “floaty” stage at that point— it is so powerful to hear you guys do that. We hear the scorn in your voices. It becomes weirdly this empowering moment. I think there’s something about women saying that text out loud that exposes how disgusting it is. It becomes this point of “No, we are going to talk about this thing that male-dominated culture has not talked for a very long time,” which is a better way to be because definitely the first few times we were all like “How in the hell are we going to do this and not be an emotional wreck?”

D: It’s incredibly difficult to separate your emotions from performing the piece. It’s so much of my favorite texts that are set for the Crossing commissions or the pieces we do are nonpoetic texts that are texts out of reality. Texts out of texts messages or emails. The fact that they are plucked out of reality makes it so much more powerful than someone coming up with a beautiful way of putting something. This was just the way that it was put.

LW: I absolutely agree with your point about the text. What text source do you think had the most emotional or intellectual impact on you?

D: For me, intellectually the Rite of Marriage texts. “Who gives this woman?” Ugh, so now we’re giving women away? Emotionally, it’s has to be the text messages about the photographs they are exchanging. It’s like stuff that should be on Dateline.

C: It’s even the way that he set it by not telling you where the text came from. He blurs the lines between them, so you don’t know which text is from.
R: Especially because he has his dad’s love letters. You add the old generation where those things were even more entrenched. This understanding that when two people agreed to any kind of relationship there was some sort of obligation to it. The amalgamation directly is a whirlwind of [aspirates disgustedly]. I got to the point where “I miss you in a heart aching kind of way” was the only safe line—there was nothing dirty about that. I was excited!

D: Even when I sang the “I want you” and “I want to”—just the whole idea is just wrapped up within a minor second. The only difference between the two is a y-glide. The fact that they’re so close… I want to do something, or I want you.

R: I also think the opening has a different impact live from recording. Really impactful both ways but so different. I mean, you’re sitting in your bedroom, headphones in and these guys are just in your ear. It’s really creepy; they are in your brain. When we do it live, you can’t make out what they are saying, but the women are [sharply inhales]. It’s a different tension. On the headphones, it’s like “Oh, yeah. I know what this is.” It’s the pervasive attitude and the ethos. Live it feels more like “Did you carry your pepper spray? Are you ready to run away?” I was not expecting that when we got the recording back. It was so different but also so intense. You guys are intimately whispering, so it seems sweet, but the message is not.

C: Well, and your impulse could be that it is so tender. Then when you figure out, you feel like “why did I think this was so romantic?”

D: It can feel tender. I don’t want to speak for women, but I think people do want to be wanted. People do want to be wanted to have consensual sex; they want that intimacy and to feel missed.

R: This text coming from someone that you feel mutually about is really beautiful and intimate, but, in essence, it’s kind of gross.

LW: After interacting with the piece, did you find yourself reflecting on the ways you have communicated with your partner or partners? If so, did your communication shift to be more sensitive?

C: I have always been a very romantic person, someone who wanted a relationship, a very sexual person. In the past, and I maybe got away with it because I am a woman, but I was a very assertive person. If I’m into someone or want something, regardless of if its sexual or not, I am going

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71 In international phonology, “glide” often refers to any type of transitional sound. Most common uses of glides in the English language involve the consonants “y” and “w.” In this instance, Dimitri is referring to the “y”-glide evident in the word “you.”
to make my intentions very clear. This piece made me reflect on how I interact with others. Because there a much stronger line—not that I have ever crossed it—that I needed to be aware of even as I approached it. I have lots of conversations with my partner. She is medicated, so she suffers a stifled libido. We have had a journey being sexual partners together. Because of my learned awareness, I am now hypersensitive to other people’s needs.

It’s worth it because it’s a way of loving and caring for them. I used to be the initiator, and now I am taking a backseat to those things. I’m trying to let my partner tell me what she wants and ask her first rather than telling her. Consent was a huge part of that, partly because there were bits in that piece were things that I thought because of society. I had thought “If that woman was assaulted why was she wearing that tiny skirt?... (Motions to group emphatically) WHAT THE [obscenity]? In hindsight—WHAT THE [obscenity]. I overcame that in this piece. It is better to be hypersensitive of other people to care for them in that way. If they’re ready and want to say “yes” to that [sex], great. If they’re feeling a bit of trepidation but want to have a conversation about it, great.

I think that there is an openness between me and my partner that I would not have been ready to have if I had not reflected on what “consent” actually meant. Before, I have generally taken the approach of “this is what I want” instead of “What do you want? Where can we find the common ground between the two?” What one partner wants and what the other one wants can to be shaped by the relationship itself. It’s constantly evolving.

R: It was an interesting one for me because at this point, my partner had died. It was before I started going back to the dating word. [shudders] But… it did change an awareness and started conversations with people that I didn’t even know had experiences of sexual assault. It even changed me that I will approach all physical contact with “consent” in mind. As a voice teacher, I am constantly wanting to. I find touch, when there is tension involved, is the quickest way to eradicate it. I am so mindful now because you don’t know what a horrifying traumatic experience could be for someone because it’s something you don’t know about. It’s interesting because I thought I try to be a pretty empathetic person to begin with. This definitely went “Oh my god, yes” in all things and just true consent. I have watched what people do. Consent is not badgering the other person to get a “yes.” [laughs] Getting a yes is not the point of consent. It did change when I did start dating. I was like “Oh yeah, here we go—

C: It’s definitely a developed awareness.
R: Yeah, it’s good. Again, we think sexual stuff is only with someone you want to have sex with, but it permeates everything. An awareness of it under everything at all times has definitely helped me. Honestly, some of my students eventually came to say “Thank you so much because I’m not comfortable with being touched, especially when I’m not expecting it. Thanks, Ted! [laughs]—unexpected consequences.

D: I echo everything that you guys were touching on. In my relationship with my now-wife, it initiated conversations early stage in our relationship, but made us talk about it in present way, which is super helpful for getting to know someone in the first six months of dating someone. It also made me look back on past partners. [I considered] “Oh, that was kind of thing for that one person…” I wonder what people I have dated have gone through that I was never aware. Lastly, I went to a private Christian bible institute for five years where I studied music—very conservative.

All the text, especially marriage rights, for sure has had an impact on how I thought about and perceive that particular lane. I got married two years and half years ago. The whole asking your father’s blessing and all, I guess I had never thought through that there were elements that are extremely antiquated and kind of gross. They’re more sort of tradition and respectful, but there’s still so kernels of screwed-up biblical ideas about women being property that we still romantically think about.

R: Even nonreligious people stick to them. They are that pervasive. I just think it’s funny. What would someone’s reaction be if the woman went to the man’s parents. It would be, depending on the family, riotously uncomfortable.

D: Even though now, people are like, “I’m not asking for permission; I’m just stating my intention to marry her.” It’s still part of the DNA of the whole process.

C: I didn’t ask my partner’s parents to marry her; she talked to my parents. My partner is very masculine and extremely nostalgic. She thrives on nostalgia. We had a church ceremony, we did liturgy, we served communion, because it’s part of her entire artistic ethos. I won’t go into all of that. [laughs] There are patriarchal things in society that for her, weren’t patriarchal but held a certain nostalgia. She felt she wanted to have memories of that. Thinking about Consent, I’m realizing that my relationship to others and getting their consent has changed but also being able to protect myself. Knowing when I have given consent, when my consent is needed, and when others have not respected that they needed my consent.
I feel much more empowered to protect myself in that way and withhold my consent if I need to. I recognize that there is a pressure to relent to things. The reality is that we have authority over ourselves and autonomy to give or not give consent when it is needed from us. Some people won’t even wait for you to do that.

R: That’s one aspect in Ted’s piece, too. Consent needs to be obtained ongoing: whether you’re married, or dating, or whatever. The fact that the women have this pinnacle of “I do,” basically screaming. We come down and sing through the property texts which feels like a machine grinding to a halt, but the men end the piece still going on and on and on. The women have already said “fine, I do!” and they won’t shut up. I think it’s so smart—I keep calling Ted smart. Never let him hear this. [laughs] But it is so brilliant because that is so much a thing. There are still laws in this country in several states where there is no such thing as marital rape. It’s like “you’re married, so your body is no longer your own. Your desires do not factor in.”

LW: If memory serves me correctly, marital rape had not been recognized as crime until the late 1900s? 1970s?72

R: Which was also when women could have their own credit card. If we think about that, it was only a couple of years before I was born that my mom could have her own credit account. I—[wincing] I’m not that old! That’s terrifying! You watch what Texas is doing to roll things back and some of the other deeply midwestern states, and you go, “We need to take this on tour, as exhausting as it would be, just to be “Hello! Do you hear yourselves?” Let’s parrot your words at you for a minute, so you can hear how bad this is.

— END —
Appendix B

Donald Nally Interview

Leonard Walker (LW): Regarding your repertoire-selection process, I’m interested in hearing about why Consent was included on the Sound from the Bench album. Was there any programmatic purpose for its inclusion?

Donald Nally (DN): That was more practical. We had done Privilege, Ripple, we had taken Consent a couple of times. This opportunity to tour an all-Ted Hearne program. When we took it to the Isabella Gardner Museum in Boston and National Sawdust of New York, made us go, “This is when we should record this. We should not let this opportunity go.” We start talking to Ted about what else should be on the album. Can we do Consent, Privilege—we added Ripple on there because there was room. It was practical—it wasn’t a “does Consent belong with ‘Sound from the Bench.’” It was a “Let’s get this stuff down with Ted in the room.”

LW: How do you go about discussing or addressing the subject matter of those pieces? Is there a process or is it more arbitrarily collected?

DN: Most of the time, they’re things I bring to the table. I’m the person who says that I want to do a project about “this topic,” or I want to do a project with “this text.” I question who the right person is to do the project. With those pieces [on the album], the only one that I commissioned was Sound from the Bench. Even with that, Ted and I started talking about politics. It was him decided to do Citizen’s United, and I came in and was along for the ride. I got to know Jena [Osman] and really love her and really love her work.

DN: The process of the normal cases, it starts with my imagination, my idea of the things we want to talk about it and match it to the right person. With his, it’s taking Privilege, Consent, and going “This is something that I deeply care about”—then investigating and exploring and discovering all the things that go into it. With Consent, it’s the various text sources and which ones are conflated—or in conflict with each other—and why.

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74 Referring to the 2010 Supreme Court decision to allow corporations and outside groups to spend unlimited funds on political elections in the case of Citizens United v. Federal Election Commission; Author of Corporate Relations, a collection of poems that depicts corporate personhood in the American legal system.
LW: How do you establish a connection or relationship to the texts from either an individual or collective experience when rehearsing and performing?

DN: There is an awful lot that conductors do that the singers don’t know about. That’s an interesting question with Consent because the whole exploration is saying words that you would never say yourself. Singing words that upset you or don’t agree with. That’s part of Ted’s whole thing—he’s constantly trying to find out more about himself and other people through using the words of other people that he would never say himself. That’s why there are some singers who find it difficult to sing it. They’re a bit traumatized from it.

I spent twenty-five years of my life in professional opera, and everyone in opera is playing a role that they would never be—some of them are awful characters, too. It’s just a part of your job to take the terrible character and try to understand their motivation. Theater boils down to one thing: someone trying to get something from somebody else. In life it’s the same thing. We see ourselves as incredibly sophisticated, highly moral beings. The truth of the matter is that behind our mind, is a brain that is going “eat, sleep, sex” just like every other organism in the world. We sometimes don’t recognize how transparent that is in our daily lives. Our daily interactions are largely about getting something that we want.

In Consent, if you approach it that way [as theater], it actually becomes work. For me, there is a theatrical element to everything that we do. There’s a taking-on-the-persona element of the music we do—all I do is tell stories all day. It is not so much about themes, perse. It’s really about what words are being spoken. Why would I as a character, in this case Consent, say those words?

LW: Do you think that this theatrical embodiment has fused with your own views? Have you noticed any differences of how you address consent in your own life?

DN: Yes, I am more aware of the language of possession. It’s not just [about] women. It’s always subtle. I am much more aware in my own relationship of how easily we could accept a subtle power dynamic between the two of us that isn’t healthy and doesn’t belong there at all. One of us is a lot busier and public than the other.
DN cont.: It is just assumed that this [other] person is going to be deferred to. It’s assumed that I’m going to be the decision making. To be honest with you—and get deeper—at times, that’s even true. We are making a huge change in our lives: I’m leaving the university. That is a decision that we came to after I came to it… That’s a power dynamic. I am very aware of trying to step back from my own [obscenity] up world and look at it from a distance: “What does that look like from 13,000 feet up.”

At times, it can look very much like one person is in control, and the other person is expected to answer to that. I try to erase that in our relationship.

That [power dynamic] is magnified a thousand times when it comes to women. There was a moment in the conducting class when I was being careful of how I spoke to her. Were you there this morning?

LW: [nods]

DN: What I really wanted to say to her was, “Men have told you how much you are allowed to expose yourself and how much to not. In order to be a conductor, you have to be open and dynamic and in control. There cannot be a passivity about the way you hold your body.” I see in my [female] conductors this complete acceptance of the fact that there are rules that they are supposed to follow. I try to magnify them and encourage them to step out.

LW: I appreciated that you acknowledged this understood “code” for women. That reminds of when, earlier today, you mentioned that you’re really aware of the language that men use to place ownership or to rule over women’s bodies—

DN: Yeah, I don’t know why I’m harped up about the Virgin Mary. I was in Spain two days before this, and, you know, she’s everywhere. I just became aware that we are not the only religion that lifts up the Virgin Woman. There is no expectation of this for men. There is no expectation that a man is going to be a virgin when he marries a woman. There is somehow some sort of expectation that there is virtue, I use that very carefully, there’s virtue to being a virgin when entering a marriage. It is completely—absolutely—a male construction. You have these Catholic priests walking around saying the women are supposed to be just like the Virgin Mary, but they’re out here touching all the boys. [glares] Where’s the virtue? [snickers] The virtue is in being decent human beings. Human beings are animals; they are going to sleep together. The virtue isn’t the fact that almost all of us know what right and wrong is. I’m not an expert; I am not a moral authority, but it does bother me.
I think a lot of the reason I am hyped up on the issue right now is because I’m talking a lot about commissioning. It boggles my mind as to why we would commission an “Ave Maria” or “Salve Regina” in today’s world. It’s in Latin which is a language almost no one speaks; it’s sacred, and most of us aren’t living in a sacred world these days; it celebrates the virginity of a woman—three strikes as far as I’m concerned.

— END —
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**Discography**


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