

TALKING ABOUT RAPE: A DISCURSIVE STUDY OF CONVICTED ADULT RAPISTS' ACCOUNTS OF RAPE

SARAH LOUISE PEMBERTON

A thesis submitted in partial fulfilment of the requirements of Nottingham Trent University for the degree of Doctor of Philosophy

This research was carried out in collaboration with HMP Whatton

September 2012

Copyright Statement

This work is the intellectual property of Sarah Louise Pemberton. You may copy up to 5% of this work for private study, or personal, non-commercial research. Any re-use of the information contained within this document should be fully referenced, quoting the author, title, university, degree level and pagination. Queries or requests for any other use, or if a more substantial copy is required, should be directed to the author.

Abstract

At least 167 women are raped every day in the UK, yet rape remains one of the most under reported and least prosecuted of all violent crimes. Low conviction rates can be attributed in part to the failings of the criminal justice system including the infiltration of rape myths into said system and the ambiguity surrounding sexual consent.

This thesis has drawn on data generated from eighteen semi-structured interviews and one focus group with men who have been convicted of (acquaintance) rape/aggravated rape. In doing so, this research has utilised critical discursive psychology to analyse the ways in which 'rape myths' and knowledge of sexual consent, coercion and refusal is incorporated into participants' offence accounts.

Findings suggest that offenders employ a variety of rape myths when accounting for their offence in accordance with particular issues of stake and interest. All of which is tied to the management of identity, sentence type and treatment received. Subscription to rape myths was often relatively subtle and was based on offenders' accounts of their mens rea (or lack thereof) or their consumption of drugs and/or alcohol, rather than primarily about the culpability of their victim as the more historic rape myths might suggest. Furthermore, through offence accounts, participants were able to demonstrate a sophisticated articulation and appreciation of sexual refusals and negotiations through their ability to 'hear' sexual refusals which did not involve the word 'no' - reinforcing the subtle nature of sexual communication.

These findings highlight that 'knowledge' of rape myths needs to be contemporised and that the legislation surrounding consent needs to incorporate all its subtleties. All of which has implications for the treatment of sexual offenders.

Contents Page

Copyright Statement.....	2
Abstract	3
List of Tables	7
ESRC Case Studentship.....	10
Research Aims	10
Overview of the thesis.....	11
Chapter Two - Sexual Consent.....	13
Defining Consent and the Sexual Offences Act 2003	13
Negotiating Consent.....	18
Rape as a Miscommunication: the Miscommunication Model	21
Chapter Three – Accounting for Rape	24
Sexual Offending and the Construction of Rape Myths.....	24
Examples of Rape Myths	25
<i>Rapists are Mentally Unstable</i>	25
<i>Women Cry Rape</i>	26
<i>Only Certain Women Are Raped</i>	26
<i>Rape as a Miscommunication</i>	27
The Function of Rape Myths	27
Subscription to Rape Myths	29
Rape Myths and the Media.....	32
Rape Myths and other forms of 'Media'	33
Chapter Four – Prisons: Power and Treatment	37
The Rehabilitative Model to 'Nothing Works'	37
'Prison Works'	38
Managing Risk, Managing Sexual Offenders	40
Treatment Programmes.....	42
Effectiveness of Treatment – Recidivism	45
Masculinity in Prisons.....	45

'Talking the Talk'	47
Respecification: the new language	48
Chapter Five – Methodology: Epistemological Approach.....	51
Social constructionism.....	51
The 'turn to language'	54
The 'synthetic' approach.....	57
Critical Discursive Psychology	60
Chapter Six – Methodology: Research Design.....	62
Researching the Vulnerable: Participant and Researcher	62
The Female Researcher.....	64
Ethics.....	66
Confidentiality.....	66
Data Collection.....	67
Semi-Structured Interviews.....	67
Researcher as Participant in the Interactional Context.....	68
Recruitment for Interviews.....	69
Challenge versus collusion during the research process	75
Focus Groups.....	76
Recruitment for Focus Groups	78
Transcription.....	79
Analytic Procedure	80
Reliability and Validity	81
Chapter Seven – Analysis - "Nice Guy Eddie": Managing the 'Rapist' Identity	84
"I am not like that": the utilisation of discursive techniques to distance convicted adult rapists from 'other' rapists.....	85
"...a lot of people who have committed rape like to think they are better than child sex offenders...": the role of hierarchy and identity.....	95
'...these aren't the people I would associate with normally...' Forging an Identity and Establishing 'Friendships' in Prison.....	101

Chapter Eight – Analysis – “...Consent is where both parties...involved in a sexual activity is willing freely to engage in it, not be pressured or forced or feel uneasy about it or downright refusing...”: making sense of consent	109
“...the old pants, the passion killers...”: ‘Hearing’ Women’s Sexual Refusals.....	110
“...Really there wasn’t any need for consent and if somebody said no they meant yes”: accounting for unknowingly engaging in non-consensual sex	121
“...well she said no and I wasn’t interested in that”: accounting for knowingly engaging in non-consensual sex	128
Chapter Nine – Analysis – “...she said to me ‘why don’t you rape me because it turns me on’ ”: the use of rape myths when constructing offence accounts	138
Accounting of the offence to others: family and friends	156
Chapter Ten – Analysis - “...They kind of used words that I would never have used like... ‘self gratification’ and ...‘pre cognitive’ and all this stuff...”: the impact of treatment upon convicted adult rapists’ talk	170
The ‘New’ Language	171
“Good news travels fast in prison, though not as fast as bad news”	175
‘Institutional’ Demands and Reported ‘Motivations’	181
Victim Empathy	191
The Impact of Treatment.....	200
Chapter Eleven – Conclusion	207
References	214
Appendix One: Participant Information Sheet and Consent Form	237
Appendix Two: Interview Schedule (Semi-Structured Interviews)	241
Appendix Three: Interview Schedule (Focus Group).....	246
Appendix Four: Transcription Symbols	252

List of Tables

Table One: Participant Key Information	70
--	----

Chapter One – Introduction

Every 34 minutes a rape is reported to the police in the UK but only 1 out of 20 of those rapes lead to a conviction (Fawcett Society 2007). Amnesty International (2005) state that 167 women are raped every day in the UK; the British Crime Survey in 2000 (as cited in Myhill and Allen 2002) reported that 1 in 20 women (aged between 16 and 59) in England and Wales have been the victim of rape and the World Health Organisation (2002) estimate that 1 in 4 women worldwide may experience sexual violence by an intimate partner during their lifetime.

Yet rape remains one of the most under reported and least prosecuted of all violent crimes and as a result the number of reported rapes is lower than the incidence and prevalence rates suggest (Walby and Allen 2004). In 2008, the proportion of cases resulting in successful prosecution fell with approximately only 6.5% of alleged rapes leading to a conviction (Laville 2009). Rape Crisis (2007) found that in 85% of cases the rapist is known to the woman, paradoxically, women are less likely to report sexual assault to the police if the assailant was known to them (Jones et al 2009). Westmarland (2004) attributes the reluctance by women to report rape to the police, principally because they fear that they will not take them seriously, but also through fear that they will be blamed for the offence - it is this idea of 'victim-blaming' which is integral to understanding rape myths. Most rape victims who report the offence to the police will never see their case get to court, let alone achieve a conviction. Cases are often rejected by the Crown Prosecution Service (CPS) on grounds of insufficient evidence which in some instances can be attributed to failings of individual police officers' and their incompetence when investigating these allegations (HMcpsi 2007). In 2010, three Scotland Yard officers face dismissal after the Independent Police Complaints Commission (IPCC) have claimed a 'sustained failure' by the police by enabling a serial sex attacker, Kirk Reid, to continue stalking women in London four years after he was first identified as a potential suspect. He is now serving a life sentence after being convicted of 27 sexual offences (two of which were rape) but is linked with a further 100 offences which he is suspected to have carried out between 2001-2008. The original investigation unit did not prioritize sexual assaults and instead focused resources towards robberies, street crime and burglaries (Davies 2010) thus enabling Kirk Reid to slip through the net. This is not an isolated case, the IPCC have criticised the Metropolitan Police for their dealing of the John Worboys case. Worboys was given the

opportunity to drug, rape and sexually assault at least 85 women after the Metropolitan Police missed many opportunities to stop him. Despite numerous reports from women who made claims to have been attacked by Worboys, the police did not act. One woman even reported being laughed at by police when she filed a complaint (Dodd 2010). Much of the literature highlights the failings of the police, however, there are initiatives which demonstrate the police involvement in supporting a reduction in rape. West Mercia Police (2009) publicly supported the national campaign ‘Rape-Short Word, Long Sentence’ where they stated that ‘West Mercia Police are reminding men and women that “no means no”’. On their website page there is a campaign poster of a woman which displays the message “Rape – let your hair down, not your guard. Alcohol features in two thirds of all rapes.” Unfortunately, this message subscribes to the victim blaming, rape myth discourse that suggests if women curtail their behaviour then they can avoid being raped.

Low conviction rates can be attributed in part to the failings of the criminal justice system which result from the dominant social discourse of rape myths (Ewing 2009). Rape myths give people a false sense of security by minimising and/or denying the occurrence of sexual violence, by apportioning some degree of blame to the victim, and by offering excuses to the perpetrator. In effect these myths perpetuate sexual violence because they play a powerful part in defining our responses to rape (Rape Crisis 2007). Previous research that has been conducted has predominantly been with US college students, heavily quantitative and focused upon rape myth acceptance scales (c.f. Burt 1980; Malamuth and Check 1981, 1985; Barnett et al 2001; Mathie and Wakeling 2008). In part, this research addresses the paucity of in-depth qualitative, empirical work conducted with sex offenders themselves in order to capture a detailed discursive exploration of this phenomena, that is, the use of rape myths, specifically within the talk of convicted adult rapists.

Furthermore, this thesis is influenced by the work of Kitzinger and Frith (c.f 1999; Frith and Kitzinger 1997) who used conversation analysis in order to examine the complexities involved for young women when carrying out both sexual and non-sexual refusals within talk. It is also influenced by the work of O’Byrne, Rapley and Hansen (2006) (see also O’Byrne, Hansen and Rapley 2007), who also used conversation analysis to develop the work of Kitzinger and Frith further. They examined young men’s understandings of carrying out but also comprehending refusals, both sexual and non-sexual. One aim of

this thesis is to add to this empirical research further by considering the ways in which convicted adult rapists 'knowledge' of consent and sexual refusals is managed within talk. This empirical work is vital to increase our understanding of sexual consent and in turn, of sexual violence.

ESRC Case Studentship

This research is based on a collaboration between Nottingham Trent University and HMP Whatton which resulted in the submission of a CASE PhD research proposal to the ESRC. This was consequently granted and awarded in the form of a PhD studentship to the researcher of this thesis (following the successful completion of the interview process).

To some extent the formulation of a research proposal implies that there were certain elements of the research project that were predesigned; mainly the research question, aims and methodological approach. However, chapters five and six will highlight the ways in which this proposal was refined in order to produce a piece of research that attended to the priorities of the researcher whilst taking into consideration the objectives of both the university and the prison service.

Research Aims

The epistemological approach employed in this thesis, (critical) discursive psychology (Wetherell 1998), is a discipline which studies language as a medium of social interaction. One of its characteristics is that the researcher starts from the premise of 'unmotivated looking', (of not having an agenda) and is thus inductive in nature. The establishment of aims (as discussed in the previous section) in the original research proposal, therefore, works slightly against the grain of traditional discursive psychology; however, the aims were as follows:

- To explore the ways in which convicted adult rapists construct sexual consent, sexual refusal and sexual coercion.
- To examine the ways in which convicted adult rapists draw upon widely shared cultural accounts of rape or 'rape myths' to account for their conduct.

In line with a more traditional discursive psychological approach, the following retrospective, inductive 'aims' have originated from the analysis of the data:

- To examine the influence the prison (particularly treatment programmes) has on the talk of convicted adult rapists.
- To examine the ways in which the ‘rapist’ identity is managed within interaction

Overview of the thesis

Chapter two will outline both the theoretical and empirical efforts that have been made to conceptualise consent and the way in which this is applied in legislation. This chapter will stress the integral role of consent in our understanding of sexual violence and in doing so will make the case for why an empirical consideration of this phenomena in the talk of convicted adults rapists is necessary.

Chapter three will consider the mythology which has developed in order to account for and obscure the ‘true’ nature of rape. This will be achieved through a discussion of what rape myths are, their function and impact but also a consideration of how these manifest through an examination of the rape myth acceptance research to date. In doing so, this chapter will outline a case for the importance of this thesis and the exploration of the uptake of rape myths within the talk of convicted adult rapists.

The aims of chapter four are twofold. Firstly, it will review the literature surrounding prisons with a particular focus upon the role of ‘power’ and ‘treatment’; in doing so, this will outline the rationale for the empirical focus of chapter ten. Secondly, the focus of this chapter will enable the researcher to both introduce and contextualise the environment for study, HMP Whatton.

Chapter five will outline the epistemological approach fundamental to this thesis. It will argue for a fusion of methodological approaches (Wetherell 1998) captured by critical discursive psychology. Such an approach synthesises the fine grained analysis typically associated with conversation analysis with a broader approach (of critical discursive psychology) which enables the consideration of the political implications of patterns of discourse. This includes the way in which discursive practices of the prison regulate, control and maintain the conduct of prisoners. This synthesis of approaches, rather than isolated approaches alone, enable a far more encompassing and rigorous form of analysis.

Chapter six will consider the challenges in conducting research with convicted male sex offenders. It will detail the methodological approach adopted by describing how data for the research was obtained and the development of the methods used in order to gather said data. This chapter will also attend to the pertinent issues of reliability, validity and generalisability of data within discursive research.

Chapter seven is the first of four analytic chapters. This chapter will examine the discursive strategies utilised by the participants in order to construct and manage their identity. This will be done in two stages, firstly, by considering the discursive techniques employed to distance participants from 'other' rapists and secondly techniques that are used by offenders who draw upon the discourse of hierarchy in order to situate themselves as better than 'other' sex offenders, particularly from those who have committed crimes against children. The effects of these techniques will also be considered. The final section of this chapter will pay consideration to the construction of identity and the impact upon reported friendships within prison.

Chapter eight will provide an exploration of convicted adult rapists 'knowledge' of consent and sexual refusals and the way in which this is managed in talk. Both 'knowledge' of consent both within their own offending behaviour and their own (non-offending) sexual experiences will also be considered.

Chapter nine will examine the discourses participants in this research draw upon in order to account for their offending behaviour. More specifically, this chapter will consider the extent to which this vocabulary encompasses 'rape myths' and the way in which these enable offenders to construct an account of their offence that ultimately facilitates the management of a particular identity.

Chapter ten will consider the way in which 'treatment' is attended to in the interactions of the participants within this research. This chapter considers the impact that participation upon accredited treatment programmes in HMP Whatton has upon the talk of convicted adult rapists, demonstrating the ways in which this manifests itself.

Finally, chapter eleven will conclude this thesis by detailing the main findings, implications for future research and the limitations of this research.

Chapter Two - Sexual Consent

Introduction

Although there is a dearth of literature on sexual consent (Beres 2007), efforts have been produced from a variety of disciplines, including, medicine, politics, law, psychology and sociology. This chapter will attempt to piece together this disparate literature.

Consent plays an integral part in our understanding of sexual violence both within research and academia but also within the legal system, however, it remains an ambiguous concept. Beres (2007) maintains that this is a result of the private nature of sexual experiences that we as academics and researchers are simply not privy to. This chapter will examine both the theoretical and empirical efforts (for discursive examples c.f. O'Byrne, Hansen, Rapley 2007; O'Byrne, Rapley and Hansen 2006; Kitzinger and Frith 1999; Frith and Kitzinger 1997) that have been made to conceptualise consent whilst outlining the gaps that this thesis seeks to bridge. This is achieved in chapter eight with an exploration of how convicted adult rapists comprehend and negotiate consent within their offending behaviour but also within their own (non-offending) sexual experiences.

Defining Consent and the Sexual Offences Act 2003

Much of the theoretical work that has occurred to date takes the definition of consent for granted. It is frequently cited without an explicit explanation; often because a shared definition and understanding of what consent represents is assumed. Beres (2007; p.94) argues that “there is no consensus on what it is, how it should be defined or how it is communicated.” Bourdieu, Chamboredon and Passeron (1991) refer to this notion as ‘spontaneous sociology’ where one is accepting of meanings of concepts without interrogating their origin.

McGregor (2005) argues that consent is the key to understanding the moral wrongfulness and seriousness of rape. She argues that consent provides a person with power over what is theirs. There is a moral expectation that one should respect the autonomy of individuals by allowing them to make decisions freely without coercion and by respecting those choices that they do make. Thus consent is important for safeguarding personal autonomy and allowing individuals to be in control of important aspects of their lives; politically, medically and sexually. Consent “transforms relationships which

gives it moral importance" (McGregor 2005, p.107). McGregor (2005) argues that the failure to gain consent results in a form of 'harm'. These levels of harm and seriousness vary, for example, consent to borrow clothes, consent to perform an operation, consent to have sex.

Steven Box (1983) in his seminal text, *Power, Crime and Mystification* provided a most comprehensive critique of the 1956 Sexual Offences Act. Although his work may seem historical, the critique he developed of the legislation was only in part addressed, twenty years later with the introduction of the Sexual Offences Act in 2003. He argued that both the Sexual Offences Act 1956 and Sexual Offences Amendment Act 1976, needed changes to be made in relation to the *actus reas* (guilty act) and legislation should be extended to encompass marital rape (this was addressed in 1991 and became part of statute in the Criminal Justice Act 1994). He also argued that the legislation needed to acknowledge that the vagina was not the only way in which women could be raped and that a penis was not the only means with which a woman could be violated (Box 1983). However, the debate regarding consent that Box wrote of almost thirty years ago persists today. He argued that feminists wanted consent to be re-examined within the sexual offences literature with a shifting in intent from 'without the victim's consent' to 'coerced by the offender'. One reason for this was because in the absence of physical injury, Box argued that victim allegations of not consenting were often met with suspicion. As will be discussed below, the Sexual Offences Act 2003 has attempted to address some of the uncertainties of consent and had incorporated coercion into the defining of sexual violence but it is argued that there is still an onus on the victim at all stages within the criminal justice system to prove that an offence did indeed happen.

The origins of the Sexual Offences Act 2003 lie in the recommendations of a Home Office review completed in 2000. The consultation paper recognised that the law needed reviewing because, amongst other things, it was a "patchwork quilt of provisions ancient and modern that works because people make it do so, not because there is a coherence and structure. Some is quite new – the definition of rape for example was last changed in 1994. But much is old, dating from nineteenth century laws that codified the common law of the time, and reflected the social attitudes and roles of men and women of the time" (Home Office 2000, p. iii). The government accepted most of the recommendations made in the White Paper of 2002 (Elvin 2008) but several parts of the Bill were changed considerably in response to criticism as it passed through parliament.

Prior to the Sexual Offences Act 2003, it was the responsibility of the jury to make a decision between the dividing line of 'real consent' and 'mere submission' (Elvin 2008, p.521). Entrenched in the rape mythology, cases where physical violence was used and the injuries were visible, decisions about rape were clear cut; anything outside of that was viewed as problematic in the jury decision making process. Elvin (2008) argued that the Sexual Offences Act 2003 made some significant changes to the law particularly in respect of consent.

The definition of rape as outlined in section 74 of the Sexual Offences Act 2003 states:

- (1) A person (A) commits an offence if—
 - (a) he intentionally penetrates the vagina, anus or mouth of another person (B) with his penis,
 - (b) B does not consent to the penetration, and
 - (c) A does not reasonably believe that B consents.
- (2) Whether a belief is reasonable is to be determined having regard to all the circumstances, including any steps A has taken to ascertain whether B consents.
- (3) Sections 75 and 76 apply to an offence under this section.¹
- (4) A person guilty of an offence under this section is liable, on conviction on indictment, to imprisonment for life.

The significance of section 1c in this act is immense as in order to secure a conviction for rape, one has to prove beyond reasonable doubt that firstly, the defendant committed an act that meets the legal definition of rape and secondly, that the defendant knew that victim was not consenting (Westmarland 2004). There is some debate as to whether or not the burden of proof lies with the victim; they need to be able to demonstrate that the

¹ If the prosecution can prove at the time the alleged rape that the victim did not or could not consent then the defendant must overturn these. Section 75 of the act outlines these evidential presumptions which include the use of violence, threats of violence, if the victim was asleep, unconscious or drugged. Section 76 of the act is where the attacker deceives the victim to the nature/purpose of the act and where the attacker intentionally induces the victim to consent by impersonating someone she knows.

defendant did not reasonably believe that they consented to sexual activity. This is also articulated by McGregor (2005) who maintains that the burden of proof rests with the woman to demonstrate ways in which she was not consenting and instead should be based on the man demonstrating ways in which he gained consent; so there is no consent unless there is evidence to suggest otherwise. However, at the present time, consent is presumed until there is significant evidence to suggest otherwise, which ultimately comes down to one person's word against another's. McGregor (2005) argues that by establishing the *actus reus* of rape, in other words, that sex occurred without consent, is not sufficient to secure a conviction for rape. Furthermore, she argues that guilt for the crime of rape requires the defendant to possess *mens rea* (guilty mind) with regards to what he believed or understood at the time. For it to be rape – the defendant must have believed that his victim was not consenting. Therefore, what will be considered in a court of law is the man's perception of whether or not the woman consented. The jury have to believe beyond reasonable doubt that the woman was consenting for the defendant to be acquitted. McGregor asks 'when does a mistake about consent exculpate or make the defendant not liable for the crime of rape?' (p.196). The issue of consent appears to be unique to rape cases; McGregor (2005) argues that if someone was physically assaulted, for example punched in the face, it would be highly unlikely that someone would be asked if they consented to being punched in the face.² Also, rape victims are likely to be the only direct witnesses and as already stated in the end it will come down to ones person's word against the other. Inevitably, this is going to impact on the way in which offenders construct consent; their understanding of consent in relation to their offence and the negotiation of it; a focus of this PhD thesis.

Tadros (2006) argues that a differentiated definition of rape is needed; similar to manslaughter where there is no single definition. He argues that by differentiating the definition "...it would be capable of precise definition. It marks out violence used in cases of violent rape without excluding a conviction of rape in cases which do not involve violence. And it need not focus unduly on the conduct of the complainant" (p.518). In doing so, he argues that this would make it easier to appreciate when consent must be explicitly verbal but that it will also help with the understanding of the *mens rea*

² With the exception of those who subscribe to consensual BDSM - Bondage and Discipline (BD), Dominance and Submission (DS), Sadism and Masochism (SM).

of rape. However, he goes onto propose that with the differentiated definition, there should be an abandonment of the concept of consent as integral to the law on rape, predominantly because the concept is both ambiguous and vague. This proposal is further supported by McGregor (2005) who also problematises the role of consent in our understanding of rape by asking if consent is a useful concept or not; does it distinguish lawful from unlawful conduct?

Furthermore, Nicolson (2000) argued that the legislation prior to 2003 overlooked the subtle ways in which consent could be contrived, particularly coercion in the form of psychological bullying which can include socio-economic conditions that compromise women's capacity to say 'no.' The Sexual Offences Act 2003 was intent on overcoming these perceived difficulties by clarifying consent; this was achieved by defining consent as "a person consents if he agrees by choice, and has the freedom and capacity to make that choice" (Sexual Offences Act 2003, p.39). Elliott and de Than (2007) argue that the clarification of consent was to some extent achieved by the establishment of a statutory definition within the Sexual Offences Act 2003 and the removal of 'honest belief' defences after the case of DPP v Morgan (1976). After an evening of heavy drinking with three of his friends, Morgan invited them back to have sex with his wife; he stated that his wife liked having sex with strangers and that she might appear to be resisting but in fact that was part of her 'sexual script' and was her way of becoming sexually aroused. The three defendants (not including Mr Morgan) argued that they consequently believed that Mrs Morgan's protestations were part of foreplay and at all times believed that she was consenting to sex on the basis of what Mr Morgan had told them. The men were all convicted of rape but appealed on the grounds that they believed the woman had consented and indeed that the judge had misdirected the jury that their belief had to be a reasonable one. In fact, their Lordships admitted that there had been a misdirection. In cases where intention or recklessness has to be proved, an honest mistake, even one that is not reasonable, could provide a defence.

However, it could be argued that the act still does not highlight the ways in which one can demonstrate agreement and again there is an assumed understanding of how this is achieved. The term 'capacity' has attracted much debate since its inception. Warburton (2007) argues that at its simplest level it can mean the mental capacity to consent. Furthermore, he argues "that the common law held that if the alleged victim was not in a

position to choose to agree to the activity, then if a choice was made to do so, it should not be considered a valid choice, as the capacity to make that choice could not exist" (p.395). Extreme intoxication would be an example of this, but the courts would need to decide at what juncture does extreme intoxication lead to a loss in capacity to make a choice. Elvin (2008) argues that section 74 provides no definition of capacity and a lack of statutory definitions of concepts such as 'freedom' and 'choice.' Consequently, this has been proven as problematic in certain cases, including the case of R v Bree [2007]. In this case, sexual intercourse was never disputed, but the presence of consent was (Warburton 2007). Bree maintains that although R was drunk, she consented to sexual activity. However, the prosecution argued that although she was voluntarily intoxicated, she was effectively unconscious throughout and therefore lacked the capacity to consent. The alleged victim remembered nothing after this until regaining consciousness and finding Bree penetrating her. The alleged victim agreed that she had not said 'no', but asserted that she had never consented. He claimed she was intoxicated but was lucid enough to consent to sexual intercourse and in doing so, he reasonably believed that she was consenting. The jury convicted Bree of rape, yet he appealed on the basis that the judge had not made it clear to the jury that a person can consent to sexual activity even when intoxicated. The Court of Appeal held that the judge had failed to give guidance to the jury on how to address the issue of consent and capacity in relation to voluntary intoxication. The Court of Appeal held that "If, through drink (or for any other reason) the complainant has temporarily lost her capacity to choose whether to have intercourse on the relevant occasion, she is not consenting... However, where the complainant has voluntarily consumed even substantial quantities of alcohol, but nevertheless remains capable of choosing whether or not to have intercourse, and in drink agrees to do so, this would not be rape" (R v Bree [2007] EWCA 256). The Appeal was allowed and the conviction was quashed.

Negotiating Consent

This next section will explore some of the existing literature upon sexual consent which examines both verbal and non-verbal negotiations.

Dripps (1992) defined consent as any agreement to participate in sex. Furthermore, he suggested that as long as there was a verbal 'yes' present and no matter how much coercion was involved, consent was achieved. However, he also claimed that the offence of rape should be axed and simply replaced with assault charges, as this would undo

any difficulties faced by juries when trying to decipher consent. Such a definition of sexual consent is problematic, as this thesis would argue that it is not possible for someone to genuinely consent when they are being coerced or threatened into doing something against their will.

Research conducted by Muehlenhard and Hollabaugh (1988) investigated whether women ever engage in token resistance to sex, by saying 'no' to sexual activity but really meaning 'yes'. They defined token resistance as "a woman's indicating that she did not want to have sex even though she had every intention to and was willing to engage in sexual intercourse" (p.872). After interviewing 610 undergraduate females they found that approximately 39% of those women interviewed had engaged in token resistance at least once when negotiating sexual activity. However, Muehlenhard and Hollabaugh (1988) concluded that "when a woman says no, chances are that she means it" (p.878) as 61% of their sample reported not engaging in token resistance and for those who did, the majority reported doing so five or less times. The conclusion reached by Muehlenhard and Hollabaugh (1988) highlight the futility of token resistance when considering sexual consent.

In the early 1990s, Antioch College, Ohio became the focus of national attention after it developed a 'Sexual Offence Prevention Policy' in response to two rapes that occurred on campus. The rationale for this was to enable men and women to talk freely about their sexual wishes with a desire to reduce the incidence of sexual assault on campus. Therefore, the policy was seen as more symbolic, rather than to secure prosecutions on campus (Cowling 1998). The policy defined consent as 'the act of willingly and verbally agreeing to engage in specific sexual contact or conduct' (as cited in Hickman and Muehlenhard 1999; p. 258) and excluded all forms of non-verbal behaviour. They in fact argued that it was unacceptable to rely on non-verbal communication when negotiating sexual activity (Hickman and Muehlenhard 1999).

The majority of sexual consent literature is heteronormative and gender specific, that is, based around the notion of women giving consent to men. These are known as traditional sexual scripts where women are not meant to directly indicate their sexual interest or engage freely in sexuality and men are expected to initiate sex and persist even when a woman is unwilling (based on the rape myth that if a woman resists, it must mean that she is interested in participating in sexual activity) (Check and

Malamuth 1983). The subscription to sexual script theory is problematic since ideas around consent are based on giving verbal consent and traditional sexual scripts do not subscribe to giving explicit verbal consent (Hickman and Muehlenhard 1999). Beres (2007) argues that further research is needed in order to examine how consent is negotiated within both hetero and same-sex relationships and sexual encounters. However, by the very nature of this research it is important to consider consent in a gendered, heterosexual situation otherwise it would fail to contextualise the role of patriarchy within sexual violence in which consent needs to be considered.

Cowling (1998) highlights how the communication of consent and non-consent can be problematic. For instance, if one assumes that a woman is consenting to sex by simply going back to a man's apartment after having been out on a date, then one would have a different view of rape from one which says that any sex where there has been no explicit verbal 'yes' given is rape. He argues that the boundaries between rape and non-rape are extremely blurred, thus the boundaries between the consensual and non-consensual are also extremely blurred.

Hickman and Muehlenhard (1999) furthered Dripps' (1992) discussion of consent by defining sexual consent "as the freely given verbal or nonverbal communication of a feeling of willingness" (p.259). MacKinnon (1987) counteracts this argument by making claims that women will never be free to consent due to the system of patriarchy where men have power over women. Whilst this is a feminist piece of research, this thesis does not subscribe to MacKinnon's statement. Firstly, MacKinnon suggests that women have never experienced consensual sex and secondly it furthers the radical feminist debate that every man is a potential rapist; a suggestion that this author feels is not justified.

Cowling (1998) maintains that gestures which imply a willingness can be both verbal and non-verbal, explicit and implicit. He identified that, at that time, there was a lack of literature on how women communicated a willingness to have sex. This has since been addressed, predominantly, by the empirical work of Kitzinger and Frith (1997, 1999, 2001), which will be considered in greater detail shortly.

Hickman and Muehlenhard (1999) suggested that consent could be considered a 'mental' act, based upon the decision that one makes when agreeing to partake in sexual activity. However, such a definition is flawed as one would never know if a person has truly consented; how would this ever be tested in a court of law? It also enables

misunderstandings to be claimed (which will be discussed in greater detail further on in this chapter).

The literature has suggested that consent could be considered as a ‘physical’ act where a verbal and/or a non-verbal agreement is negotiated when participating in sexual activity. However, this has been considered problematic by those who believe that consent should be expressed verbally and subsequently that relying on the non-verbal is not acceptable (c.f. the earlier discussion of Antioch College Sexual Offences Policy on page 22). Hickman and Muehlenhard (1999) claim that “reliance on nonverbal signals allows one person to selectively interpret another’s signals or to claim miscommunication as an excuse for rape” (p.258/9). Research conducted by O’Byrne, Hansen and Rapley (2007) and O’Byrne, Rapley and Hansen (2006) examined young men’s understanding of both performing and ‘hearing’ sexual and non-sexual refusals. This furthered research conducted by Kitzinger and Frith (1999) and Frith and Kitzinger (1997) who had examined the way in which young women understood and performed sexual and non-sexual refusals. O’Byrne et al’s (2007, 2006) research reinforced the difficulty people have in performing explicit refusals both non sexual and sexual. The men within their research were able to ‘hear’ verbal sexual refusals that did not necessarily involve the word ‘no’ and that they understood the subtle non-verbal sexual refusals (such as feigning illness and being tired). By drawing upon clichés, excuses and explanations when performing refusals the men in this research were able to demonstrate that refusals were designed and produced in a specific way. The men within the study also demonstrated a common understanding of what these represented through a recognition that women also subscribed to these clichés when carrying out sexual refusals. The research concluded that male claims not to have ‘understood’ refusals could be considered as self-interested justifications for coercive sexual behaviour.

Rape as a Miscommunication: the Miscommunication Model

Hickman and Muehlenhard (1999) claim that “...the idea that rape is frequently a result of men misunderstanding women’s refusals has been challenged as an excuse allowing sexually aggressive men to avoid responsibility for their behaviour” (p.259). Such a suggestion is reminiscent of what Crawford (1995) has categorised as the ‘miscommunication model’. This model is based on the idea that men and women have opposing conversation styles which makes miscommunication a given (Gray 1992;

Tannen 1992). Henley and Kramarae (1991) argue that the miscommunication of both verbal and non-verbal actions by men and women in the most extreme case could lead to rape, for example, when a man interprets a woman's 'no' as part of the sexual interaction. The utilisation of the miscommunication model facilitates the emphasis on issues of difference rather than issues of unequal power. Therefore, 'miscommunication' can be used as a means to maintain patriarchy.

In their paper '*Talk about Sexual Miscommunication*', Frith and Kitzinger (1997) sought to highlight the widespread use of miscommunication theory outside of the academic literature and the way in which this is commonly deployed by men and women in order to account for their own and other's sexual behaviour. Men who are accused of rape will often cite that they were misunderstood and that the woman did not communicate effectively and clearly enough to signal that she was not interested in sex, thus giving off mixed messages. Men sometimes reported interpreting a woman saying 'no' instead of 'yes' as part of foreplay. Women's constructions included that the man did not understand that they did not want sex and that it was probably their fault for not communicating effectively. Thus endorsing the victim blaming that underpins the rape myth of miscommunication which is discussed further in chapter three.

In research carried out by Motley and Reeder (1995), male and female participants had different understandings of resistance messages, particularly when the messages were indirect, suggesting that miscommunication about refusals could contribute to sexual assault. The miscommunication model implies that sexual violence can be addressed through better communication skills. Earlier research conducted by Muehlenhard, Freidman and Thomas (1985) with male undergraduate students found that rape was considered justifiable if the woman had asked the man out and gone to his apartment and that rape was considered to be significantly more justifiable if the man had paid for everything on the date rather than if they had both paid. Rather disturbingly, they conclude that these findings demonstrate that if a woman engaged in certain behaviours, such as asking a man out or going to his apartment, he might assume that she wants sex with him. If the man is correct, then there is no problem, but if he has misread her cues it might appear that she has 'led him on' and subsequently increase the justifiability of rape.

Subscription to the miscommunication model obscures the fact that men who rape are to blame. By invoking the miscommunication model when accounting for rape enables perpetrators to shift the blame onto women for not communicating effectively.

Summary

The limited academic literature has outlined how consent remains an ambiguous concept and constructions of consent are often presumed. This has been considered as problematic particularly when considering consent as integral to an understanding of sexual violence. Consequently, it has been suggested that due to its ambiguous nature the focus should be shifted away from the notion of consent when trying to ascertain the *actus reas* of an event. The rhetoric surrounding the Sexual Offences Act 2003 suggests that it sought to address some of the uncertainties of consent but it is argued to still overlook the subtleties of consent.

Discursive work (c.f. O'Byrne, Hansen and Rapley 2007; O'Byrne, Rapley and Hansen 2006; Kitzinger and Frith 1999; Frith and Kitzinger 1997) has examined how both young men and women perform and 'hear' sexual and non-sexual refusals. This research seeks to extend this work further by examining the ways in which convicted adult rapists negotiate and understand the subtleties of consent within talk. The participants within this research are a unique audience talking about consent. This proffers further originality to this thesis, predominately because issues of consent have been highly consequential for this participant group and to date, this has been overlooked by discursive, empirical research.

The next chapter will consider the mythology which has developed in order to account for and obscure the 'true' nature of rape. This will be achieved through a discussion of what rape myths are, their function and impact but also a consideration of how these manifest through an examination of the rape myth acceptance research to date. In doing so, this chapter will outline a case for the importance of this research and the exploration of the uptake of rape myths within the talk of convicted adult rapists.

Chapter Three – Accounting for Rape

Introduction

This chapter questions the mythology that has developed in order to account for and obscure the ‘true’ nature of rape. This is achieved through a discussion of what rape myths are, their function and impact, but also a consideration of how these manifest through an examination of the predominantly quantitative, rape myth acceptance research to date. In doing so, this chapter will make a case for the importance of this piece of research and the exploration of the uptake of rape myths within the talk of convicted adult rapists.

Sexual Offending and the Construction of Rape Myths

The public reaction to those who sexually offend has become increasingly volatile, particularly within the last two decades (Levenson et al 2007). However, the literature fails to articulate the contradiction between the public outrage of sexual offending versus the extent of victim blaming of women who are raped by men. In part, the media representation of sexual violence is responsible for this paradox and the ensuing public anxiety surrounding both those who commit rape and those who have been victims of rape.

The media has long played a pivotal part in the sociological phenomenon known as ‘Moral Panic’. Moral panic occurs when something or someone appears to threaten current “positions, statuses, interests, ideologies and values” (Cohen 1972, p.191). Moral panic creates anxiety around exaggerated perceptions of risk, harm or danger and it could be argued that the media plays a part in generating public attitudes and anxieties towards social problems such as sexual offenders (O’Sullivan et al 1983). Berrington and Jones (2002) argue that “very few people have direct experience of crime...yet they have opinions on the subject. What they see, hear and read directly influences views and perceptions” (p.311).

The mass media creates and furthers moral panic when reporting rape. Moral panic sells newspapers and more often than not, sensational reports on rape are used as a way of getting people to buy newspapers; Walby, Hay and Soothill (1983) argued that this is “because of the titillating element which could be introduced” (p.94). Certain newspapers present an image of rape that misrepresents the ‘truth’. They grossly

exaggerate the extent to which rapists are mentally unstable, are strangers and stress the sexual element of rape (c.f. The Sun - 'Buy...or I rape and kill you' where 'a CRAZED call centre worker threatened to rape and murder a young mum after she refused to buy insurance' France 2010). These have been identified as rape myths (Rape Crisis 2007).

Rape myths give people a false sense of security by minimising and/or denying the occurrence of sexual violence, by apportioning some degree of blame to the victim, and by offering excuses to the perpetrator. In effect these myths perpetuate sexual violence because they play a powerful part in defining our responses to rape (Rape Crisis 2007). In more general terms, the function of a myth is to enable us to "disguise a social reality or rather, to describe the world in terms favourable to the position of a particular group" (Sachs 1978, p.31). Therefore, 'rape myths' disguise the social reality of rape and thus describe the world in terms favourable to the position of men who rape. These rape myths obscure the true nature of rape (Brownmiller 1975) as they create a shift in blame away from the offender and onto the victim (Gray 2006) and as already highlighted will in some cases discourage women from reporting a sexual assault. This mythology in part has been formulated and maintained through the media as discussed above but is now engrained within a society that is still marred with patriarchy (c.f. seminal texts such as Brownmiller 1975; Griffin 1971 but more recently Gavey 2005).

Examples of Rape Myths

This next section will examine some of the rape myths present in society today. To do this, four common rape myths will be presented, each of which will then be re-evaluated in an attempt to dispel these myths.

Rapists are Mentally Unstable

There is a widely held assumption that men who commit sexual offences against women differ from the rest of the male population; they must be sick or mentally ill (Epps, Haworth & Swaffer 1993). This depiction of the psychopathic individual who is unlike "normal" men is simply not the reality of rape and results in "normal" men being disassociated from crimes of sexual violence carried out against women (Berrington and Jones 2002). Studies have indicated that as few as 5% of men are psychotic at the time of their crimes (Scully and Marolla 1985) and as a result very few convicted rapists are referred for psychiatric treatment. Furthermore this myth is centred on the premise that the victim does not know her attacker. In 85% of cases the rapist is known to the

woman; he may be a friend, colleague, relative, husband or ex-partner and approximately 50% of rapes occur in the home of the woman or the attacker (Rape Crisis 2007).

Women Cry Rape

It could be argued that the myth that 'women cry rape' facilitates the denial of the widespread prevalence of sexual victimisation. This is further exacerbated by the isolated examples the media print about false allegations of rape rather than representing the 'true' extent of sexual assault. Research from the Fawcett Society (2007) has established that the level of false reports of rape is no higher than false reports of any other crime. In fact, only 3% of rape accusations are considered to be 'probably or possibly false' according to police categorisation, which is no higher than any other type of crime (Fawcett Society 2007).

Only Certain Women Are Raped

In 1980, Burt argued that many people endorsed rape myths and in doing so argued that rape was more justifiable when women 'go around braless' or get drunk (p.223). This section will consider the way in which women's dress and excessive consumption of alcohol are routinely cited as incitements to rape.

Dress

Research by Cassidy and Hurrell (1995) found that their student participants (n=352) were more likely to attribute blame to the rape victim if she was dressed provocatively. Furthermore, the Zero Tolerance Trust (1998) examined young people's attitudes towards violence, sex and relationships through ten focus groups and a survey of 2039 young people aged between 14 and 21. They found that 78% of young men and 58% of young women believed that women were 'often' or at least 'sometimes' to blame for the violence perpetrated against them. This included the way in which victims dressed and whether or not they had consumed alcohol in the lead up to the attack.

Alcohol and Drugs

Amnesty International (2005) also found that more than a quarter of those asked said that a woman was partially or totally responsible for being raped if she was drunk. Girard and Senn's (2008) study on undergraduate students' (n=280) perceptions on the effect of voluntary and involuntary drug use on attributions about sexual assault, found that women were seen as playing a role if they had voluntarily consumed drugs prior to

the offence. While participants assigned blame to the perpetrator in sexual assaults facilitated by alcohol or drugs, women's voluntary consumption of drugs prior to a sexual assault increased victim blame (Girard and Senn 2008). Furthermore, research by the Scottish Government (2008) found that 24% of those surveyed agreed that a woman can be at least partly responsible if she was drunk at the time of the attack.

Rape Crisis (2007) dispel this myth by stating that if a person is unconscious or their judgement is impaired by alcohol or drugs, legally they are unable to give consent. Having non-consensual sex with a person who is intoxicated is rape. The rules imposed on women's behaviour, for example, the Christmas campaign by West Mercia Police (2009) which encouraged women to drink less in order to lessen their chances of being sexually assaulted, allows rapists to shift the responsibility for rape onto women wherever possible.

Rape as a Miscommunication

A rape myth identified by the Fawcett Society (2007) suggests that women often send out mixed signals and therefore rape is simply a misunderstanding.

As already highlighted (please refer to pages 21-23), Gray (1992) and Tannen (1992) have made claims that men and women have opposing conversation styles, making miscommunication inevitable. In the most extreme cases, Henley and Kramarae (1991) argue that miscommunication of both verbal and non-verbal actions by men and women could lead to rape, for instance, when a man interprets a woman's 'no' as part of her consenting to sex. Such a scenario obscures the fact that men are to blame for rape and is a means for shifting blame onto women for not communicating effectively.

The Function of Rape Myths

This section will consider the impact that rape myths can have on perceptions of rape by victims and perpetrators. It will also consider the impact on the criminal justice system, including the way in which rape myths have been found to influence jurors' decision-making in cases of rape.

Firstly, it is important to consider why people subscribe to rape myths. Payne, Lonsway and Fitzgerald (1999) argue that people hold onto stereotypic conceptions of the world because they serve a number of psychological purposes including protecting self esteem and enabling people to fit in and identify with social and cultural groups (p.30).

Cameron (2007) suggests that there is a human tendency to rely on stereotypes when processing information on people. Stereotypes are shortcuts that help us to deal with new people and new situations but these stereotypes can reinforce prejudice.

Furthermore, in an earlier paper, Lonsway and Fitzgerald (1994) argued that the subscription to rape myths "...protects individuals, and society, from confronting the reality and extent of sexual assault" (p.136).

Burt (1991) argued that the subscription to rape myths enables people to justify dismissing an incident of sexual assault from the category of 'real' rape. This was further substantiated by Walby and Allen (2004) who drew upon data from the British Crime Survey in order to argue that the subscription to rape myths impacted on both how rape was defined and understood. They found that only 43% of women who had been raped, viewed it as rape. In cases of rape perpetrated by a partner an even lower percentage (31%) viewed it as rape. This lack of acceptance, that rape by an acquaintance, is a crime demonstrates the destructive impact that rape myths can have. Not only were victims of acquaintance rape less likely to define the offence as rape, they were less likely to seek help and were most likely to blame themselves for being raped. Rape myths reinforce false stereotypes, but many women's experiences do not fit the stereotypes and as a result they may be reluctant to report the crimes. Women who have been raped will often rationalise their situation by comparing themselves to every rape case they have ever heard of (MacKinnon 1987). To what extent does the experience match stereotypical representations and popular assumption: was it rape or "something else?" (Berrington and Jones 2002, p.315). The research by Walby and Allen (2004) and the arguments posed by MacKinnon (1987) and Berrington and Jones (2002) highlights how victims are less likely to consider being raped by someone they know as a 'real' rape; the research within this thesis will in part consider the way in which the 'realness' of rape is considered from the offender perspective. How will this manifest itself within talk and to what effect?

Finch and Munro (2005) found that jurors drew on rape myths and stereotypical conceptions about intoxication, sexual assault and drug facilitated rape when reaching decisions in court. The authors also found that jurors demonstrated a surprising level of condemnation for victims, with victims being blamed for the offence unless there was clear evidence that the perpetrator had committed wrongdoing, such as spiking the victim's drink or taking advantage of the victim's intoxication. The impact of this myth

surrounding intoxication and rape has led to the reduction in compensation for those victims of rape who had consumed alcohol at the time of the offence (Williams 2008; Blagden, Pemberton and Breed 2012, *forthcoming*). In 2007 an initiative promoted by Vera Baird, QC, the Solicitor-General, proposed that a panel of judges, doctors and academics would work together to inform juries of the facts and myths surrounding rape cases. This included educating jurors around why victims might be slow to report attacks or why they may appear unemotional in the witness box (Dyer 2007). This was further substantiated in 2008 when it was reported that judges were now able to direct juries when the issue of delay in reporting rape was raised. This factor had been the most frequently relied on by defendants to try to undermine victims' credibility (Williams and Hirsch 2008). A critique of these initiatives would be that they come too late within the process. As stated within chapter one, most rape cases do not even make it to court.

Rape myths also impact upon the precepts women are taught to avoid attack, such as not walking alone at night, not consuming too much alcohol, dressing in a certain way. If a woman is understood to have ignored these teachings then she may be considered partly responsible for her attack. As with the campaign launched by West Mercia Police (2009), much of the crime prevention literature focuses on the victim creating the assumption that given correct and responsible behaviour women can avoid the violence of men (Stanko 1996). Campaigns like this are misdirected; a woman is most likely to be raped by someone she knows and 50% of these attacks take place in either the victim's or perpetrator's home. Rape prevention campaigns should be directed at prospective perpetrators and in 2006, the then Labour government launched a campaign directed at men in order to reduce the incidence of rape by ensuring that men knew to gain consent before intercourse (Home Office 2006). This research challenges these ideas further as it could be argued that sexual negotiations are mostly based upon non-verbal behaviours and so encouraging men to get a yes or advising women to just say no is misguided. However, this campaign has faced vehement feminist critique.

Subscription to Rape Myths

Through the historical oppression of women, it could be argued that rape myths have been a social reality for hundreds of years. However, it was within the second wave of feminism in the seventies that rape myths became part of academic discussion. Rape myths were considered as a multifaceted set of cultural beliefs which not only supported

but perpetuated sexual violence against women (Payne, Lonsway and Fitzgerald 1999). One of the earliest empirical studies conducted upon rape myth acceptance was in 1980 by Martha Burt. Within this research, Burt devised a scale that incorporated 19 rape myths, making her one of the first to utilize rape myth terminology. She found that the subscription to rape myths was prevalent in America and this was strongly associated to the acceptance of other constructs such as adversarial sexual beliefs and interpersonal violence.

Since the early eighties there has been an influx of quantitative research (c.f. Burt 1980; Malamuth and Check 1981, 1985; Segal and Stermac 1984; Muehlenhard, Friedman and Thomas 1985) which has examined the impact of multiple variables (which included the consideration of a wide range of different beliefs, attitudes and behaviours) on the acceptance of rape myths. Some of these have simply reproduced those initial results of Burt, whilst others have contributed further to the literature. Payne, Lonsway and Fitzgerald (1999) argued that much of this research has utilised an established rape myth acceptance scale without questioning and interrogating its development. Within their own research, Payne, Lonsway and Fitzgerald (1999) attempted to address these issues by generating a list of myths by reviewing both the literature and expert opinion upon the topic area, accompanied with extensive pretesting of said generated myths. This process enabled them to examine areas that had previously been under-researched such as the subscription to the myth of 'women enjoy rape' and the definition of what constitutes as rape.

A further limitation is with the wording and clarity of these scale items. Scale items need to be clear, concise and understandable to all. An example taken from Burt (1980) demonstrates how this is often not achieved. Burt states "if a woman gets drunk at a party and has intercourse with a man she's just met there, she should be considered 'fair game' to other males at the party who want to have sex with her, whether she wants to or not" (p.223). This statement is multifaceted and as result, it would be difficult to work out which aspect of the scale item participants are responding to. Payne, Lonsway and Fitzgerald (1999) also argue that such a statement is creating a scenario that is far too specific to be considered as a common rape myth. Also the use of colloquial phrases such as "fair game" and "up for it", are often not cross-cultural, will mean different things to different people and become dated very quickly (Lonsway and Fitzgerald 1994). Also, some ideas and phrases used in rape myth terminology may not easily

translate. The rape myths that hold the victim accountable by what she was wearing or how much she had been drinking, simply do not translate to all cultures.

Most of this quantitative research has examined risk factors and the 'discriminating characteristics' of both the offender and victim. It has also examined the attitudes and beliefs about rape that are prevalent within society. As already highlighted, a considerable amount of this original research has been carried out in the States on college students (c.f. Malamuth 1981, Briere and Malamuth 1983). Despite their over-representation within sexual violence and perpetration statistics, the use of college students has methodological issues since these samples do not represent the adult population as a whole (Wakeling 2008). There is a limited literature which has considered the attitudes and beliefs of convicted adult rapists. One of the earliest quantitative research studies upon perceptions of rape was conducted by Feild (1978). He surveyed male and female members of the general American public, police officers, female rape counsellors and rapists confined to mental institutions. He found that negative attitudes towards women were linked to perceptions of rape and those who viewed women within more traditional roles were more likely to see rape as the woman's fault. His sample allowed him to compare perceptions held by rapists, to those frontline staff that dealt with victims as well as the general public. A limitation with this study was that it was difficult to ascertain if male prisoners in general held negative attitudes towards women rather or whether this was exclusive to those who had committed rape. This research drew upon a sample which over represented the amount of convicted rapists with recognised mental health issues. Therefore, it could be argued that it would be perhaps more important to explore attitudes of rapists within a prison setting with no identified mental health issues, as this reflects the 'norm' of convicted adult rapists. In research conducted by Zellman et al. (1979), they found that 50% of their (male college student) participants believed that it was acceptable to rape a girl if she had initially consented to sex but changed her mind half way through, or if she had sexually aroused him. These disturbing findings further the debate upon how commonplace and prevalent sexual violence is.

Research by Hall, Howard and Boezio (1986) found that rapists were more accepting of rape myths than non-offenders whilst other research has found that there were no significant differences between offenders, types of offenders and non-offenders in acceptance of rape myths (Segal and Stermac 1984). Epps, Haworth and Swaffer (1993)

conducted research which sought to compare attitudes of male adolescents convicted of sexual offences against women with that of male adolescents convicted of non sexual violent crimes. They found that there was no significant difference between the two groups in their attitudes towards women. There were some limitations with the method deployed within this research as some of the participants had issues with understanding aspects of the scales, particularly by what was meant by women's rights. Furthermore, this also raises questions about validity. Similar research by Harmon, Owens and Dewey (1995) examined rapists versus other types of offenders' attitudes towards women. On the contrary, they found that the incarcerated non-rapist group held the most traditional/conservative attitudes towards women. However, there was no significant difference between the incarcerated rapists and non-incarcerated individuals.

The research conducted by Harmon et al (1995) did not detail whether the convicted rapists within the sample had participated in any form of treatment during their sentence. A focus of treatment would be to address the dysfunctional attitudes and beliefs of offenders. Therefore, those who have been through treatment would be expected to be constructing accounts that do not subscribe to rape myths. It is worth considering that of the rapists interviewed, they may have been involved in some form of Sex Offender Treatment Programme in which an element of it involves addressing offenders' 'attitudes' towards women. The role of treatment will be discussed in greater detail in chapters four and ten.

Rape Myths and the Media

Flowe et al (2009) argued that exposure to rape stereotypes through the media can affect judgements about rape cases including being dismissive of rape allegations. Furthermore, they argue that exposure to rape myths can be associated with a decreased likelihood that victims of rape identify their experiences as rape, coupled with an increased likelihood that victims would blame themselves for the sexual assault (Berrington and Jones 2002; Flowe et al 2009). Walby, Hay and Soothill (1983) concur that "these false conceptions of rape contribute to the appallingly low percentage of rapists convicted by the courts" (p.96).

A report published by The Lilith Project³ examined the way in which newspaper reports upon sexual violence do not accurately reflect the crimes which have taken place. In 2006, they identified a random sample of 136 news articles about sexual assault and rape appearing in both broadsheet and tabloid newspapers (although the latter are more likely to report upon such matters) and BBC News (online). They analysed their content in relation to offence, perpetrator, victim, judicial proceedings and the language used to account for each of these. The report highlighted the conflict between the media construction of rape versus the research and statistics available upon rape.

Discrepancies included press reports claiming that 54.4% of rapes are carried out by strangers, whereas they present findings from the BCS estimate that only 8-17% of rapes are committed by strangers. They also argued that the BCS estimated that 13% of rapes take place in a public place which is represented as 54% in press reports (The Lilith Project 2008). Although this thesis has argued that statistics gathered from sources such as the BCS or Home Office fail to represent the 'true' extent of the problem, the report has at least demonstrated the discrepancies between the media portrayal of a social problem and the extent of the social problem.

The main argument within the literature (c.f. Brownmiller 1975; Burt 1980; Malamuth and Check 1985) is that the portrayal of rape myths alongside the objectification and sexualisation of women within the mass media contribute to the acceptance by some media consumers. Consequently, this impacts upon the views and opinions held of women in general of sexual violence towards women. There is also an indirect impact upon the prevalence of violence against women (Malamuth and Check 1985; Malamuth and Briere 1986).

Rape Myths and other forms of 'Media'

Lonsway and Fitzgerald (1994) have argued that studies which have explored the relationship between exposure to both violent and sexual media have presented diverse, contradictory findings. However, the authors fail to articulate what it is they consider 'violent and sexual media' to be. One is left to assume that they are referring to the violent and sexual content of certain television programmes, music videos, certain

³ The Lilith Project is a London based organisation which through research and development strive to eliminate violence against women. The project forms part of Eaves a charity which provides housing to vulnerable women.

genres of music (such as hip-hop), films, (both violent and non-violent) pornography and computer games (including Grand Theft Auto where gamers can hire a prostitute, pay her, kill her and then take her money).

Malamuth and Check (1981) examined the effects of exposure to films with a sexual-violent content upon 271 male and female students. They found that exposure to films with a sexual violent content increased male's acceptance of rape myths and interpersonal violence against women. However, for women, exposure to films with a sexual-violent content resulted in them being less accepting of interpersonal violence and rape myths.

Malamuth and Check (1985) continued by examining the effects of aggressive pornography on beliefs in rape myths and found that media depictions suggesting that rape results in for example, the victim's arousal (part of the meta-myth 'women enjoy rape') can contribute to men's beliefs in similar rape myths outside of the media depictions. In 1995, Allen et al summarised the literature which examined the links between acceptance of rape myths and exposure to pornography. By conducting a meta-analysis they found that non-experimental methodologies had no effect upon the links between uptake of pornography and rape myth acceptance. Whilst, experimental methods demonstrate that pornography, both violent and non-violent, does lead to an increase in rape myth acceptance.

Lonsway and Fitzgerald (1995) built upon this notion, that men are more accepting of rape myths than women. They found that the relationship between hostility towards women and rape myth acceptance is closely associated with gender and that the impact on men is greater. The implications of which, imply that rape myth acceptance can be functionalised by the sexes for differing reasons. For men, Lonsway and Fitzgerald (1995) argue that rape myth acceptance enables them to justify male sexual violence and for women, it enables them to deny their personal vulnerability. However, Lonsway and Fitzgerald (1995) fail to elaborate on what they consider to be 'personal vulnerability' (p. 709). This denial of 'personal vulnerability' extends the discourse of 'stranger danger' where through the influence of the media and the acceptance of rape myths, women are encouraged to be fearful of going out alone at night when statistically speaking women, it appears, are less safe in their homes, with friends or acquaintances than with strangers (Salter 2004).

The impact of rape myth acceptance upon men's justifications of sexual violence has already been considered by Walby, Hay and Soothill in 1983. They examined the construction of rape discourses within national newspapers and found that said rape discourses enable rapists to both justify and facilitate their offending behaviour. They also enabled the criminal justice system to limit their definition of rape to a few instances; all of which sustains the oppression of women.

Much of the work presented so far is quantitative in origin and has been conducted with mostly college students. However, it has highlighted the over-representation of rape myths within the mass media and the impact of this exposure upon the subscription to rape myths. Yet it also highlights that firstly, there is limited research upon the uptake of rape myths by rapists themselves and secondly the ways in which these manifest themselves within talk; it is this latter point that this research seeks to address in particular.

Summary

Through the oppression of women, rape myths have been a social reality for hundreds of years but have only become part of the academic discourse since the second wave of feminism during the 1970s. Rape myths obscure the 'true' nature of rape by shifting blame away from the offender and onto the victim. Examples of these myths include that rape is committed by a mad man, who the victim does not know; that women cry rape, enjoy rape and ask for it by what they wear. Although, there is enough evidence to suggest that these are not true, these myths are still widely believed and circulated within the mass media.

Previous research that has been conducted has predominantly been with US college students, heavily quantitative and focused upon rape myth acceptance scales (c.f. Burt 1980; Malamuth and Check 1981, 1985; Barnett et al 2001; Wakeling 2008). Although, college students are represented within the statistics as both offenders and victims, it could be argued, that they are not representative of the adult population as a whole, let alone the offender population. The limited research that has been carried out with sex offenders is inconclusive; some studies have found that rapists are more accepting of rape myths than non-offenders whilst other studies have found that there are no significant differences between offenders and non-offenders or between rapists and child molesters.

This research addresses the paucity of in-depth qualitative, empirical work conducted with sex offenders themselves in order to capture a detailed discursive exploration of this phenomenon, that is, the use of rape myths within the talk of convicted adult rapists.

The next chapter will detail the literature surrounding prison treatment programmes but will also discuss further the environment in which this research has taken place.

Chapter Four – Prisons: Power and Treatment

Introduction

Data collection for this thesis has been conducted in HMP Whatton, currently the largest, all male, category C prison, treatment facility for sex offenders in Europe. It is situated on the outskirts of Nottingham with a population of approximately 840. HMP Whatton takes a therapeutic approach with the treatment of offenders by engaging in a plethora of cognitive behavioral group work programmes, with a particular emphasis placed on the nationally accredited Sex Offender Treatment Programme (SOTP). This chapter will consider some of the general literature surrounding treatment programmes alongside the more specific programmes offered at HMP Whatton, some of which have been undertaken by the participants within this research (c.f. table one on pages 70-72 for participant treatment details). Furthermore, this chapter will review the wider literature surrounding prisons with a particular focus upon the role of ‘power’ and ‘treatment’; in doing so, this will outline the rationale for the empirical focus of chapter ten.

This initial section will document the shift from welfarism to the management of risk and the impact that this has had on the role of the prison.

The Rehabilitative Model to ‘Nothing Works’

Until the late 1960s positivist criminologists had maintained that the scientific study of the causes of crime formed the basis for individualised treatment. It was argued that this would ultimately reduce the likelihood of reoffending (Cullen and Gendreau 2001).

However, by the mid 1970s, support for penal welfarism had collapsed and criminologists in particular had become disenchanted with this notion, making claims that ‘nothing works’. Garland (2001) argued that this shift in thinking and by the rejection of penal welfarism “marked the beginning of a turbulent period of change that has lasted until the present day” (p.53). A critique was developed which highlighted the inability of the prison in particular to reduce crime. Instead it was argued that all prison was achieving was the maintenance and reproduction of wider social divisions (Cullen and Gendreau 2001; Mathieson 1990), for example, by the impact incarceration can have on the family unit and future employment. ‘Nothing works’ was a term first coined by Robert Martinson in 1974 when he presented an analysis of the rate in which offenders who had participated within treatment programmes had been reconvicted. Martinson

(1974) concluded that "...the rehabilitative efforts that have been reported so far have had no appreciable effect on recidivism" (p.25). There were profound methodological issues with this study, such as the examination of 138 rehabilitation schemes rather than the 231 Martinson had suggested. Also, Cullen and Gendreau (2000) challenged that only 75 of those interventions examined could be considered as 'treatments'. Despite these issues, Martinson's study still had "...both substantive and symbolic significance" (Cullen and Gendreau 2001, p.321) upon the abandonment of a 100 years of thinking. Martinson (1974) initiated the heavy criticism of prison treatment programmes through the findings of 'negative' research, that is, research which demonstrated that prison treatment programmes did not work. This coupled with an increase in crime rates led to demoralisation and questions being asked about the State's ability to control crime and the role of the criminal justice system within this (Garland 2001). It took just a few empirical studies which by a few academics critiqued the prison system, to overhaul a hundred years of thinking around penal policy.

For liberals like Martinson himself, the 'nothing works' statement supported an argument for the reduction in the use of imprisonment, however, it had the obverse affect upon the conservatives who used the study to support claims for longer, more punitive sentences (Rose 2002). Translated into criminal justice policy, the 1980s witnessed a shift from a 'therapeutic state' to a 'punitive state' (Cullen and Gendreau 2001, p.327). So initially, a movement which had set out to enhance prisoners' rights and reduce the number of prisons arguably did the opposite. Garland (2001) claims that this undid the work of the 'individualistic rehabilitative model' developed in the previous century. This was evidenced through the withdrawal of funding from many of the educational and psychological programmes available to offenders (Rose 2002). There was also a shift in the probation mission from 'support' to 'control and monitoring' of offenders (Garland 2001).

'Prison Works'

Part of the political doctrine in the 1990s for the conservative government was that 'prison works', championed by the then Home Secretary, Michael Howard. He argued that "for the most persistent and dangerous criminal, prison is the only suitable punishment and certainly the only means of ensuring that the public get the protection it deserves" (Howard 1996a, p.56). Not surprisingly, as a result, the prison population increased, the prison building schemes were unable to keep abreast of this and poor

conditions ensued. Reactions to this had already been marked by the Strangeways Riots in 1990.

The 1990s were typified by reactionary politics and policies, such as 'back to basics' and the Criminal Justice and Public Order Act 1994 which created new crimes such as 'trespass' and 'aggravated trespass' directed at 'ravers' and environmental protestors, including Swampy. The reactionary policies reflected the political discourse of the time by enabling those in power to increase social control and reduce welfare rights. These types of policies were often more in favour of a tougher and more populist policy; echoing similarities with the punitive sentiment of the American system supported by the likes of Charles Murray, a right wing American Sociologist (c.f. Murray 1997). For the conservative government prisons were there to deter, incapacitate and rehabilitate (though not in the traditional sense as will be explained further in a moment). The conservatives very much believed that these three factors would lead to a reduction in crime. The Prison Reform Trust (1993) argued that there was very little evidence to suggest that 'prison works' to reduce crime and if this statement is considered in relation to the appallingly low conviction for rape, how would prison ever act as a deterrent?

Burnett and Maruna (2004) criticised both Charles Murray and Michael Howard for employing rational choice theory as a means to link levels of crime to offenders' perceptions of the risk of conviction and punishment. Howard in particular believed that the crime rate would decrease when the risk of imprisonment was increased. The impact of this he argued was twofold; firstly, that criminals who were locked up would be unable to commit further crimes and secondly, the severe punishments imposed in the form of lengthy prison stays would deter others from committing crime (Howard 1996b). A current prison population of approximately 85,000 would suggest that crime as a rational choice is an unlikely explanation for the causes of crime.

Both Howard and Murray grounded their claims within empirical data. Howard (1996a) argued that "prison – and the threat of prison- can also act as a deterrent to criminals. Ros Burnett of Oxford University – in a study based on interviews with prisoners – found that 'for the whole sample, avoidance of imprisonment was the most frequently mentioned reason for not wanting to reoffend'" (p.56) Therefore, for Michael Howard, 'prison works'. Interestingly, Howard had failed to articulate that a significant finding

of the research was that 62% of the sample had self-reported that they had reoffended during the two year duration of the research (Burnett and Maruna 2004).

Managing Risk, Managing Sexual Offenders

The 1990s witnessed an increase in sentencing, monitoring and surveillance of sex offenders in order to protect the public, particularly children. The introduction of the Sex Offenders Register⁴ in 1997 enabled the police to manage ‘risk’ even further by controlling the movement of sexual offenders within the community. This typified the sentiments of the ‘new penology’ which will be discussed shortly. Furthermore, originally proposed by Howard (c.f. 1996b) the automatic life sentence became statute under the newly elected Labour Government in 1997. The automatic life sentence was intended for those who were convicted of a serious second sexual or violent offence (HMPS 2010). In 2005, this was replaced by the indeterminate sentence for public protection (IPP). Thus demonstrating that the Labour Government were committed to protecting the public by “assessing risk, reducing risk and managing risk” (Straw 1998, p.2).

This shift in societal concern for an increase in security and avoidance of risk has been characterised by the conditions of late/postmodernity (Giddens 1990; Beck 1992); this society has become known as a ‘risk society’. Lacombe (2008) argues that “a risk society is one given to seeing dangers everywhere and hence developing a style of governance geared towards the provision of security — a style of governance, in other words, that attempts to minimize and manage risks to the self and the environment” (p.56). If risk and criminology are considered, Feeley and Simon (1992) argue that there has been a shift from an ‘old penology’ where crime control strategies responded to individual need to that of the ‘new penology’ which is “neither about punishing nor about rehabilitating individuals. It is about identifying and managing unruly groups” (p.453). The ‘new penology’ embraced both the theory and practice of punishment and drew upon actuarial techniques, such as the statistical calculations to manage the risk of both offending and reoffending (Simon 1998).

Despite the vehement reaction and condemnation by the public and the media towards sexual offenders, the criminal justice system has made attempts to ‘treat’ some of those

⁴ The sex offenders register contains the details of anyone convicted, cautioned or released from prison for sexual offence against children or adults since September 1997.

who have committed (sexual) offences. However, Garland (2001) argues ‘treatment’ is simply an extension of techniques employed to manage ‘unruly groups’ (Feeley and Simon 1992) and subsequently protect the public. This is no more apparent than within the prison system where a ‘therapeutic’ approach is entrenched in risk assessments.

The expansion of prisons has been both unsustainable and costly. In 2007-08, the Labour government invested just under £23 billion into the criminal justice system. Solomon (2008) argues that the money that has been spent on incarcerating thousands of people could have been spent more wisely by investing into initiatives that would reduce the number of people (re)entering the criminal justice system.

At the time of writing, pressure from penal reformers has been placed upon the liberal-conservative coalition government to halt the billion-pound prison building scheme (Travis 2010). In the lead up to the election David Cameron had called for longer sentences (by creating a further 15,000 prison places within the next 4 years) and the introduction of an automatic prison sentence for those caught carrying knives. Nick Clegg however, had called for an end to the prison building scheme and an increased use in community punishments rather than short term prison sentences (Travis 2010). Since in power, the only government plan which has emerged in the area of penal policy and more specifically related to sexual offending, are the plans to extend anonymity in rape cases to defendants (Mulholland 2010). The argument for such proposals is to prevent the damaging impact of false allegations upon those who are found not guilty. However, as highlighted in chapter three the number of false rape allegations is no different to that of other types of crime and defendants do not get this level of protection; instead such a proposal reinforces the rape myth that ‘women cry rape’ (Rape Crisis 2007). Furthermore, the number of rape cases which get reported in the press are minimal, unless they involve someone famous or highly unusual circumstances (Bindel 2010, npn). “To grant anonymity in rape cases we are saying that the problem is not with the estimated 75 to 95% that never get reported; the 94% of reports that do not end in a conviction on the charge of rape; or the widespread belief that women out drinking, flirting or just plain breathing ask for all we get. The problem, according to the new government, is the fact that a tiny percentage of men accused are innocent Bindel (2010, npn)”.

It could actually be argued that in some cases, publicity has encouraged women to come forward and report cases of rape, for example in the case of John Worboys (black-cab driver) who had raped and sexually assaulted hundreds of women, as this story was circulated by the media, more women can forward to report that they too had been attacked by him.

Treatment Programmes

Under the conservative government, in the early 1990s, there was a significant increase in the number of treatment programmes offered within prisons. However, as already highlighted these were not focused upon the traditional rehabilitative model but instead upon a form of treatment that would enable offenders to manage their own risk. In 1991 the Sex Offender Treatment Programme (SOTP) was first introduced which again in line with the shift in penal thinking was about protecting future victims. Rehabilitation had been reconstructed; “individuals are still assessed and classified; treatment prospects and risk factors are still identified; the judicial power to punish continues to be overlaid with a psycho-social framework of diagnosis and remedy” (Garland 2001, p.170).

The treatment programmes within Her Majesty’s Prison Service for sexual offenders are grounded in Cognitive Behavioural Therapy (CBT). These programmes seek to change both cognitive and emotional functioning alongside behaviour; based on the assumption that the way someone ‘thinks’ effects the way that they behave; most treatment takes the form of group work. Hudson (2005) argues that the group setting enables offenders to mix with ‘likeminded’ individuals in the hope that it will encourage openness and honesty which will subsequently facilitate change. However, for many of the participants within this research this format is problematic as offenders who had committed crimes against either children or adults were being treated in the same setting. Chapter seven considers the ways in which this is problematised and managed within talk. These participant concerns have previously been highlighted within the literature through the debate as to whether the treatment for rapists should be undertaken separately instead of being mixed with other categories of sexual offenders (Blagden, Pemberton and Breed 2012, *forthcoming*). Eccleston and Owen (2007) have suggested that by mixing rapists with other sexual offenders therapists may not be addressing their treatment needs effectively. They argue that rapists need greater time on managing their impulsivity, problem solving and anti-social attitudes as well as more

attention needing to be paid to rapists' implicit theories, such as, "women are sexual objects" (Eccleston and Owen 2007).

By joining a treatment group, on some level the offender is publicly acknowledging his need for change, as such programmes are orientated towards taking responsibility and are therefore not suitable for offenders who are denying their offence or maintaining their innocence (Blagden and Pemberton 2010; Hudson 2005; Beech et al 1998). A recent report (Criminal Justice Joint Inspection 2010) has stated that almost half of offenders convicted for a sexual offence are not required to attend a Sex Offender Treatment Programme, stating reasons such as 'diversity' (language barrier) and 'management' (denial) for this. Subsequently, there are indeed some sex offenders who will leave prison without participating in any form of treatment, which for wider society may cause concern.

Participation in treatment programmes is entirely voluntary, however, it has been documented that there is pressure upon offenders to participate (c.f. Hudson 2005). This thesis would argue and indeed demonstrates in chapters seven and ten the impact that these pressures can have upon the talk of convicted adult rapists, particularly for those who are in receipt of indeterminate sentences, whose freedom is dependent upon the ability to demonstrate a 'reformed self'.

The Sex Offender Treatment Programme (SOTP) targets the following areas: dysfunctional attitudes and beliefs, empathy, deviant sexual arousal, social functioning and relapse prevention. Each of these will now be considered in turn as these will have particular implications on chapter ten when the impact of treatment upon talk is considered.

Dysfunctional Attitudes and Beliefs: Sexual offenders hold dysfunctional beliefs and attitudes or 'cognitive distortions' (c.f. pages 48-49). Adult rapists for example, would often be found to hold negative views about women, endorse violence and be accepting of rape myths, may, however, such views characterise a proportion of other male populations, such as the American College population as highlighted in chapter three. The SOTP aims to address and challenge offence supportive cognitions and develop new attitudes which are ultimately designed to change their pro-offending behaviour (Hollin and Palmer 2006).

Empathy: is attended to in SOTP in order to facilitate offender understanding of the victim perspective. Although this is not considered as a dynamic risk factor, it is envisaged that victim empathy could deter future offending (Beech and Fisher 2004).

Deviant Sexual Arousal: It is argued that some sexual offenders have deviant sexual interests (Marshall and Eccles 1996). For example, some rapists would be aroused by having non consensual, coercive sex with an adult. The SOTP seeks to address this by teaching offenders to control and modify these ‘thoughts’. Again this is very reflective of contemporary criminal policy and the management of risk.

Social Functioning: In brief, it could be argued that abuse in earlier life causes issues with attachment. In turn this can lead to the development of poor social skills which will ultimately impact upon future relationships (Spencer 1999). Therefore, the SOTP will consider offenders early life experiences and the impact that these have had on their offending behaviour.

Relapse Prevention: Overall, the SOTP has been designed in order to reduce reoffending. This is achieved by providing offenders with skills and strategies that will enable them to manage their own risk (Marshall and Eccles 1996). Offenders are taught to manage their own risk and as a consequence, this has impacted on the construction of language offenders draw upon in order to account for their offence, arguing that they are treatment influenced. This will be examined in chapter ten.

HMP Whatton offers the following CBT programmes for sexual offenders (SOTP): Core (for men who are considered to be of medium to very high risk of reoffending), Rolling (for men who are lower risk), Extended (for men who have completed Core but still considered as high risk), Becoming New Me (for men with an IQ <80 – replacing the Adapted SOTP), the Better Lives Booster and the Adapted Better Lives Booster Programme. All of these programmes are group interventions. In the first instance, rapists of adult women (as with other types of sexual offenders) would be placed on the treatment programme which reflects their risk level as measured by the Risk Matrix 2000 (RM2000). HMP Whatton also offers the Healthy Sexual Functioning Programme (HSFP), which is facilitated on a one on one basis, and is suitable for those who have current offence-related sexual fantasies and are at high risk of sexually reoffending. This course would typically follow the Core or Extended SOTP (Blagden, Pemberton and Breed 2012, *forthcoming*).

Effectiveness of Treatment – Recidivism

Reconviction rates are used in order to assess the effectiveness of sentencing and other offender interventions including participation upon treatment programmes (Friendship and Beech 2005; McGuire 2002). There is an extensive literature which highlights the methodological issues involved with employing reconviction rates as a measure of outcome, including their inability to represent the ‘true’ extent of reoffending (Friendship and Beech 2005).

This is coupled with a limited number of studies which examine the effectiveness of the treatment of sex offenders in relation to conviction rates. Alexander (1999) found little difference in sexual recidivism for treated and untreated rapists (20.1 and 23.7 percent respectively). While Maletzky (1991) found that 13.8 percent of rapists were arrested by the police in the follow-up period after treatment, as compared to 1.3 percent of child offenders. Hanson and Bussiere (1998) found that 18.9 per cent of 1839 rapists in a meta-analysis sexually re-offended over an average follow-up period of four to five years, while 22.1 per cent violently re-offended.

The next section will consider the role of masculinity within prisons.

Masculinity in Prisons

Despite the number of prison studies which have considered men as their primary subject matter, the theorisation of criminals has failed to conceptualise gender (Sim 1994). Sim (1994) argued that previous studies have been far too focused on “...men as prisoners rather than prisoners as men” (p.101). In 2003, Jewkes explored, ‘manliness’ as a coping strategy within men’s prisons and as Sim (1994) had argued in the previous decade, Jewkes concurred that empirical research still failed to consider the importance of gender by assuming ‘that in men’s prisons, the normal rules of patriarchy⁵ do not apply’ (2003, p.44).

Jewkes (2005) and Scraton, Sim and Skidmore (1991) argued that ‘fear’ is a prevailing feature within prisons and it is this ‘fear’ which enables the exploitation of the weak by the powerful; it is here where a hierarchy can begin to develop. At the summit of the hierarchy of power, are armed robbers (for example) with their counterparts, rapists and

⁵ Jewkes (2005) reconceptualises this as ‘fratriarchy’ – a mode of male domination that shares some similarities with patriarchy but is concerned with a different set of principles which is more relevant to the analysis of a male environment.

paedophiles, at the bottom (Jewkes 2005; Sim 1994). A feminist perspective would argue that rape is an encapsulating expression of masculinity, for some (c.f. Brownmiller 1975). Within a sole sex offenders' prison, such as HMP Whatton, the paedophile remains at the bottom of the hierarchy of power but this time with the adult acquaintance rapists at the apex, epitomising hegemonic masculinity (Waldrum 2007).

The culture of masculinity which has developed within prisons varies vastly between establishments, for example, a Young Offenders Institutions (YOI) such as Feltham compared with a sole sex offenders prison such as HMP Whatton. Institutional violence has become a normalised form of control which can have a major impact upon the quality of life within prisons; in 2009 the Ministry of Justice announced that there were 60 self-inflicted deaths among prisoners in England and Wales (this figure neglects the number of attempted suicides – Sim (1994) writes of forty men in Feltham attempting suicide each month during 1992).

Jewkes (2005) argues that men's abilities to survive prison may be reliant on two factors. The first is the ability to develop an identity that enables prisoners to fit into the hyper masculine environment of the establishment and secondly, the ability to concurrently maintain a more, non-macho private identity. Hudson (2005) writes that offenders are often said to be engaged in a process of self preservation in order to present themselves in a more favourable light. Goffman (1963) argues that the enduring stigma and associated moral panic of being convicted of a sexual offence can impact on both an individual's presentation and management of identity. Stigma is used to refer to an attribute that is considered as a 'social disgrace' such as the stigma of having been in prison which is heightened when said offence is sexual. As already highlighted in chapter three, there is an intense stigma surrounding sexual offenders, fuelled in part by the media representation of sexual violence which as a consequence has caused a highly volatile public reaction (Levenson et al 2007). As a result public perception towards sexual offenders and in the context of this research, adult rapists, has become particularly skewed. For example, the dominant discourse reinforced by the media is that rape is committed by individuals the victim does not know. In 'reality' being that 85% of cases the rapist is known to the woman (Rape Crisis 2007).

It could be argued that the incarceration of rapists is problematic as it is unlikely to address violence against women. Adult rapists are incarcerated within a hyper

masculine culture which will do very little to change their behaviour let alone “...heighten their consciousness or the consciousness of those in the wider society concerning the intimate intrusions which collectively face women on a daily basis...” (Stanko 1985 as cited in Sim 1994, p.115-116). Chapter three supports this argument by highlighting that the subscription to rape myths within society is endemic and that the prison environment is not exempt from this. Instead “they are linked to that society by the umbilical cord of masculinity where similarities between prisoners and men outside may be more important than the differences between them in explaining sexual and other forms of violence against women” (Sim 1994, p.116).

The counterargument provided by the prison is that treatment programmes endeavour to ‘heighten [...] consciousness’ through challenging ‘dysfunctional attitudes and beliefs’ which include the subscription to rape myths. However, not every adult rapist that enters the prison system will participate in treatment; in 2004, Beech and Fisher estimated that within the UK, 1000 men completed a SOTP every year. However, only 15% of these have committed offences against an adult (compared with 80% who have committed child related offences) and when considering this as representative of the incarcerated sexual offender population there would be an expectation that the number of adult rapists going through treatment programmes would be slightly higher. This combined with reconviction rates, the researcher’s experience and participants’ constructions of women within the research interactions, many of these constructs of women still remain negative which raises questions about the impact of treatment. Indeed, this thesis argues that treatment enables offenders to adopt a new language which can be drawn upon when and where necessary. This next section will consider the way in which the language of treatment is incorporated into the narrative of offenders who have participated in this type of programme.

‘Talking the Talk’

Hudson (2005) conceptualises the phenomena of ‘treated’ offenders saying what is expected of them rather than what they ‘believe’ as ‘talking the talk’. She defines this as “where group members agree with everything said by the facilitators without making the internal change” (p.108). Hudson found that within her research, participants claimed they had ‘talked the talk’ within group treatment or that members of their group had done so. She attributed this to the power struggle between group members and

facilitators where extrinsic motivations such as working towards an ‘enhanced’⁶ status encouraged members to say what they thought facilitators wanted to hear. ‘Therapists’ within Lacombe’s (2008) research highlighted how ‘people-pleasing behaviour’ adopted by offenders demonstrated through ‘talking the talk’ could be considered as a high-risk factor for reoffending. This raises questions about how internal change is measured and Cullen and Gendreau (2001) problematise the impact of such a phenomena with offenders being released from prison not because they were ‘rehabilitated’ but because of “their effective playacting before the parole board (i.e., to “prove” one was cured)” (p.324).

Respecification: the new language

‘Respecification’ of psychological concerns is the reformulation of key concepts within discursive psychology. This section will consider the way in which ‘cognitive distortions’ have been re-worked and how this can be applied to the psychological concepts of ‘minimisation’ and ‘denial’ which are frequently drawn upon within talk of convicted adult rapists.

Over the last 30 years, cognitive distortions have become enshrined in both the theoretical and treatment models of sexual offending (Maruna and Mann 2006; Beech and Mann 2002), yet debate surrounding the ‘definitional clarity’ of the concept remains rife (Maruna and Mann 2006, p.155). As already highlighted, the fundamental principles of the SOTP are grounded in cognitive-behavioural approach. ‘Cognitive distortions’ are dissimilar to ‘normal’ beliefs and in relation to offending are displayed in techniques utilized to ‘minimise’ or ‘deny’ aspects of offenders conduct.

Discursive psychology challenges the traditional ways in which language has been understood as a route to cognition. Language had been considered as a way of accessing thoughts, emotions, beliefs and attitudes and was used within psychology to account for an individual’s conduct through personality traits and attitudes (Potter and Wetherell 1995). Discursive psychology has sought to challenge the concept of ‘cognitive distortions’ (c.f. Auburn 2010, 2005) by arguing that distortions should not be considered as mental entities but instead as a social resource that is drawn upon within talk.

⁶ By engaging with one’s sentence plan, for example by taking part in treatment programmes, offenders may be rewarded by the Incentives and Earned Privileges (IEP) scheme , thus giving prisoners access to increased privileges such as TVs, PlayStations etc.

Auburn (2005) examined the utilisation of ‘cognitive distortions’ within the talk of recorded SOTP group sessions, and argued that they had “become a resource for participants to display the appropriate working of the group and its orientation to the proper business of treatment, as well as holding other participants to account” (p. 700). ‘Cognitive distortions’ enable offenders to manage accountability and in turn construct a more desirable account (Auburn 2005) which has strong links with identity management.

For those sex offenders who are in denial, there are those who are in total denial (that is, deny being in a certain location at a particular time) and those who justify their offence, by denying the wrongdoing of their actions (Barbaree 1991); in many cases this is achieved through victim blaming. For those offenders who do admit to their offence there is a tendency for sex offenders to ‘minimise’ aspects of their conduct (Beech, Fisher and Beckett 1999). Scully and Marolla (1985; 1984) identified three ways in which offenders ‘minimise’ and thus distance themselves from their offence through the use of excuse making. Firstly, constructing an offence account that reported the use of alcohol and drugs enables offenders to not take full responsibility for their actions. Secondly, some offenders use emotional problems such as childhood problems and marital issues to excuse offending behaviour. Thirdly, the presentation of what Scully and Marolla (1984) describe as the ‘nice guy image’ whereby those who are admitting to their offence attempt to neutralise (Sykes and Matza 1957) their crime and negotiate a non-rapist identity by portraying themselves as a ‘nice guy.’ One way in which this can be achieved is by describing the act as an ‘out of character’ experience. This was echoed in the work of Presser (2004) who found that her research participants used the interview setting as a means to platform an identity that was more desirable than that of ‘violent offender’, the label assigned to them by the criminal justice system.

Another technique of ‘minimisation’ identified within the work of Scully and Marolla (1984) was that those admitting to their offence understated the force that they had used and would use words such as ‘violent’ to describe their act thus being systematically vague within their offence accounts (1984). This was echoed in the work of Coates and Wade (2007) who when analysing diverse accounts of personalised violence found that within these constructions, four discursive actions were achieved; the concealment of violence, the concealment of the perpetrators’ responsibility, the concealment of the

victims' resistance and the blaming and pathologising of victims; all of which facilitated the presentation of a more favourable identity.

As already highlighted, the critical discursive approach employed within this thesis will consider the concepts of 'denial' and 'minimisation' as discursive resources rather than as mental entities. This research will consider the way in which these are drawn upon within talk in order to manage and construct accounts whilst maintaining an identity that is more desirable than that of convicted adult rapist. Thus adding an original contribution to the pre-existing literature.

Summary

This chapter has considered the literature surrounding prisons with a particular focus upon the role of 'power' and 'treatment'; in doing so, has outlined the rationale for the empirical focus of chapter ten. Furthermore, the focus of this chapter has enabled the researcher to contextualise the environment for study, HMP Whatton.

The next chapter will detail the epistemological approach adopted within this thesis.

Chapter Five – Methodology: Epistemological Approach

Introduction

This chapter will outline the epistemological approach integral to this thesis. This research adopted a critical discursive approach to analysis following Margaret Wetherell's (1998) argument for a 'synthetic' approach within discursive studies. Within this research, such an approach will synthesise the fine grained analysis typically found in ethnomethodology and conversation analysis with a broader approach that considers the political implications of the patterns of discourse. By employing a synthetic approach, rather than subscribing to isolated approaches alone, the analysis generated will be both empirically grounded and politically credible.

Social constructionism

The epistemological position of this thesis has been grounded in a social constructionist perspective. During the 1970s, psychologists and sociologists (amongst others) began to question the status quo of scientific findings and theories. This led to a departure from realist accounts of scientist actions where knowledge was based upon a direct perception of reality towards an approach which falls under the umbrella term of the Sociology of Scientific Knowledge (SSK). Within this a relativist approach was adopted in order to explore the factual status of claims made by scientists when accounting for practices (Gilbert and Mulkay 1984). Relativism suggests that a single reality is created or even changed for the masses, when enough people believe it. Although there were many different approaches within the SSK there were commonalities in the concern to demonstrate the fundamental social processes through which knowledge claims were being constructed and consequently accepted and validated by the scientific community. This was quite difficult to challenge, and is perhaps why sociologists became more interested in examining the disputes within the scientific community. That is, a consensus had not yet materialised and as a consequence the construction of knowledge in action provoked interest (Wooffitt 2005). From the 1970s onwards many alternative approaches to studying human discourse were generated under a variety of guises including 'critical psychology', 'discursive psychology', 'discourse analysis' and 'poststructuralism'; all of them have in common 'social constructionism' (Gergen 1985).

Some discursive psychologists rejected realism in favour of relativism (Speer 2001). Jonathan Potter (1996a) argues that “the world is not ready categorised by God or nature in ways that we are all forced to accept. It is constituted, brought into being, in one way or another as people talk it, write it, argue it” (p.98). The discursive approach begins with “the assumption that descriptions of events, people, groups, institutions and psychological phenomena are *versions*, which should be treated as open ended and flexible” (Anderson and Doherty 2008, p.64).

The much contested and parallel literature upon the social construction of crime, suggests that society is based upon a moral consensus and criminal law is simply a reflection of this consensus. Lemert (1951) was one of the first to theorise the social construction of crime; he rejected previous assumptions that took for granted the concept of deviance and instead focused upon the social construction of crime. The way the world operates depends on how society (or some large part of society) represents it to be. When this is considered in respect to the (social) construction of crime, this large part of society would symbolise the criminal justice system. The police, courts, law makers and lawyers have the power to label behaviour as criminal but it is not the behaviour itself that constitutes crime but instead the behaviour which is criminalised (Lemert 1951).

Lemert (1951) suggests that crime only exists once ‘label and law’ are applied to an individual’s behaviour; so it is not actually about what people do but how they are understood by others. This is further iterated by Becker (1963) who suggests that “social groups create deviance by making the rules whose infraction constitutes deviance, and by applying those rules to particular people and labelling them as outsiders. From this point of view deviance is not a quality of the act a person commits but rather a consequence of the application by others of rules and sanctions to an ‘offender’. The deviant is one to whom that label has been successfully applied; deviant behaviour is behaviour that people so label” (p.9). Becker (1963) suggests that deviance only arises through the enforcement of social judgement on the behaviour of others and that deviance only occurs when a particular social group is able to make its own rules and impose their application onto others. The social constructionist position alludes to the ‘constantly problematic, changing and contested nature of crime and social problems’ (Young 1999, p.40). This can be exemplified with the criminalisation of marital rape in England and Wales in 1991 where there was recognition by the criminal justice system

that rape could be committed regardless of the perpetrator's relationship with his victim; the institution of marriage no longer equated to implied consent (Westmarland 2004).

The relativist approach does not take one account as 'truth' instead it treats everyone's account as equally valid (Edwards, Ashmore and Potter 1995). However, this argument is somewhat flawed as we live in a world where one account is favoured over another. For example, within a court of law, actors of the criminal justice system are required to choose between victim versus alleged offender's accounts, thus discourse and power are allied. Gill (1995) quite rightly argues that researchers are often guilty of using subtle (and sometimes not so subtle) strategies in order to privilege particular versions of the world and therefore like all research, discourse analysis is not and cannot be value free. Refusal to engage with this, she argues, (as does Wilkinson 1997, p.186 where this phrase has originated from) has led to 'political paralysis.' This thesis concurs with the 'politically informed relativism' position of Gill (1995), echoed by Lea and Auburn (2001) that acknowledges that values are unavoidable and it is naïve to suggest otherwise; we are always producing an argument through our data. By employing a politically informed approach "we make social transformation an explicit concern of our work, acknowledge the values which inform it, and situate all interpretations and readings in a realm in which they can be interrogated and argued about" (Gill 1995, p.178/179). The ignorance of values is just one of the criticisms directed towards relativism, other realist retaliations have involved citing the 'realness' of death, furniture, rocks and the holocaust⁷. Edwards, Ashmore and Potter (1995) suggest that there are limits to what can be epistemologically constructed and deconstructed and these can be grouped into two; the reality that *should* not be denied, for example, death and the reality that *cannot* be denied, for example, furniture.

More specific criticism is directed towards feminist relativist approaches by suggesting that by denying the 'realness' of events such as rape, one makes claims that it is merely someone's interpretation; 'there's no external reality, there's only stories, nothing really happens' (Gilligan as cited in Kitzinger and Gilligan 1994, p.412). This is a feminist piece of research that ultimately strives to address the issues of gendered sexual violence. It does not deny the 'realness' of sexual violence and in part this is what has driven this

⁷ Although there are public holocaust deniers such as BNP leader, Nick Griffin

research; it has been focused upon establishing the most effective means of producing rigorous research which contributes to the understanding of sexual violence.

The next section will detail the ‘turn to language’ within social psychology and the consequent emergence of discursive psychology.

The ‘turn to language’

The 1970s witnessed an escalating amount of discontent within mainstream psychology. There was an increasing resistance towards the dominant model of experimental psychology (c.f. Gergen 1973) and behaviourism (c.f. Harre and Secords 1972), accompanied by a greater urge to engage with wider social and cultural issues (c.f. Israel and Tajfel 1972). Each of these pointed towards change within social psychology; it was considered as a ‘crisis in social psychology’ (Parker 1989). From a discursive perspective this was tackled by challenging the traditional ways in which language was seen as a route to cognition. Language had been considered as a way of accessing thoughts, emotions, beliefs and attitudes and was used by traditional psychology to account for an individual’s conduct through personality traits and attitudes (Potter and Wetherell 1995). The seminal text that introduced discourse analysis to social psychology in 1987 was that of *Discourse and Social Psychology: Beyond Attitudes and Behaviour* by Jonathan Potter and Margaret Wetherell. Potter and Wetherell (1987) made attempts to break away from traditional psychology, critiquing the role of cognition and language. Potter and Wetherell (1987) reconceptualised language as productive; it was a way to construct social realities and was seen to achieve social objectives. They argued that language was not a transparent medium, rejecting the notion that in talk one was performing an act of describing an internal mental state (Potter and Wetherell 1987) and instead suggested that when people stated a belief or expressed an opinion they were taking part in a conversation which had a purpose. In other words, meanings are created and negotiated within talk rather than a by-product of cognition and in order to understand why people say what they do, one needs to consider the social context as fundamental rather than the cognition.

Potter and Wetherell (1987) detailed three main elements to their discursive approach: function, construction and variation.

Function: The function of language cannot be considered in a mechanical way; people do not always perform tasks such as orders, requests, accusations or refusals explicitly.

Research conducted by O'Byrne, Hansen and Rapley (2007) and O'Byrne, Rapley and Hansen (2006) examined young men's understanding of both performing and 'hearing' sexual and non-sexual refusals furthering research conducted by Kitzinger and Frith (1999) and Frith and Kitzinger (1997) who had examined the way in which young women understood and performed sexual and non-sexual refusals. O'Byrne et al's (2007, 2006) research reinforced the difficulty people have in performing explicit refusals both non sexual and sexual. The men within their research were able to 'hear' verbal sexual refusals that did not necessarily involve the word 'no' and they understood the subtle non-verbal sexual refusals (such as feigning illness and being tired). By drawing upon clichés, excuses and explanations when performing refusals the men in this research were able to demonstrate that refusals were designed and produced in a specific way. The men within the study also demonstrated a common understanding of what these represented through a recognition that women also subscribed to these clichés when carrying out sexual refusals. The research concluded that male claims not to have 'understood' refusals could be considered as self-interested justifications for coercive sexual behaviour. Furthermore, these claims could be considered as a discursive technique employed in order to manage self-image within talk.

Additionally, function is not a simple matter of categorising speech as it depends on the way in which the analyst 'reads' the context. Discursive psychology emphasises action as a feature of language and because it is not a mechanical process the analyst must read the context in order to understand precisely what is happening. The term 'context' is heavily contested within conversation analysis and critical discursive psychology which will be attended to in the next section.

Construction: We use language in order to construct versions of the social world. These accounts are constructed in different ways dependent upon the aims of the speaker. For instance, how you would describe a new partner to your mother compared with your best friend might differ. Potter and Wetherell (1987) suggest that the term construction is important for a number of reasons. Firstly, because accounts are constructed from an established set of linguistic resources and therefore we can only use words we already have access to. Furthermore, this implies active selection; so some resources are included whilst others omitted. Research conducted by Coates and Wade (2007) found that language was used as a strategic tool by men in order to conceal their violence against women through this process of active selection. Finally, Potter and Wetherell

(1987) suggested that construction emphasises the powerful, significant nature of accounts and their role in the construction of ‘reality’.

Variation: All language demonstrates variation; it is constructed for the context in which it appears. In other words, there is variability in accounts; different descriptions are given for different people for different occasions. Talk is contextual and participant’s accounts, views and opinions will differ according to the context of that talk. This can include what people are trying to do with their talk, for example, disclaiming, apologising, justifying. Within the institutional context of this research, accounts given by offenders (for example) to the researcher, the prison officer, the psychologist may vary.

Potter and Wetherell (1987) sought to lay the foundations for discursive psychology but it was not until the work of Derek Edwards and Jonathan Potter in 1992 that this term was coined. This work was heavily influenced by conversation analysis and even more so in Edwards’ later (1997) publication *Discourse and Cognition*. Within these significant texts, the ‘turn to language’ really sought to reformulate understandings of key concepts such as ‘attitudes’ (Potter and Wetherell 1987, Wetherell 2004) and ‘memory’ (Edwards and Potter 1992, Potter 1996a, Hutchby 2002, Wooffitt 2005). Edwards and Potter (1992) highlight how memory is not simply about recalling events but is linked to communicative actions and interest. For instance, utterances such as ‘I don’t know’ can be used as a way to dismiss a version of events. This reformulation of key concepts within discursive psychology is considered as ‘respecification.’ Edwards and Stokoe (2004) state “‘respecification’ involves re-working psychological topics as discourse practices” (p.2). As previously stated discursive psychology rejects a more traditional psychological approach that argues that talk is a route to cognition but instead has developed a discourse-based alternative that considers talk as both constructive and action oriented (Edwards and Stokoe 2004). In the context of this research for example, how concepts such as ‘cognitive distortions’, ‘minimisations’ and ‘denial’ attended to and managed within participants’ talk is demonstrated in chapters seven to ten.

By the late 1990s there were two distinct approaches emerging within discursive psychology. There were those that subscribed to a more fine grained conversation analytic focus (that is, ethnomethodology and conversation analysis approaches) versus a broader approach that considered the political implications of the patterns of discourse

(that is, critical discourse analysis). The next section will detail the distinctions between these two main analytic approaches whilst making the case for a fusion of said approaches in order to synthesise a new, more encompassing analytic approach.

The ‘synthetic’ approach

Emanuel Schegloff’s (1997) comments on critical discourse analysis fuelled the debate in question (refer to Van Dijk 1997, Schegloff 1997, Wetherell 1998, Billig 1999, Weatherall 2000 for the full extent of the debate). Schegloff suggested that critical discourse analysis should be grounded in the ‘technical’ discipline of conversation analysis. He argued that by doing this critical discourse analysts may find that the discursive phenomena of interest may differ from what the analyst expected. Schegloff (1997) argued that in a bid for ‘intellectual hegemony’ critical discourse analysts were imposing their own values on a world that was already being interpreted and constructed by participants. He argued that critical discourse analysts did not pay attention to participants’ orientations within talk which Schegloff (1997) suggested was nothing but arrogance on the analyst’s behalf. In response to these limitations, Schegloff (1997) continued to present conversation analysis as the resolution.

Conversation analysis emerged in the 1960s and 1970s within the work of American Sociologist Harvey Sacks and his colleagues Emanuel Schegloff and Gail Jefferson. Conversation analysis was deeply rooted in ethnomethodology developed by another American Sociologist, Harold Garfinkel (1967). Both ethnomethodology and conversation analysis challenged mainstream sociology by its broad interests in the way everyday life was conducted through ordinary conversation. Conversation analysis studies detailed transcriptions of everyday interaction and institutional talk (Drew and Heritage 1992). Harvey Sacks’ first lectures (collated in 1992) focused upon data from telephone calls to a suicide prevention centre in San Francisco. He explored issues concerning features such as sequence organization, turn taking and repair alongside the minute detail of conversation including speech errors, pauses and overlaps in talk; these underpin the conversation analytic approach (Sacks 1995; Edwards and Potter 1992; Heritage 2005).

For conversation analysts “context and identity have to be treated as inherently locally produced, incrementally developed, and, by extension, as transformable at any moment” (Heritage 2005, p.111). This is further substantiated by Schegloff (1997) who suggested

that analysts should be careful not to preference any particular way of categorising events and individuals and instead should focus on what the participants within the interaction prioritise. In other words the analyst should be guided by the data and not go beyond that. Schegloff (1997) argued that critical discourse analysis has no methodology for explaining participants' orientations, whereas conversation analysis offers a "strong analytically focused and empirically grounded case for the claim that these understandings are 'the understandings of the participants'" (p.180). All analytic claims should be empirically grounded (that is, grounded in the data). So for Schegloff (1997) the analyst should be able to point to the data and show the exact position of when things are happening; what is the participant attempting to do with their talk? And how does their subsequent behaviour in the sequential, turn by turn organisation demonstrate this?

Margaret Wetherell (1998) responded to Schegloff's comments on critical discourse analysis by arguing for a 'synthetic' approach that weaved together a range of influences into a viable approach to discourse analysis in social psychology. According to Wetherell, this approach enabled researchers to produce an analysis that considered both the situated and ever changing nature of discursive constructions alongside the wider social and institutional framework within which discourse is produced. She argued that whilst conversation analysis offered a useful discipline for discourse analysis under a broadly critical agenda, it needed to be two way; conversation analysis alone was unable to provide a sufficient answer to its own 'textbook' question of 'why this utterance here?' (p.388). Wetherell claims that this focus on the text was both unhelpful and unproductive and if we limited ourselves to Schegloff's (1997) 'technical' approach to conversation analysis we would never be able to answer such a question.

Wetherell's synthetic approach (1998, 2004) was also heavily influenced by Foucault's notion of power and discourse (1978, 1977, 1965), which will now be discussed in greater detail. Within discursive psychology, a distinction had been made between 'top-down' and 'bottom-up' approaches to analysis (Edley and Wetherell 1997; Wetherell 1998). 'Bottom up' approaches were more influenced by the work of Sacks (1992) and located their concerns within ethnomethodology and conversation analysis (Edwards 1996; Edwards and Potter 1992). 'Top-down' approaches were more heavily influenced by the work of French social theorist Michel Foucault, focusing more upon the broader issues of

power and ideology (Foucault 1978, 1977, 1965; Edley and Wetherell 1997; Wetherell 1998; Wetherell 2004).

For Foucault, discourse was not purely linguistic but about language (what is said) and practice (what is done). He believed that discourse was about the production of knowledge through language. Furthermore, that discourse (both written and spoken) provided us with a way of talking about and representing knowledge about a particular topic at a particular time in history (Hall 2003). Historical context was of particular importance to Foucault. He did not believe that the same phenomena would exist across different historical periods. This could be considered in relation to criminalisation (marital rape 1991 and corporate manslaughter 2007) and decriminalisation (homosexuality 1967 and suicide 1961) of certain behaviours.

Foucault's main areas of interest included sexuality (1978), madness (1965) and discipline and punishment (1977). He was particularly interested in how knowledge was utilised through discursive practices in specific institutional settings, for example, the prison, to regulate the conduct of others. Foucault focused on the circularity of the relationship between knowledge and power. Those with more knowledge have more power, but with power comes the opportunity to acquire more knowledge. He argued that the power linked to knowledge not only takes on the semblance of being the 'truth' but has the power to become the 'truth', echoing the sentiments of social constructionism where 'truth' becomes whatever we all agree it to be. This could be considered in relation to the dominant discourse of rape myths that are entrenched within our patriarchal society.

Interestingly and contrary to the 'top-down' approach discussed above, Foucault did not consider power as flowing in a single direction, from top to bottom and from a particular source, such as the sovereign or state. Instead, he suggested that power permeates at all levels and does not function as a chain but instead circulates and we are all caught up within this as oppressors and the oppressed. On an individual level (rather than a structural level) this could be considered in terms of men who inflict (sexual) violence upon women. However, Foucault did not deny the dominance of central power, such as, from the state and the sovereign, but focused more upon the localized strategies of power and their impact.

This research brings together the ‘bottom-up’, ‘top-down’ approach of Edley and Wetherell (1997; Wetherell 1998). As already highlighted this thesis synthesises an analytic approach that considers the action orientation of talk with a Foucauldian influenced consideration of the broader issues of power and the way in which discursive practices of institutional settings regulate, control and maintain the conduct of others. This is examined further in the analysis, particularly by considering the impact of institutional demands upon offenders’ talk.

The ‘synthetic’ approach Wetherell (1998) describes is that of critical discursive psychology; an approach employed by this thesis.

Critical Discursive Psychology

Wetherell (1998) defines critical discursive social psychology as being; “concerned with members’ methods and the logic of accountability while describing also the collective and social patterning of background normative conceptions (their forms of articulation and the social and psychological consequences)” (p.405). In the context of this research, the adopted ‘synthetic’ approach considers the ‘action orientation’ of talk, associated with a discursive psychological/conversation analytic approach (Edwards and Potter 1992). For example, how do participants account for their offending behaviour? Do they construct an offence account which demonstrates ‘minimisation’? Do they draw upon rape myths to account for their behaviour? And so forth. In line with a conversation analytic approach (Sacks 1995), this research will examine the more minute features of talk, for example, by considering the role of laughter within interaction (Jefferson 1979; Jefferson and Lea 1981; Jefferson 1984; Gronnerod 2004). It will also draw upon the influential feminist conversation analytic work (for examples c.f. Kitzinger 2000; Kitzinger and Frith 1999; Kitzinger 1995; Speer 2001) that has been conducted. However, of upmost importance, the synthesis of methods enables the contextualisation of data, allowing the researcher to step outside the data and consider influences such as gender, power and thus patriarchy but also the role of the institution. The isolated approaches of discursive psychology and conversation analysis were ruled out predominantly because of the way in which they fail to move beyond discursive constructions and participants’ orientation to context. As discussed, conversation analysis situates itself within the data and does not move beyond that. This, coupled with the researcher’s interest to consider participants’ talk within an institutional ‘context’ has led to the employment of a

synthetic approach. This arguably provides the researcher with a more rigorous form of analysis than any single method in isolation would.

Summary

To summarise, this chapter has outlined the epistemological approach of critical discursive psychology which this thesis has employed. Such an approach synthesises the fine grained analysis typically associated with conversation analysis with a broader approach which considers the political implications of the patterns of discourse. Thus enabling the researcher to consider, for example, the way in which discursive practices of the prison impact upon the talk of convicted adult rapists and arguably, enabling the regulation and management of the conduct of said prisoners. To reiterate, this synthesis of approaches, rather than isolated approaches alone enables a more encompassing and rigorous form of analysis.

The next chapter will provide a transparent account of the research process.

Chapter Six – Methodology: Research Design

Introduction

The first section of this chapter seeks to highlight and discuss the challenges faced when conducting qualitative research with convicted male sex offenders. To do this it will explore the sometimes overlooked vulnerabilities of both participant and researcher as well as the role of the female researcher in a study of this type. It will also detail the ethical considerations within this research and in particular the importance of confidentiality. The second part to this chapter will articulate the methodological approach adopted; offering both a rationale and justification for the method of data collection. To do this, it will detail the methods of data collection employed whilst detailing the importance of informed consent and the issues of challenge versus collusion. To close, this chapter will detail the ways in which the research achieved both reliability and validity, paying attention to the issues surrounding the generalisation of qualitative data.

Researching the Vulnerable: Participant and Researcher

This section considers the vulnerabilities of both research participant and researcher. As argued by Blagden and Pemberton (2010), literature detailing sex offenders as a vulnerable population is limited: much of the previous focus has been upon older people (Russell 1999), victims of sexual violence (Briere 2002) and children (Stone 2003). Therefore, researchers of sexual offenders are often left “feeling methodologically vulnerable, verging on the distressingly incapable, because of emotional and anxiety challenges, and thus ill equipped to deal with some of the issues that may arise in this context” (Melrose 2002, p.338).

‘Vulnerability’ can be considered as a socially constructed concept and thus the formulation of an encompassing definition that is agreed on by all is problematic (Moore and Miller 1999). Sex offenders are vulnerable in both the community and within the prison environment. To some extent, the prison service have taken measures in order to acknowledge this through the development of policies for those deemed to be at risk of suicide and self harm (c.f. Bogue and Power 1995). It is important to note that this recognition of the vulnerability of sex offenders does not seek to undermine nor dispute the (well documented) experiences of victims of sexual violence. This research was very

much focused upon contributing to the knowledge and understandings that surrounds sexual violence and ultimately strives to prevent further victimisation. Blagden and Pemberton (2010) argue that researching vulnerable groups (including sex offenders) is complex and requires ethically sensitive researchers who are both reflexive and non judgemental in their approach.

As identified, the vulnerability of some research participants has been considered within the literature (c.f. Anderson and Hatton 2000; Russell 1999; Briere 2002 and Stone 2003), but the issues surrounding the vulnerable researcher are often overlooked. Dunn (1991) suggests that “the qualitative researcher is usually not prepared to deal with the stress, deep personal involvement, role conflicts, discomfort and the physical/mental effort that argues from such research” (p.388). Within this research process, the researcher has been subjected to explicit accounts of the participants’ offending behaviour alongside beliefs and justifications for this behaviour that is not in alignment with the moral position of that of the researcher. Equally, and the more contentious point, is that in some circumstances researching sex offenders can be quite a humanising experience. Within this thesis the researcher has subscribed to what could be considered as a more humanistic approach through the building of rapport with research participants, alongside the separation of the offence from the person.

In order to deal with the challenge of interviewing sex offenders, the researcher developed coping strategies which relied on both informal and formal networks of support. Informal strategies were developed through friends and by taking time out between interviews to reflect but also to undertake activities which distract. It was also important to try not to schedule too many interviews per day (due to hours in the day and the prison schedule, only two interviews a day could be conducted). Dunn (1991) suggested that qualitative researchers should only conduct one interview per day as “one interview per day is less stressful, particularly if the interview evokes physical or emotional responses for you” (p.392). However, constraints on time did not always make this possible. More formal coping strategies took the form of supervision, both at the prison and the university. This was more beneficial when it could be taken up straight after an interview rather than sometime after as this was when one could begin to dwell on issues.

The Female Researcher

As highlighted in the previous chapter speakers will construct accounts that vary depending on the context of talk and to whom they are speaking to. In Presser's (2004) research, she found that her research participants (violent offenders) used the interview process to present themselves with a more desirable identity, one that is not that of an offender. There is resonance here with this research which will be explored further in the analysis section. This next section considers my role as a female researcher interviewing men who have raped women.

Previous interpretations of feminist research were based on that of female researchers giving a voice to the experiences of women that have previously gone unheard (Willott 1998). Although often overlooked, in the last twenty years an increasing amount of feminist research has been conducted with male participants. This research takes the position that patriarchy is present within our society; there are a set of social relationships which provide for the collective domination of women by men which can manifest itself in rape and other forms of sexual violence (Martin 1984). While sexual violence may be accounted for on a societal level in the form of patriarchy, in order for this to change it is essential to examine the micro, that is, the individual perpetrators of this violence, before considering the wider context. Although this research adopts a humanistic approach that considers the individual aside from the sexual offence they have committed, it is not in any way attempting to valorise the act of rape.

As Willott (1998) claims, "the power dynamics between the researcher and the researched are complex and sometimes contradictory" (p.174) particularly as a female interviewing male sex offenders. By the very fact that the participants within this sample are incarcerated reduces both their power and autonomy within the research process. However, it could be argued that participants have been able to exercise control in interviews by withholding or including information in response to the questions asked of them; this is also aligned with one of the underlying principals of a discursive approach that talk is contextual and participants' accounts, views and opinions will vary according to said 'context'.

The literature suggests that by virtue of education and status (including ethnicity and class) the researcher is always more powerful than those she researches (Cotterill 1992). There are ways in which a researcher's interview style can lessen this gap between

themselves and those being interviewed. Cotterill (1992) refers to this as being a 'friendly stranger.' The researcher achieved her 'friendly stranger' status by being someone who was approachable and easy to talk to; a student from the local university, independent of the prison service, who was an avid Birmingham City football fan and lived with her partner. Information upon the latter two points was given on an ad hoc basis, as and when such information seemed appropriate. This type of disclosure separated my role as researcher from that of someone who worked within the institution. Being able to conduct research, particularly qualitative is a privilege. The researcher requests participants to give an insight into their often traumatic lives, it therefore only seemed appropriate to provide, within reason, some information about oneself. Information on being from the local university and independence of the prison was stressed at the initial consent meeting with each participant and again at the start of each interview.

Another important consideration which links back to this idea that the researcher is typically a white, middle class, university educated person. The 'reality' is that perpetrators of rape are not bound by these features; offenders that this research has interviewed were of a varied ethnicity, class and educational background.

The single characteristic for which there was never commonality was gender and on occasion this was problematic. Difficulties faced by the female researcher included having prisoners shouting through the door of where an interview was taking place. One such example involved a prisoner shouting at the interviewee "go on (name of participant) you know you want to". Another awkward situation encountered by the researcher occurred whilst a research participant was discussing the sexual fantasies that he was having in the lead up to his offence and in order to exemplify that the fantasies could be about anyone, in any situation, he highlighted how he would probably have been preoccupied with sexual thoughts whilst talking to the female researcher during the interview. Other prisoners have made comments about physical features such as having 'nice eyes.' Within the institutional context, each of these have left the female researcher feeling vulnerable but not necessarily disempowered as Willott (1998) suggests. These occasions were documented by the researcher in a reflective journal that she maintained during the data collection process.

Some of the research participants expressed how much easier they found it to talk to a female about their offence, whereas others expressed the difficulty in this; their victim was female and they expressed concerns about how they thought the researcher would react to this, as a female. This thesis would therefore concur with Cotterill (1992) who suggests that the balance of power within the research process is not fixed and may vary from interview to interview.

Ethics

Ethical approval was awarded by HMP Whatton and Nottingham Trent University.

Confidentiality

When conducting qualitative research with sex offenders, confidentiality becomes a complex issue. This research adopted a position of 'limited confidentiality' (Cowburn 2005) due to the strict research guidelines issued by HMPS. The boundaries of this 'limited confidentiality' were clearly outlined to research participants from the outset both verbally and in the consent forms discussed in the initial consent meeting (c.f. appendix one). This was further reiterated before commencement of the main interview and any focus group discussion. Participants were made aware that the disclosure of certain information would nullify standard confidentiality procedures and as a result the appropriate authorities, including the principal psychologist, prison security and police liaison officer would have to be notified (in accordance with Prison Service Order (PSO) 7035). The disclosure of certain information included threats to prison security, information relating to an offence that they or anyone else had not previously been tried for and expression of intentions to harm self or others. Participants were made aware that all recordings would be transcribed fully and all data would be anonymised and password protected. To protect anonymity further all names, places and organisations mentioned would be changed. It was explained that the data would be kept in a locked filing cabinet for the duration of the PhD and for up to five years after or until it had ceased being actively used within research. The participants were informed that the research data would be accessible to myself and that the principal and senior psychologist at HMP Whatton and Nottingham Trent supervisory academic staff would be able to view anonymised transcripts. Participants were also made aware that anonymised data may be used for future publications, data sessions and teaching, reiterating that what they had said may be seen by a wider audience but would be anonymous. Participants were reminded that taking part in any aspect of the study was

completely voluntary and data could be withdrawn up until that point that it had been written into the thesis or published in journal articles.

Data Collection

The principal methods of data collection and analytic approach were significantly refined during the course of the PhD. Originally it had been planned to analyse recordings taken for the Sex Offender Treatment Programme (SOTP) using conversation analysis. These treatment groups within the SOTP have approximately eight members per group who have committed a variety of sexual offences. The group is made up of those who volunteer to take part and takes the format of group work. The group runs for six months and meets several times a week. Despite the timetabled nature of the SOTP, within conversation analysis this type of institutional talk is considered as ‘naturally occurring’ data (c.f. Drew and Heritage 1992). During the earlier stages of the PhD, it was not possible to get everyone within a treatment group to consent to the recordings of the sessions and those who had been interested in participating were not adult rapists. The method of data collection therefore shifted to using both semi-structured interviews and focus groups and the analytic approach has been refined (refer to previous chapter for a fuller discussion concerning analytic approach).

Semi-Structured Interviews

The use of semi-structured interviews was the main method used to collect data. Discursive psychology has made attempts to challenge the taken-for-granted position of the open-ended interview as the method of choice in modern qualitative psychology (Potter and Hepburn 2005). Potter and Wetherell (1995) suggest that the main issue with using interviews is the artificial nature of the data, particularly in the way in which interviewers can direct and construct the interview process (Potter 1996b). Another limitation is the difficulty in making straight forward inferences from talk within interviews to activities in other settings (Potter and Wetherell 1995). However, they concur that there are both technical and practical difficulties with collecting naturally occurring data. Potter and Wetherell (1995) suggest that an advantage of using interviews is to allow the researcher to explore a standard range of topics with each of the participants involved. Within this research, interviews were conversational and most lasted for ninety minutes (but ranged between thirty minutes and three hours). Each interview utilised the same schedule of questions which Potter and Wetherell (1995) suggest is a skill; the ability to follow a schedule with each participant whilst

allowing a conversation to flow naturally and following up points of interest as and when they occur.

The traditional interview is used in order to produce clear and consistent responses that can allow researchers to make inferences about underlying beliefs or previous actions. Discourse analysts use interviews for different purposes. They treat it as a piece of social interaction in its own right where the interviewer could be considered as contributing just as much as the interviewee and thus it becomes problematic if you do not consider this interaction (Potter and Hepburn 2005; Potter and Wetherell 1995). From a discursive perspective interviews allow the researcher to explore participants' interpretative practices. It can therefore be an effective way of getting at the interpretative repertoires a participant has available and the way in which these are used within talk (Potter 1996b).

Researcher as Participant in the Interactional Context

When using the interview as a means of generating data within discursive research, it is important to acknowledge both the influence and the role of the researcher within the interaction. Consequently, the analysis within this thesis has not just considered the discursive practices of the participant but more holistically, the interaction between the researcher and participant. This is echoed in the work of Potter and Hepburn (2005) who argue that the analysis of interviews within discursive psychological research should include questions asked by the researcher, a transcription of the interjections made by the researcher within the interaction and a transparent account of how participants were chosen.

The interactional context of the interview also needs consideration. Firstly, it could be argued that talk is being organised at the request of the researcher - participants were simply responding to the questions being asked of them. However, analytically this still remains of interest as these narratives are organised in a particular way in order to manage issues of stake and interest (Edwards and Potter 1992). The previous chapter has already highlighted one of the basic claims of discursive psychology by suggesting that speakers construct particular accounts for particular audiences. Secondly, interactional context could be considered as where the interviews have taken place and who with; factors that would need to be taken into consideration (but are by no means exclusive), include gender, ethnicity, level of treatment, sentence type (fixed versus indeterminate). If this thesis was employing a pure conversation analytic approach then

these factors would not be considered unless the participant or the researcher orients their talk towards said constructions. However, as this thesis is utilising a synthetic approach some of these ‘contextual’ factors have been incorporated into the analysis, for example in chapter ten where the impact of the institution on talk is considered.

Recruitment for Interviews

The sampling method employed was purposive (Ritchie and Lewis 2003); participants were chosen because they possess particular features worthy of further investigation as outlined by the researcher. In this research, the construction of the sample was drawn from offenders who were at any stage of treatment and had been convicted of rape/aggravated rape against a female adult to whom they were acquainted. This was deemed as integral to the research. This sample is representative, as the majority of adult rape victims are female and perpetrators are male but also in 85% of cases victim and offender are acquainted. Through the principal psychologist at HMP Whatton, a list of all convicted adult rapists fitting the above criteria was compiled. In order to adhere to data protection rules, letters were sent out by the principal psychologist, rather than the researcher, to 120 men in order to see if they were willing to participate in the research; resulting in eighteen men being interviewed. Of the men interviewed, rape offences had been committed mainly against ex partners, partners and friends but also a step-daughter and a sister in law (c.f. table one).

Table One: Participant Key Information

Name	Age	Offence	Sentence Type	Victim - as described by the participant	Treatment	Focus Group
Adam	36	Rape	Determinate: 5 Years	Ex Girlfriend	Adapted SOTP	No
Andrew	44	Rape x 2	IPP ⁸	Partner (Female)	CALM, HRP	Originally said yes but then declined
Brian	52	Rape	IPP	Ex Girlfriend	Adapted SOTP	No
Chris	46	Rape	Determinate: Seven Years	'Friend of the family' (Step Daughter)	Started Adapted SOTP but did not complete=Non Treatment	Yes - Participated
Connor	42	Rape x 2 (plus indecent assault)	Life	Previous sexual acquaintance	Core SOTP, CALM, ETS, CSB	No
Damon	32	Rape	Determinate: 7.25 Years	Ex Girlfriend	ETS, CALM, HRP	No
David	29	Rape	Determinate: 5 Years	Female friend	Non-Treatment	No
Don	44	Rape x3	Life	Female he was acquainted with (knew of	Core SOTP, Extended SOTP, BLB and ETS	Yes - Participated

⁸ IPP - Imprisonment for Public Protection. An indeterminate sentence with no automatic right to be released

				her from living in local area)		
John	59	Rape (5 offences in total)	Life	Friend (Female)	Core SOTP, Extended SOTP, HSF, CALM	Yes - Participated
Lance	26	Rape	Determinate: 6 Years	Ex Partner (Female)	Non-Treatment	No
Keith	60	Rape	Determinate: 4 Years (2 to be served on licence in the community)	Wife	Non-Treatment	Originally said yes but then declined
Kevin	45	Rape (6 offences in total including indecent assault)	Life	Prostitutes (One he had visited on a regular basis leading up to the offence =acquainted)	Core SOTP, Extended SOTP, BLB and ETS.	Yes – but unable to take part on the day due to other commitments
Mark	23	Rape	Determinate: 7.5 Years	Female he was acquainted with (met in pub)	Adapted SOTP	No
Martin	41	Rape and Attempted Rape (plus two other offences)	IPP	'Wife' (Ex – Wife)	Rolling SOTP, ETS, HRP	Yes – but unable to take part on the day due to other commitments
Matthew	23	Rape	IPP	Ex Girlfriend	Non-Treatment	No

Michael	30	Aggravated Rape	Determinate: 6 Years (3 to be served on licence in the community)	Sister in Law	Core SOTP	No
Richard	23	Rape	Determinate: 3 Years	Friend (Female)	Non-Treatment	Originally said yes but then declined
Watson	43	Rape x 4 (13 offences in total)	Life	Friend (Female) and 3 prostitutes	Core SOTP, Extended SOTP and CSB	Yes – but unable to take part on the day due to other commitments.

Participants who expressed an interest in participating in the research were invited to attend a consent meeting. These initial meetings lasted between thirty minutes and one hour. This initial meeting enabled the researcher to explain the purposes of the research and allowed the potential participants an opportunity to ask any questions. This also gave the researcher the chance to assess the potential participants' ability to give fully informed consent. It was essential to ensure the participants were fully informed of the research aims and understood the purposes of it, alongside their right to withdraw. They were also forewarned that some of the interview questions would entail a discussion of the offence they had been convicted of.

If participants gave their informed consent, an interview was arranged for the following week. This allowed participants extra time to fully consider the information upon the study and ask any further questions they may have about the research prior to the interview. The initial consent meetings were beneficial as they allowed the researcher to begin to establish a rapport with the research participants; trust and rapport are essential when carrying out sensitive research with the 'vulnerable' (Miller and Tewksbury 2001). In order for participants to talk openly about their lives and offending behaviour they need to trust and feel comfortable about spending time with the researcher. However, this building of rapport should not be confused with collusion, which will be attended to in the following paragraphs.

The time between the initial consent meeting and interview also allowed the researcher to consider their approach to each interview; what language could be used in the interview if participants were maintaining their innocence, if they were recognised by the prison as intellectually and socially lower functioning prisoners (with an IQ <80), if they were aggressive, if they were emotional or if they presented any other socio-affective difficulties which could pose potential problems for either the researcher and/or participant.

Liamputpong (2007) argues that some researchers take the 'smash and grab' approach to data collection; where researchers ruthlessly access data without any consideration to their participant. Therefore, this research was keen to develop a more sympathetic and reflexive approach to research by paying particular attention to the duty of care and the wellbeing of the prisoners interviewed. In one instance during an interview the participant became visibly upset during the interview process, the researcher took her

prompt from the participant and only continued as he requested that she did so. The researcher always made attempts to conclude interviews positively with the focus on the participants' future and their expectations (c.f. Winder and Blagden 2008 for a more in depth discussion). However, the researcher was mindful of the impact of the interview upon the distressed participant. Therefore, this was followed up (with the participant's permission) by informing wing staff in order for them to observe and discuss with the prisoner his well-being once he was back on the wing.

During the semi-structured interviews, the researcher asked participants about life in prison, what it meant to be classed as a sex offender, the offence including how they accounted for it to different people (police, friends, family), defining consent, the role of women within prisons and participation in treatment (c.f. appendix two for a copy of the interview schedule). Initially, questions were asked about being in prison and which prisons participants had been to in the course of their sentence and what it was like to be in HMP Whatton. This was done in order to act as an icebreaker before a discussion around their offending behaviour was broached. Participants were asked about accounts used to explain the offence to different agents including the police, courts but also friends and family. This was asked in order to ascertain the variability and similarities in accounts. Questions were asked around consent to further substantiate a discussion around this understanding and how it linked with their offence.

Furthermore, questions were asked about treatment in order to ascertain whether this had been something that had been engaged in or not. This was asked in order to ascertain the impact that treatment has on people's accounts, if any. The use of semi-structured interviews allowed the interviewer to ask questions that were not necessarily in the schedule in order to make the interview process more flexible, less informal and more like a conversation. However, the use of an interview schedule ensured that each interview covered the same main questions.

At the end of each interview, the researcher debriefed participants. This process of debriefing overlaps with ethical concerns across the sphere of social research. Such processes include thanking participants for their time, reiterating the research aims and objectives, reassuring the participants that all data will be de-identified and therefore anonymous, reminding participants of their right to withdraw from the research, informing participants who to contact if the research process has raised any personal issues or distress. Finally, contact details were provided so that participants had a point

of contact in order to gain a summary of the main findings but also if they wanted to make a complaint about how the research had been conducted.

Challenge versus collusion during the research process

As previously stated, the building of rapport should not be confused with collusion. This therefore poses the quandary of what does a researcher do when they are presented with a narrative that contains fundamentally different views and in the case of this research offers a distorted account of their offence (for example, one participant reported that “she asked for it”). Willott (1998) accounts a similar experience when her research participants spoke in both homophobic and misogynistic terms. She reports, “...I did not want to endanger my relationships with future participants by creating a ‘them and us’ situation and therefore risk losing the opportunity of glimpsing the insiders perspective...I was also aware that keeping silent can be interpreted as agreement” (p.178). Here she highlights the dilemma of hearing participants discuss issues that infringe the researcher’s moral standing versus her need to recruit research participants; with the added concern of silence being interpreted as collusion. Willott (1998) fails to suggest any form of resolution for researchers who find themselves in this position. Within the remit of this research an explicit challenge of participants’ accounts extended beyond the responsibilities of the researcher and was deemed to be more the role of the psychology department within the institution. However, the researcher was mindful of the implications of this as one is running the risk of colluding with offenders if accounts are left unchallenged. It was therefore essential that the researcher did not confirm or agree with said accounts. Liebling (2001) suggests that perhaps there is no dilemma when deciding ‘whose side are we on?’ In fact, she argues that it is perhaps possible to find value in both sides and to some extent empathise with both sides whilst at the same time being the mediator of tensions and competing positions of all those concerned. Blagden and Pemberton (2010) suggest that although this is difficult for the researcher, it is the most fruitful way to produce rigorous and credible research.

Returning to the previous example, “she asked for it,” one has to be mindful not to let the offender ruminate and focus on their offending behaviour and justifications; this was achieved by simply moving the conversation on.

It is important for the researcher to listen to offenders’ justifications of their offending behaviour and is of analytic interest. However, subtle shifts in questioning can guard

the researcher against drawn out accounts on offence justification and prevent the researcher from colluding and reaffirming the offenders' beliefs.

Focus Groups

Focus groups have traditionally been used in market research in order to gather feedback on new products and adverts (Bryman 2004). The popularity of the use of focus groups as a form of data collection within the social sciences has increased in the last twenty years, predominantly being used by health researchers in order to explore family planning and preventative health education (Wilkinson 2008).

There is a common misconception that focus groups are carried out in order to interview a larger number of people quicker than the traditional individual interview does, saving the researcher both time and money (Bryman 2004). A 'group interview' could be argued to achieve this. However, a focus group is more than just about getting multiple responses to a set list of questions. Focus groups are a type of group interview, which Kitzinger (1995a) claims "capitalizes on communication between research participants in order to generate data" (p.299). The function of a focus group is to enable researchers to explore in greater detail and elucidate a person's view that would be less easily accessed within an individual interview (Kitzinger 1995a). They also enable the researcher to examine the way in which group members react to each others' responses, how they explore collective meaning and the interaction between them (Bryman 2004).

The complexities of running a focus group should not be underestimated. Wilkinson (2008) highlights the difficulties involved in recruitment and bringing participants together. The skills required to manage a group effectively require training and practice. In addition, the organisation of the group and consequent transcription and analysis is time consuming. Focus groups can include two to twelve people but typically involve between four and eight people per group. Groups may consist of pre-existing groups such as family members or people who have been brought together in the name of research (Wilkinson 2008). The focus group should be recorded as Bryman (2004) argues that it perhaps becomes too difficult and disruptive to write down notes. However, a dual response is required in order to make notes on the visual interaction and dynamics of the group that the audio recording will not capture; a video recording perhaps would assist with this.

The interaction with group members distinguishes this method of data collection from that of one on one interviews (Wilkinson 2008). Liampittong (2007) suggests how focus groups can be an effective tool for exploring sensitive research topics. The group setting can encourage participants to explore issues in their own terms, to give each other support to discuss things that they may not feel comfortable discussing on a one to one basis. Kitzinger (1995a) further iterates this claiming that “group work can actively facilitate the discussion of taboo topics because the less inhibited members of the group break the ice for shyer participants” (p.300). Wilkinson (2008) also supports this by suggesting that “there is a common misconception that people will be inhibited in revealing intimate details in the context of a group discussion – in fact, focus groups are well suited to exploring ‘sensitive’ topics, and the group context many actually facilitate personal disclosures” (p.187). However, this may also mute the more extreme opinions, Kitzinger (1995a) counteracts this by arguing that “participants can also provide mutual support in expressing feelings that are common to their group but which they consider to deviate from mainstream culture (or the assumed culture of the researcher)” (p.300). This is of particular significance when researching opinions and experiences surrounding sexual offending.

The social constructionist framework for this research was outlined in the previous chapter. Social constructionism and focus groups will allow the researcher to study the construction of meaning through group interaction (Millward 2006) and the ways in which sense-making is done collaboratively (Wilkinson 2008). The focus group will allow the researcher to observe how participants engage in this process of collaborative sense-making and examine the ways in which understandings, views and opinions are constructed, progressed, expressed, elaborated, defended, negotiated and modified within the context of discussion and debate with fellow group members (Wilkinson 2008).

Hesse-Biber and Leavy (2006) suggest that the increase in popularity in group work corresponds with the increasing interest in theoretical perspectives such as feminism and postmodernism. This is particularly attractive for sensitive researchers working from power sensitive theoretical and political positions such as feminism, as group work may increase the distribution of power between the researcher and participants, quite simply because there are more participants than researchers. As a result, the authority of the researcher is diffused when the research commences in a group rather than in a one on

one setting (Liamputtong 2007). Hesse-Biber and Leavy (2006) argue that “focus groups are a profound experience for both the researcher and the research participants that generate a unique form of data. They tell the qualitative researcher things about social life that would otherwise remain unknown” (p.197).

Wilkinson (2008) suggests that in order to collect quality data whilst providing participants with a rewarding experience, an effective facilitator is required coupled with a well prepared session. The role of the facilitator/moderator is to pose questions, establish rapport, keep flow of discussion going and to encourage people to interact with each other rather than the researcher. The latter may involve the facilitator encouraging the ‘shy’ person to speak and at times discourage the ‘talker’ from dominating the discussion. Wilkinson (2008) also highlights how confidentiality is a particular issue within focus groups because of the number of participants and the need for ground rules. Ground rules must be set in order to ensure that personal details of the participants and the content of the discussion within the group setting is not discussed outside of the context of the group.

Recruitment for Focus Groups

The original consent form sought permission from those participating in the interviews to ascertain whether they would also participate in a focus group too. The focus group was used in order to facilitate a group discussion upon negotiating consent and carrying out refusals with non-offending, sexual and non-sexual scenarios. These questions were based on those used in the research of O’Byrne et al. (2006, 2007). It was also used to explore in further depth, rape myth scenarios. Some questions upon the negotiation of consent were piloted in individual interviews but it was decided that these would be better presented in a group setting rather than the one on one, female-male dynamic. As a result of this the focus group was run jointly with a male PhD student who was also conducting research within HMP Whatton.

The first group was conducted in June 2009 with myself, Nicholas Blagden (PhD researcher) and four participants who had previously been interviewed for the research. They were chosen to take part in this specific group because of their participation in treatment but also because of their varied sentences (fixed, IPP and life) as well as the variation in victim type (including a step daughter, sister in law and friend). All of them had taken part in some aspect of a Sex Offender Treatment Programme (including Core,

Rolling and (what was known as the) Adapted programmes, so were quite familiar with interacting in a group setting. The focus group took the following format; introductions, reminding participants of the purpose of the research, anonymity and confidentiality (extending this to not repeating anything from the discussion outside of the group) and setting ground rules, including listening and respecting to what each other has to say. The structure of the session was also highlighted. It was explained that there were two sections to the discussion. The first section endeavoured to examine how the group do refusals in sexual and non-sexual situations and in the second section of the discussion five fictional scenarios would be examined (c.f. appendix three for interview schedule). The focus group concluded with a debriefing (which was also done on an individual basis where necessary). This included thanking participants, reminding the participants of confidentiality and their anonymity and answering any questions which they had.

Attempts were made to set up a second focus which would include those participants who had not been through the Sex Offender Treatment Programme (which included Core, Adapted (BNM), Extended and Rolling). Unfortunately, all of those who had originally agreed to participate were no longer interested in taking part in this aspect of the research. A further fifty letters were sent out via the principal psychologist in order to recruit offenders who had been convicted of rape/aggravated rape against a female adult to whom they were acquainted and had not been through any of the four treatment programmes listed above. Sadly, this did not generate enough interest to conduct another focus group session as only one person responded positively.

Transcription

All interviews (both semi-structured and focus group) were recorded and then transcribed verbatim. There is much debate (c.f. Potter and Hepburn 2005) surrounding the level of detail a transcript should entail. Speer (2005) suggests that research adopting a discursive analytic approach only need transcribe to a level that represents the general content of the spoken word rather than focusing upon the minute detail of speech delivery as one would if taking a conversation analytic approach. However, Willig (2008) suggests that the transcript must contain some information about the non-linguistic aspects of the conversation such as delay and hesitations. This is because the way in which things are said can affect the meaning. For example, irony can only be detected by attention to tone of voice and in order to examine what talk is 'doing' we need to pay attention to what is being said and the way it is being said. Potter and

Wetherell (1995) suggest that one way to conduct an acceptable reduced version of transcription is by just transcribing in detail the passages that one wishes to analyse, which this thesis has done. This thesis has adopted a 'Jefferson Lite' (Potter and Hepburn 2005, p.388) approach to transcription. This is a level of transcription which captures "the words and some of the grosser elements of stress and intonation" (Potter and Hepburn 2005, p.388) but perhaps does not go into the minute detail that a pure conversation analytic approach would (c.f Wetherell and Edley 1999 for a similar level of transcription).

After each interview and focus group, field notes were recorded upon the research experience. These included notes upon each of the interviewees, questions which worked and did not work and any information that would assist with the analytical process.

Analytic Procedure

As with other forms of qualitative research, the initial stages of analysis involve the researcher becoming submerged within the data; this process first takes place during transcription. The transcripts were then read repeatedly in order to initially identify broad matters of interest; these matters of interest were informed by both the original research aims and the literature review. The broad matters of interest that were identified included subscription to rape myths when accounting for offending behaviour, treatment speak, identity, constructs of females, hierarchy within the prison, conflict between justifications of account vs. treatment speak, denial, refusal, coercion and consent. The next stage of analysis required the researcher to examine how these topics of interest were constructed, for example, how was the language consistent between accounts, how did it vary but also what function did it have. Extracts, for example, which demonstrated 'defining consent' were then organised and managed in data files which would include all explicit and implicit references to the phenomena of 'defining consent'. Once the explicit and implicit constructions of the discursive objects were identified, it enabled the researcher to focus on the differences between constructions, establishing the shared cultural knowledge that participants were drawing upon, alongside the identification of deviant case formulations.

As already highlighted *variation* within accounts will occur as participants perform different actions in talk (Potter 1996a). It is important to be attentive to variability as it

marks the action orientation of discourse. These constructions were then located within wider discourses, for example, the rape myth literature.

Within each data file, attention was paid to the discursive devices that were used within each section of talk (where appropriate a separate file was set up to manage each of these features). In order to perform the fine grain analysis, devices such as disclaimers (which include phrases like 'I don't know', 'I guess', 'more or less', 'in a way'), extreme case formulations (including, 'always', 'never', 'nobody' and 'everyone'), footing, active voicing (using someone else's words to account for something, for example, what the victim said happened), metaphors, analogies and direct quotations were attended to.

The critical element of this analysis has made attempts to consider discourse within the wider historical and social context. This has included the consideration of what impact the institution, that is, the prison has had on the talk of convicted adult rapists.

Reliability and Validity

The term 'reliability' and 'validity' are traditionally associated with quantitative research and as a result there is much debate and speculation surrounding the achievability of these within qualitative research. In their broadest terms, reliability can be understood as 'sustainable' and the methods being used can be relied upon to be measured consistently (Ritchie and Lewis 2003; Taylor 2001b). Validity can be understood as 'well-grounded' and that the accuracy in findings or 'truth' of the generalisations being made by the researcher are accurate and thus reliable (Ritchie and Lewis 2003; Taylor 2001b). Generalisability brings together both reliability and validity and act as a means to evaluate the research process as a whole; could the project be reproduced and in turn produce similar results? (Taylor 2001b)

Gill (1996) argues that discourse analysis does not set out to identify any universal processes and therefore claims that one can generalise from findings are misguided. Knowledge produced is situated and the claims made within this type of research are specific to the place, time and participants who participate in the research (Taylor 2001b). Taylor (2001b) argues that "truth is unattainable because reality itself is not single or static, and reality is also inevitably influenced and altered by any processes through which a researcher attempts to investigate and represent it" (p.319). To elaborate, a relativist position (where a single reality is created when enough people believe it) would argue that there are no fixed ways for evaluating knowledge gathered through

research. Taylor (2001a) argues that from this perspective as there is no 'objective' reality, there is no 'truth' for research findings to be checked against. Any attempts that are made to verify results, for example though the replication of a similar study, she argues, would simply lead to production of yet another unreliable version. It is important to note here that there is not a consensus within discursive studies upon these matters and as a result the notions of validity, reliability and generalisability are challenged. However, this thesis would argue, are not entirely unachievable. Indeed Taylor (2001b) argues that these issues can be addressed through the establishment of a criterion for evaluation where an argument for the value of analysis is presented.

Golasfshani (2003) argues that in order to ensure reliability within qualitative research an 'examination of trustworthiness is crucial' (p.601). This research has achieved reliability in the first instance through the consistent use of methods in analysis. Secondly, the provision of detailed transcript extracts that feature the interaction between both the researcher and participant enables claims to be verified; however confidentiality would become ambiguous if one was to supply copies of full transcripts. Thirdly, within discursive psychology (and particularly conversation analysis) researchers build up collections of work which can be used to cross check against each other of which the findings in this thesis can contribute to.

The traditional criteria for validity is based on that of truth (Golasfshani 2003) but as already highlighted 'truth' is something that discursive researchers do not aim to explicate. However, in order to achieve some sense of validity this research has presented a full documentation on how the data was collected, organised and analysed and indeed how this process was developed. This has enabled the researcher to document the systematic nature of the research process which consequently has demonstrated rigour. This can therefore be validated by anyone else who is working with the data, demonstrating transparency.

The analysis within this research not only considered patterns in talk but also 'deviant cases' of discursive formations (Potter 1996b) which demonstrate both inconsistency and diversity (Potter and Wetherell 1987). Thus demonstrating another available strategy to validate the analysis.

To a certain extent, one could argue that every interaction is unique and cannot be generated again in order to produce similar findings in a different setting. Therefore,

one should not make claims that patterns within data are automatic or predictable. However, within this research there is no doubt that such a methodological approach could be utilized again and some findings be reproduced, particularly when considering the well documented discursive techniques employed within interaction to manage stake and interest (Potter and Edwards 1992). More specifically to this research the way in which participants managed their 'offender' identity within talk may be reproduced. This thesis would argue that this is not simply a feature that is exclusive to the talk of convicted adult rapists but extends much further than that; we all use talk to manage our identity. However, such claims, as with any type of research (quantitative or qualitative) should be attended to with caution.

Summary

This chapter has paid consideration to the challenges in conducting research with convicted male sex offenders. It has also detailed the methodological approach adopted by describing how the data was obtained and the development of the methods used in order to gather said data. This chapter has also attended to the pertinent issues of reliability, validity and generalisability of data within discursive research.

This next chapter (seven) will present the first of four chapters based upon the empirical findings of this thesis and will examine the ways in which the 'rapist' identity is managed within talk.

Chapter Seven – Analysis - “Nice Guy Eddie”⁹: Managing the ‘Rapist’ Identity

Introduction

This initial empirical chapter will consider how identity is both constructed and managed by convicted adult rapists within talk.

Antaki and Widdicombe (1998) argue that within talk people “work up and work to this or that identity, for themselves and others, there and then, either as an end in itself or towards some other” (p.2). It therefore could be argued that within talk, offenders will construct a particular identity to achieve a particular action. This chapter seeks to present a broader exploration of this phenomenon, by considering the discursive techniques deployed when participants manage the ‘rapist’ identity. However, it is important to note that identity work is omnirelevant, so it could be argued that identity is an ongoing project within interaction and will therefore be explored throughout all the empirical chapters. For example chapter nine will in part consider the interaction between offence accounts and the process of identity management.

Presser (2004; 2008) interviewed 27 men who had been convicted of at least one violent offence, half of whom were incarcerated. She employed a thematic analytic approach and found that offenders used the interview to exclude themselves from the perceived problematic social group of ‘violent offenders’ (Presser 2004). Furthermore, she found that in the face of stigma these ‘violent offenders’ would construct themselves as decent, heroic and masculine (Presser 2008). Auburn and Lea (2003) adopted an epistemological approach influential to this research. However, their work was very much based upon the respecification of cognitive distortions and the use of narrative organisation as a means to manage offender accountability - making small references to the orientation of participants’ identity management. Both pieces of research are significant in the consideration of the offender identity and to some extent the ways in which this is attended to in talk. However, their primary focus was not to consider how identity is ‘actioned’ within the talk of incarcerated rapists, which is where the original element of this chapter lies.

⁹ Song title from Sleeper 1996

This chapter will consider the strategies utilised by offender participants to manage the 'rapist' identity; this will be done in two stages. Firstly, by considering the discursive techniques employed to distance participants from 'other' rapists and secondly techniques used by offenders who draw upon the discourse of hierarchy in order to situate themselves as better than 'other' sex offenders, particularly from those who have committed crimes against children. The effects of these techniques will also be considered. The final section of this chapter will pay consideration to the construction of identity and the impact upon reported friendships within prison.

"I am not like that": the utilisation of discursive techniques to distance convicted adult rapists from 'other' rapists

The analytic focus of this section considers the ways in which some offenders used their response to the question of 'why do men rape' to manage their offender identity. This was achieved through the construction of an identity that was more desirable than that of 'convicted rapist'. An identity which distanced these participants from 'other' rapists.

Lance, aged 26, was charged and convicted of rape against his 'partner'. He had twelve months outstanding of a six year sentence at the time of interview and at this point had not participated in any form of treatment programme.

Extract One

1433 **Sarah:** >The final questions< are more (0.4)
1434 general ones (0.2) erm and they are quite
1435 difficult .hh (0.4) so you know if you
1436 >don't want to answer< that is fine but
1437 one of the questions is about why: you
1438 think men rape?
1439 (3.5)
1440 **Lance:** Power thing I think (2.4) I don't kn↑ow
1441 (0.2) maybe (2.2) deprived of sex, I don't
1442 know-just speaking in like (1.2) people
1443 who have done it in general=
1444 **Sarah:** =yeah=
1445 **Lance:** =erm↑ (7.0) I mean I've known some people
1446 >well I haven't known< but I have heard
1447 that some people have done it (1.0) they
1448 were virgins, until they done that so I

1449 don't know if it's hh(1.0)that they don't
1450 have the confidence to go out (0.5) and
1451 speak to a woman or↑
1452 (0.6)

1453 **Sarah:** So they did it so that they weren't
1454 virgins °anymore°?
1455 (0.7)

1456 **Lance:** No it is just a sex thing I think maybe
1457 for em
1458 (3.8)

1459 **Sarah:** And do you think when you talk about
1460 those different explanations do you
1461 think any of those apply to what
1462 happened to you=

1463 **Lance:** =No .hhh (5.0) cos me and my partner (1.5)
1464 had °quite an active° healthy sex life we
1465 had
1466 (5.5)

1467 **Sarah:** Ok so for you, that wouldn't fit into that
1468 explanation of when you said about
1469 being depri:ved of sex=

1470 **Lance:** No, no=

1471 **Sarah:** =What about the
1472 ideas of power that you were just
1473 saying about?
1474 (1.0)

1475 **Lance:** Well no:↑ cos (1.0) it was like (3.0) to
1476 be honest with you she made the decisions,
1477 she looked after the bills (.) I-I brought
1478 the money home and she looked after the
1479 bills and everything like that (1.3)like
1480 when we needed to make a decision about
1481 something, we'd bo↑th make a decision, it
1482 wasn't me (1.5) thinking oh yeah more
1483 power you see I am not like that¹⁰

¹⁰ Please refer to appendix four for an explanation of transcription symbols

In this extract the researcher requests the speaker to formulate an account for why men rape (1433-1438). The researcher's question is initially met with a 3.5 seconds silence which could mark the speaker's difficulty in responding to what has been asked of him. He initiates his turn by providing an account which draws on contradictory (feminist versus biological) wider social-psychological explanations in order to attend to the task of accounting for rape. He states; 'Power thing I think (2.4) I don't know (0.2) maybe (2.2) deprived of sex, I don't know...' (1440-1442). The use of 'I think' suggests that the speaker is making a knowledge claim, however, the task of generalising is a delicate issue for him (and other participants) because of the speaker's interest and stake in this topic (Potter 1996a). These men have been recruited and are speaking from a category of entitlement and knowledge about rape as they have been categorised and labelled by the criminal justice system as rapists.

The incorporation of pauses within the speaker's talk also enables him to orient his account to one of difficulty. His repeated use of 'I don't know' in these instances displays uncertainty and thus works to detach him from the knowledge claims that he has just made, as well as distancing himself from damaging inferences about his identity that such a knowledge claim could offer (Widdicombe and Wooffitt 1995). Edwards and Potter (2005) assert that it would be wrong to hear 'I don't know' as simply an overt psychological term that is an assertion of uncertainty or lack of knowledge, particularly when it is used parenthetically with no apparent objective, that is, does not answer a specific question. Instead, in some instances, it works to negate what has just been said; in this instance the speaker uses 'I don't know' in order to mark a lack of knowledge upon why men would rape women. Edwards and Potter (2005) suggest that this is done as a technique to manage or minimise the speaker's stake or interest in the context of a description. So by using 'I don't know' at this juncture in the sequence, the speaker makes attempts to conceal the knowledge (and thus first hand experience) he has as to why men rape women.

In lines 1445-1447 where Lance states, "erm (7.0) I mean I've known some people, well I haven't known but I have heard that some people have done it[...]" The speaker initiates his turn with an 'erm' which is then followed by a lengthy seven second pause. Sometimes brief pauses in talk will signify the closure of a turn but as the researcher has just posed a question the onus is on the speaker to respond, therefore this pause could be heard as 'doing' time/uncertainty of how he is going to respond to the question. One

could hearably assume that when the speaker refers to 'some people' he is referring to the other members of the institution, that is, the sex offenders that he resides with. He corrects himself from having 'known some people' to only 'I have heard that some people.' This type of self-repair (Sacks 1995) downgrades the speaker's knowledge base acquired from fellow prisoners to a mere 'hearing.' It also acts as a technique adopted in order for the speaker to distance himself from what he is about to say; 'erm (7.0) I mean I've known some people, well I haven't known but I have heard that some people have done it (1.0) they were virgins, until they done that [*committed rape*] so I don't know if it's (1.0) that they don't have the confidence to go out (0.5) and speak to a woman or...' (1445-1451).

In contrast to his first explanation in line 1440, the speaker quickly moves on to produce explanations of rape that are grounded in 'sex'. In this sequence, he is suggesting that men rape women in order to lose their virginity and at the very least fits into the meta-myth that rape is about sex rather than power. However, he continues to account for rape where he draws upon the discourse surrounding the self esteem of perpetrators where he suggests that rape could be a result in a lack of confidence that some men have when it comes to talking to the opposite sex. This is echoed in the work of Hansen and Butler (2010) whose research demonstrated that sexual health professionals themselves, draw upon rape myths, including making links between self-esteem and rape, when talking about sexual assault. Although the speaker had not taken part in any form of treatment programme at HMP Whatton as an incarcerated sex offender he has access to culturally available 'explanations' which permeate the environment in which he resides in. Consideration needs to be paid to the impact that the institutional accounts, that is, the 'treatment speak' of 'others', has on those that have not gone through any form of treatment. When treating the psychological literature as 'discourse' these 'explanations' are drawn from the literature on confidence and self-esteem which argues that some sex offenders have lower levels of self esteem than non offenders (Brown 2005).

The researcher continues by asking the speaker whether this general account of offending behaviour could be applied to his own offence (1459-1462). The speaker unequivocally rejects this saying; 'no (5.0) cos me and my partner (1.5) had quite an active, healthy sex life we had...' (lines 1463-1465). Again, the significant pauses within his turn flag up the problematic nature of what the speaker is accounting for. The researcher then reformulates the speaker's earlier turn regarding power and rape (1467-

1469) in order to facilitate his linkage with his general account of rape to his own offence. The speaker responds by again rejecting such a connection by stating 'well no cos (1.0) it was like (3.0) to be honest with you she made the decisions, she looked after the bills[...]' (lines 1475-1477). By formulating an account which incorporates the use of the phrase 'to be honest with you' enables the statement that follows to act as an 'admission' of something that the speaker might not otherwise have revealed; something that was both counterintuitive and revealing of his character (Edwards 2006).

Edwards and Fasulo (2006) write of the sequential use of honesty phrases within talk; suggesting that people who use such phrases start to sound 'defensive' and through talk imply that 'truth' telling should not be presumed. It could be argued that the speaker has used such a formulation as he is a convicted sex offender who for many years was in denial of his sexual offence. Or it may be a prelude to what follows in the sequence where the speaker deploys further techniques in order to distance himself from the category of 'rapist'.

Reconsidering the question that the researcher has asked in lines 1459-1462 about whether the explanations given apply to him, the speaker continues by working up an account that quashes the links with his own offence. The speaker persists with managing his identity where the speaker states "...she made the decisions, she looked after the bills..." He continues, '[...] I-I brought the money home and she looked after the bills and everything like that (1.3) like when we needed to make a decision about something, we'd both make a decision, it wasn't me (1.5) thinking oh yeah more power you see I am not like that' [lines 1477-1483]. In this sequence the speaker seeks to separate himself from patriarchy and rape and is another means of distancing himself from the category of rapist. This is further evidenced in lines (1483) when Lance simply states 'I am not like that.'

The use of the phrase 'I am not like that' can be compared to the work of Edwards (2006) and the use of the modal verb 'would' in the expression 'I wouldn't hurt an old lady.' By the speaker stating 'I am not like that' occurs in the context of being unable to justify or account for his actions. He makes claims that he did not rape his partner in order to have power over her. All of which is in conflict with his account for why those 'other' men rape women. Instead the speaker works up an account which distances him from those 'other' rapists as he is 'not like that.' Edwards (2006) argues that the use of modal

verbs enables the speaker to either assert, or in this case, deny an action, that is, being a rapist. In this next extract the speaker works up a generic account of rape which he is unable to link with his own offence account; all of which enables him to attend to a more desirable identity than that of convicted rapist by distancing himself from 'other' rapists.

David, aged 29, was charged and convicted with raping a 'friend.' He had fifteen months outstanding of a five year sentence and at the time of interview he had not participated in any form of treatment programme.

Extract Two

- 932 **Sarah:** Why do you think men rape women?
933 (1.8)

934 **David:** I don't know to be honest with you. I
935 can't really say .hh some people here
936 they say they have got an urge of that
937 (0.5) of raping .hh people and they feel
938 they have got more power over the women by
939 doing that↑ hh and if you look back in
940 ancient times and then you see like the
941 males had more power over the woman .hh
942 (0.5) and that's probably what it all
943 boils down to really=

944 **Sarah:** =And when you think about that
945 explanation can you see that fitting (.)=
946 **David:** =yea=
947 **Sarah:** =with your offence at all?
948 **David:** No↓ it doesn't fit into my offence at
949 all(0.5) my offence was basically erm I
950 know that it were a mista:ke↑ and I know
951 that I have done wrong, and I know that
952 I have done wrong cos I went out and I
953 took drugs and I know that if I didn't
954 take drugs .hh I know that it probably
955 wouldn't have happened.

Unlike the previous extract, here the speaker formulates an account which is marked with uncertainty. In lines 934-935 he states, 'I don't know to be honest with you. I can't really say [...]' this could imply the speaker's actual uncertainty in responding to the

question. However, what proceeds in the sequence is a definitive response to the question (lines 935-943); thus the initial formulation is inconsistent with the remainder of it. The speaker formulates an account which isn't his own by saying '...some people here, they say...' The speaker formulates an account that initially subscribes to non-gendered categories, that is, 'some people' (line 935) particularly when the researcher has constructed her question using gendered categories. Also, by producing an account as someone else's it enables the speaker to distance himself from what is being said; setting his own account aside from 'other' rapists, as in the last extract.

Potter (1996a) suggests that by orienting an account to one that cannot quite be remembered and has been produced by someone else, the speaker "subtly displays his disinterestedness precisely at a point where it could be a particular issue" (p.132). Within the speaker's talk he displays recognition that membership of the category of 'rapist' and therefore, one who is knowledgeable of rape, is problematic. Thus displaying uncertainty and reformulating someone else's account creates a more desirable identity within his talk. As already identified, this seeks to distance the speaker from those 'other' rapists.

The speaker draws upon a wider social-psychological discourse in order to account for rape as a result of 'urges' (c.f. Mann and Hollin 2007 who found that, typically, rapists attributed their offending behaviour to grievance, impulsivity or sexual need) and 'power,' as well as making cultural references to patriarchy (937-941). The speaker completes his turn by producing an idiomatic expression where he states '...and that's probably what it all boils down to really' (942-943). Drew and Holt (1988) suggest that idioms are a 'lazy solution to linguistic selection' (p.399) and are both formulaic and colloquial in their construction. They argue that such an expression has two functions, firstly, idioms can be used to terminate a topic and secondly due to their formulaic characteristics, they are robust in nature which suggests that they are not easy to challenge (Drew and Holt 1988; 1995). The speaker's use of this type of expression enables him to complete his turn and thus terminate any further discussion upon this matter. The researcher recognises this closure and interjects with another question (944-947), rather than a challenge (moving him on from the general to the specific) on what has just been said, by asking 'and when you think about that explanation can you see that fitting in with your offence at all?'

In response, the speaker provides an account which features an extreme case formulation when he states 'no it doesn't fit into my offence at all...' (lines 948-949). Pomerantz (1986) suggests that extreme case formulations are used in order to strengthen an account; in this instance, that the speaker's own offending behaviour does not reflect his generic account of why men rape women. The speaker justifies his own offending behaviour by drawing upon the rape myth of being under the influence of drugs as a justification for committing rape (Rape Crisis 2007). Hudson (2005) describes this as a 'temporary aberration' where offenders account for their offence as a result of taking drugs, consuming alcohol or having emotional problems. The speaker formulates an account of his offence which again seeks to distance him from the 'other' rapists he has previously described; his offence was a mistake that only happened because he took drugs. The speaker states '...I know that if I didn't take drugs I know that it probably wouldn't have happened' (lines 953-955). This is comparable with an '*if X, then Y*' formulation. Both Edwards (1995) and Sneijder and Te Molder (2005) suggest that conditional formulations such as these can be used to account for circumstances and/or activities as having specific consequences. In the case of the speaker he accounts that taking drugs resulted in him raping his friend, thus enabling the speaker to attend to causality and accountability (Edwards 1997) in relation to his offence. He manages both of these by removing the blame from himself and redirecting the responsibility of his actions to the drugs that he consumed. Edwards (1995) suggests that (and the speaker displays this within his '*if X, then Y*' formulation) these conditional structures can be used as a device for structuring action sequences.

This next extract furthers the developing discussion upon the management of identity through the employment of discursive techniques which enable the speaker to distance himself from 'other' rapists.

Andrew, aged 44, was charged and convicted with two counts of rape (plus two other offences) against his 'partner'. He had served approximately three years of an IPP sentence at the time of interview and had completed the CALM course and was in the process of undertaking the HRP.

Extract Three

1052 **Sarah:** .hh erm↑ (1.3) bit of a general question
1053 erm why do you think men °rape°?

1054 (0.4)

1055 **Andrew:** Why do you think men rape↑=

1056 **Sarah:** =Yeah::

1057 (0.6)

1058 **Andrew:** I have got no i↑dea (0.5) it is like I
1059 said have got my view:s↑ on what I have
1060 done compared to↑ (1.2) °a lot of (0.7)
1061 you know like certain rapists° that are in
1062 prison for the rest of their life (1.0) I
1063 don't know what went through their mind
1064 when they did what they did .hh (2.2) but
1065 (1.0) that is where my views differ from,
1066 from, from them because they obviously
1067 planned to do what they did, they had
1068 it (.) in their head that they was going
1069 to do it whereas my intentions wasn't
1070 to do that so I can't really speak for
1071 anybody else about why and what views
1072 they hold (1.5) all I know is that my views
1073 at that time were shock (1.0) especially
1074 afterwards (0.5) not straight afterwards
1075 it was: (0.8) °like I said when I was sort
1076 of coming to terms with what I had done it
1077 was a lot of shock there that I had
1078 actually did that (0.7) and especially to
1079 somebody that I cared about° because .hh
1080 people automatically-I mean like
1081 obviously a stranger who does it to a
1082 woman that don't know the stranger then
1083 they don't know them but I did this
1084 to somebody that I cared about .hh

Similar to the previous extract, the researcher asks the speaker to account for 'why men rape' (lines 1052-1053). The speaker repeats the question (1055) which in the first instance could be heard as a means to enable him to both establish and clarify his 'hearing' of the question. However, this could also be interpreted as a discursive device which 'buys' the speaker more time to formulate a response, which is further supported by the 0.6 second silence. The speaker constructs an account which is marked with uncertainty when he states 'I have got no idea...' (line 1058). This psychological phrase

acts in a similar way to the use of 'I don't know' within extract one. In this extract the speaker is not as explicit in his differences between accounting for men who rape women and his own offence account, compared with the extracts considered thus far. Instead, the speaker demonstrates that the membership category of convicted rapist is problematic for him and instead uses the sequence to set up a category that distinguishes him from '...certain rapists that are in prison for the rest of their life...' (1061-1062) who '...obviously planned to do what they did...' (1066-1067). The speaker's use of the term 'obviously' is of particular analytic interest when its action is considered. It could be heard as attending to the researcher/research participant relationship by inferring a shared cultural knowledge that makes links between intentionality, severity and life sentences. However, if the organisation of the sequence is considered, the speaker instead constructs an account which manages his own culpability when he states '...they [*rapists with life sentences*] had it in their head that they were going to do it whereas my intentions wasn't to do that...' (lines 1067-1070). By the speaker formulating his offence as unintentional it minimises (Potter 1996a) and softens what is being said in order to present it as more acceptable and in turn constructs a more desirable identity of himself. He structures his account so that there are escalating degrees of intentionality (Stokoe and Edwards 2008; Edwards 2008), categorising those rapes that are planned as far worse than his unintentional rape. He uses constructs of levels of intentionality in order to perform a subtle form of identity management. The speaker's lack of *mens rea* or guilty mind seeks to present him as not a 'real' criminal whilst enabling him to establish a more severe category of rapist that is dependent on intentionality and the presence of a guilty mind. He goes on to draw on and reproduce a rape myth that is integral to the construction of the classic stranger rape discourse (lines 1080-1084) (Rape Crisis 2007) in order to account for the 'shock' he felt in the aftermath of raping someone he knew. He draws upon an emotion category that would typically be associated with 'victims' or witnesses of crime. This is achieved by the speaker drawing upon the professional psychological discourse which has developed around Post Traumatic Stress Disorder (PTSD). The discourse surrounding PTSD is very much grounded in the areas of victims of crime (with a violent or sexual element) (DeVries et al 2000), witnesses of violent events (Freyne and Conner 1992) and being a victim of abuse (Heney and Kristiansen 1997). More recently a body of literature has developed which considers the impact the act of committing an offence has had upon the propensity for offenders to develop PTSD

symptoms. Research conducted by Trevethick (2007) found that the more 'serious' the offence committed the more vulnerable the individual was to developing PTSD. By the speaker structuring his account around the 'shock' that he felt by raping somebody that he 'cared about', the speaker renders this 'act' as 'out of character' which serves to distance himself from said 'act'. Moral, 'ordinary' people are 'shocked' at such conduct thus the speaker is doing 'being ordinary' (Sacks 1984) by formulating an account which is structured around emotion and intentionality.

This section has considered the ways in which offenders use talk in order to negotiate and construct what is understood to be a more desirable identity than that of convicted rapist. In the main this was done by distancing themselves from 'other' rapists and formulating a category of rapist that was not as bad as those 'other' rapists by drawing upon accounts of temporary aberration, 'out of character' experiences and levels of intentionality.

“...a lot of people who have committed rape like to think they are better than child sex offenders...”: the role of hierarchy and identity

This next section furthers the exploration of techniques employed by participants to manage their offender identity within talk, particularly, the way in which the discourse of hierarchy is drawn upon in order to situate themselves as better than 'other' offenders, specifically those who have committed offences against children.

Damon, aged 32, was charged and convicted with the rape of his 'ex partner' (and a further six offences). He had served approximately three years of a seven year sentence and at the time of interview had participated in ETS, CALM and HRP treatment programmes.

Extract Four

469 everyone sort of classes a child as being
470 an innocent person (1.5) .h obviously if
471 th↑ey are underage then they shouldn't
472 have to go through any of that so I think
473 .h even for the majority of sex offenders
474 I think any (0.5) sex offence involving a
475 child we do class as wrong really (0.4) so
476 I think even (.) among what people term as
477 wrong-uns in here (0.6) there is sort of a↑
478 (0.5) hierarchy sort of structure (1.3)
479 child molesters and what not are (.) sort
480 of the lowest of the low

In this extract the researcher requests the speaker to construct an understanding of the term sex offender (461-465). Similar to extracts one and two, the speaker formulates an account which is based on the opinion of others (lines 467-469). Dickerson's (2007) research highlighted ways in which politicians utilised 'cited others' (p.47) to sanction policies and substantiate claims that they were making. However, in this speaker's case by reformulating an account that is not his own, the speaker is able to separate himself from the claims he is making. This is a particularly effective discursive technique when a speaker is trying to manage the discussion of 'controversial' topics whilst simultaneously presenting a more desirable identity than that of convicted rapist within the interaction. The speaker states that '...if it involves a child I think most people do see it as a lot worse...' (lines 466-467). The speaker constructs child sex offences not just as 'worse' but as a 'lot worse.' By using this extreme case formulation (Pomerantz 1986), (which is done on a number of occasions within this extract), it enables the speaker to provide an effective warrant to what has just been said. These types of formulations enable the speaker to take the description that is being drawn on to a more extreme level (Potter and Wetherell 1987). He further substantiates his claims, in part through the use of a further extreme case formulation, when the speaker categorises children as innocent "...well everyone sort of classes a child as being an innocent person..." (lines 468-470). Constructing an account based upon a hierarchy of victims and victim blaming where child victims are less culpable than adult, female victims of sexual violence, indirectly allows the speaker to work up a narrative around an offence type that is far more severe than his. Thus allowing him to extend further the identity work performed so far. In

lines 472-477 he speaks from a category of knowledge and entitlement as a convicted sex offender when he states "...so even for the majority of sex offenders I think any (0.5) sex offence involving a child we do class as wrong really (0.4) so I think even among what people term as wrong-uns in here..." The shift in 'footing' from we to I, enables the speaker to substantiate his claims where 'we' in this utterance could be heard as both the majority of society and his fellow sex offenders', all of which class child offences as worse. This notion of severity is attended to further where the speaker introduces the category of 'wrong-uns' in line 477 which is bound to the immoral activities of those who have committed child sex offences. All of which enables the speaker to undertake a subtle form of identity work which is achieved through 'distancing by category' (Hudson 2005). The speaker achieves this by defining child sex offences as far worse than other types of sexual offence including the crime for which he was convicted for.

In this next extract the speaker works up a hierarchical account whilst at the same time attending to the problematic nature of treatment in mixed sexual offending groups.

Mark, aged 23, was charged and convicted with the rape of an 'acquaintance'. He had served approximately five and a half years of a seven and a half year sentence and at the time of interview had participated in the Adapted SOTP.

Extract Five

906 **Mark:** =Yeah: but my group was supposed to be
907 (0.5)they said to me it was going to be a
908 mixed group so it would be half of one and
909 half of the other (0.4) but when I got in
910 there it changed↑
911 (0.2)

912 **Sarah:** Right-so what was it?

913 (0.3)

914 **Mark:** Half of them->I was the only one that wasn't
915 in there for kids< (0.3) so (0.2) I had to
916 do their role plays pretending I am a kid in
917 the park or something listening to their
918 fantasies (0.3) and I don't like stuff like
919 that=

In this extract the speaker works up an account which effectively distances his offence and his engagement with others in the treatment programme by working up his offending identity as oppositional to other categories of sex offenders. In particular, he problematises other offenders whose victims are 'little kids' (line 865) and 'old women' (line 873). Arguably, offences perpetrated against these categories of people are implicitly 'heard' as 'worse' than his offence. Indeed, as discussed in chapter four, Waldram (2007) claimed that the paedophile remains at the bottom of the hierarchy of power, with the adult acquaintance rapists at the apex (Waldram 2007). This speaker distances himself from other types of problematic offenders by marking out his avoidance of such topics with statements such as 'I don't listen to stuff like that I just walk away' (line 866) and 'I don't like stuff like that' (lines 918-919). When explicitly questioned by the interviewer about his lack of involvement there is a significant pause before the speaker constructs 'their problems' as of no interest to his identity and focus, 'that is not me I am here for my offence' (line 873-874). In line 876, he states that 'I am here to help myself' which demonstrates a very individualistic approach to his rehabilitation. In lines 903-905 the interviewer challenges this individualistic approach by questioning how the participant coped in treatment situations, which she constructs as a place where 'everyone talks about what they did.' The speaker's response orients him to the mix of the group as problematic as he was the only offender not there for a child sex offence. Recently the research surrounding the treatment of adult rapists as a separate entity has developed. For example, Eccleston and Owen (2007) have argued that

the mixing of adult rapists with other sexual offenders such as child sex offenders may result in facilitators overlooking effective treatment needs for all concerned. Indeed, participants within this study constructed the mix of offences within the SOTP group setting as problematic (see chapter four) and this also appears to be the case for this speaker.

The final extract in this section constructs hierarchy in such a way that enables him to perform an entirely different type of identity management than has been considered thus far.

Don, aged 44, was charged and convicted with three counts of rape against an "acquaintance". He had served approximately twelve years of a life sentence at the time of interview and had participated in a number of treatment programmes including, core SOTP, extended SOTP, BLB and ETS courses.

Extract Six

351 **Sarah:** >And do you think there is any sort of<
352 hierarchy in the prison-so with the
353 different offences?
354 (0.4)
355 **Don:** Erm (1.5) I have heard a lot of people
356 who've::e(.hh) committed rape like to think
357 they are better than (0.3) child sex
358 °offenders° (0.8) erm:: (0.5) but
359 personally I don't think that's the
360 (h) case(h) HEH HEH HEH (h) I think we're
361 all as bad as each other (h) you know
362 erm:: but (1.0) I suppose it helps: (0.5)
363 some people to sort of like (2.5) think
364 that you know they are not as bad (0.8)
365 as someone you know to preserve that
366 little something for themselves .hh (1.0)
367 °and erm it is a bad thing to do it
368 really° HEH HEH

In this extract the speaker attends to the question posed by the researcher regarding the presence of a hierarchy amongst sexual offenders at HMP Whatton. Here, the speaker is

expected to speak from a category of entitlement and knowledge about the institution and as an incarcerated sex offender; the speaker has already served twelve years of his life sentence and had served eight years for a previous rape offence. By reproducing the discourse of others where he states ‘...I have heard a lot of people...’ (355), the speaker seeks to detach himself from the claims that he is about to make ‘...I have heard a lot of people who’ve committed rape like to think they are better than (0.3.) child sex offenders...’ (355-358).

Of analytic interest here is the speaker’s laughter (360) as a discursive device to signal trouble or awkwardness within the social interaction. There is a small body of literature which considers the role of laughter within interaction. The literature suggests that it can be used by the participant to manage trouble within talk; as a tool for impression management in order to present the speaker with a more favourable identity; and in order to invite laughter or to complete an utterance/turn (c.f. Jefferson 1984; Gronnerod 2004). The speaker’s laughter features in the middle of his speech with no reciprocal laughter from the researcher (c.f. chapter six regarding the avoidance of collusion). The speaker laughs alone in order to demonstrate his recognition and softening of “socially improper utterances or behaviour” (Gronnerod 2004, p.7); this laughter could be ‘heard’ as speaker recognition of the stigma attached to sexual offending.

The speaker closes his turn by stating ‘...I think we are all as bad as each other you know erm but (1.0) I suppose it helps (0.5) some people to like (2.5) think that you know they are not as bad (0.8) as someone you know to preserve that little something for themselves (1.0) and erm it is a bad thing to do it really’ (360 - 368). Of analytic interest are the silences within this sequence which enable the speaker to attend to the problematic nature of what is being said. Furthermore, such a statement enables the speaker to do two things; firstly, he is able to attend to some unusual, deviant category work. The speaker uses ‘we’ as an encompassing term to describe rapists and paedophiles and thus sexual offenders. Unlike the other extracts, this speaker clearly locates himself within this category whereas the other speakers have employed techniques and discursive devices that dissociate themselves from the problematic membership category of ‘rapist’ (and sex offender).

Secondly, and again unlike the other data considered within this chapter, this speaker talks from a different category of entitlement and knowledge upon rape; he has

completed many treatment programmes during his time in prison. In part this is demonstrated by his orientation to a professional psychological discourse to account for why other offenders adopt a hierarchical logic as a form of self-preservation and thus coping strategy. As a prisoner who has served his ten year tariff set on his life sentence, he now needs to satisfy both the prison and the parole board that he is no longer a risk to the public. As a result the speaker is faced with 'institutional demands' (the need to present himself as a reformed character in order to be considered for release) which result in the speaker formulating an account that portrays him as treatment influenced, accepting of his offence and the label that accompanies it. All of which contributes to a construction that will ultimately demonstrate a reduction in risk.

This section has considered further the discursive techniques employed by participants to manage their offender identity within talk. For some offender-participants this was achieved by drawing upon a discourse of hierarchy in order to situate themselves as better than 'other' offenders, specifically those who have committed offences against children.

'...these aren't the people I would associate with normally...:' Forging an Identity and Establishing 'Friendships' in Prison

This final section will consider how the offender identity is managed through talk about friendships within the prison.

This first extract is taken from Richard, aged 23, who was charged and convicted with the rape of a 'work acquaintance'. He had served approximately seven months of a three year sentence (18 months of which is to be served on licence in the community). At the time of interview, Richard had not yet participated in any form of treatment.

Extract Seven

84 **Sarah:** Erm: (0.6) >do you think you have made any
85 fri:en:ds< (0.4) in prison?
86 **Richard:** .hhh ooh that is an interesting question=
87 **Sarah:** =Heh heh=
88 **Richard:** =I:::'v:e ma:de hh acquaintances which I keep
89 (0.6) and I am very happy to keep them but
90 as for fr:ien:ds (0.5) I wouldn't qui:te go
91 that far↓=

92 **Sarah:** =And why do you think that is?
93 **Richard:** .hhh er (0.8) mainly because (0.6) these
94 aren't the people I would associate with
95 (0.7) normally .h (0.5) on: >pretty much any
96 level< there are a couple of instances
97 where I might come in to contact with a few
98 of these people↑ but(0.5)they wouldn't be
99 classed as my °normal (0.3) social group at
100 all° (0.5)having said that I °can't
101 (0.4)compare them too much° there are people
102 I can talk to (0.7) but not enough and not
103 in (0.7) the sort of areas (0.5)I normally
104 talk about stuff to be classed as friends

In this extract the speaker has been requested by the researcher to construct an account for the friendships he has established during his time in prison. Initially, the speaker formulates a response which could be heard as attending to the researcher/participant dynamics by stating 'ooh that is an interesting question' (line 86) but it also may mark, what is to follow in his utterance, as 'newsworthy' (Potter and Hepburn 2008). He continues by constructing a narrative for making acquaintances but not friends. The action of this could be heard as a form of identity management by the speaker distancing himself from other sexual offenders through making acquaintances and not friendships. His turn is marked by silence in lines 89 and 90 which enables the speaker to demonstrate a certain level of interactional difficulty; he is saying something which could be heard as 'controversial' (this is repeated in lines 98-103). Furthermore, the speaker in line 93 onwards states that '...these aren't the people I would associate with normally...' (lines 93-95). His use of the word 'people' is non-descriptive and to some extent could be heard as a means for the speaker to distance himself from the category of person he is describing by being systematically vague, thus enabling him to manage his identity. In line 98 the speaker again makes reference to these 'people' and to how they are not part of his '...normal social group at all...' (line 99-100). Here, the speaker undertakes an alternative way to construct opposing 'us' and 'them' categories which could be heard as an orientation to categories of class. He also incorporates the use of an extreme case formulation (Pomerantz 1986) where he states 'at all' (line 99-100) which enables him to strengthen his statement. The action of which enables the speaker to manage his identity by working up an account for being different to the other offenders.

In this next extract, the speaker works up an account which constructs friendships in prison as time limited.

Extract Eight

92 **Sarah:** And do you think you have made any↑ friends
93 in prison?
94 (0.5)
95 **Andrew:** I WOULDN'T SAY I have made friends-I have
96 got to know people but: they are not the
97 sort of people that I expect to have any
98 long term sort of relationship with (1.0)
99 when leaving prison they are just people
100 that (0.8) we're all in this predicament we
101 are all here (0.6) and we have got to make
102 the best of the bad situation that we are
103 in-well that we put ourselves in .hh erm but
104 YE↑AH, yeah I have made friends here, I have
105 been able to communicate with people and
106 socialise with people but you know (0.6)
107 there is only so much you can talk to em
108 about: so you can't talk to them about
109 °family, friends and stuff like that°
110 (0.5)°the least you tell them about that side
111 of you the better ° (1.5) so=

In this extract, the speaker is requested by the researcher to account for whether he has established any friendships since being in prison. Initially, the speaker organises his narrative in order to orient his account to having not made friends in prison but has instead one of where he has '...got to know people...' (line 96). Similar, to the previous extract, the speaker works up an account where these 'are not the sort of people' that he would normally associate with; thus enabling him to present a more favourable identity than that of convicted rapist. In line 100, there is a pause of 0.8 seconds which enables the speaker to perform a self-repair in his talk and account for his conviction and subsequent incarceration as a '...predicament...' and furthermore, that he needs to '...make the best of the bad situation...' (lines 101-102). This could be heard as the speaker trivialising what he is describing and as a result 'minimising' his offence. Of

further interest here is the footing of the utterance, between lines 100-103 the speaker talks in terms of 'we', the action of which constructs the notion of camaraderie and being a sex offender. In line 104 there is a shift in the speaker's narrative to one of having established friendships, where he states '...yeah I have made friends here...' This enables him to work up an account for basing friendships on a here and now basis; friendships that have a specific shelf life upon them and ones that will dissolve once he is released. It could also be argued that this is perhaps an influence of the institution. The prison does not want offenders to maintain friendships made inside, on the out and it could be heard that the speaker's talk is attending to this. Furthermore, the action of this could be interpreted as enabling the speaker to manage 'reformation' within his talk.

Alternatively, it could be interpreted that the speaker is able to manage a certain identity by the rejection of those friends he has made on the inside as this would make him more aligned with the identity of a 'rapist' if he maintained friendships with other men who had been convicted of sexual offences.

This final extract is taken from a participant who is serving a life sentence. He constructs an account for making friendships only with offenders who are serving life sentences.

John, aged 60, was charged and convicted of five offences in total including rape, GBH, theft and robbery from a 'friend'. At the time of the interview John had served 22 years of a life sentence and had participated in the Core SOTP, Extended SOTP, HSF and CALM courses.

Extract Nine

- 177 **Sarah:** Erm so:: we talked a little bit about
178 friends, >do you think you have made<
179 frie↑nds whilst being in prison?
180 **John:** Erm↑:: not as such no (0.2) I mean there
181 are a couple of guys that I have known
182 from (0.1) when I first started-there's
183 °there's (name) there is (name)° (0.6)
184 there are about three or four of them here
185 that I met at the very, very beginning and
186 I left about four or five at (name of
187 prison) that I knew in the beginning (0.3)
188 twenty↑ odd years ago but (0.7) it is

189 strange like, every jail we have gone to
190 we always >seem to bump< into each other
191 and its, our paths have crossed over the
192 years (0.2) so↑ we have got to know each
193 other quite well=

194 **Sarah:** =are they generally lifers as well?=

195 **John:** =erm most-all of them are=

196 **Sarah:** =Do you think you mix with a certain
197 type of person, so in terms of their
198 sentence or perhaps their (0.5) their
199 offence?=

200 **John:** =er↑m: no↑ it is-sentence wise because it
201 is hard to explain (.) that when you are
202 prison it is like (0.3) you get to know
203 people and all of a sudden they are gone
204 (0.3) they go out (0.7) and it hur↑ts, I
205 mean, because the guys become friends
206 (0.2) and all of a sudden they're gone-
207 they go out to live their own life and
208 that (0.4) and then you have got to start
209 again (0.2) where as when it is with
210 another lifer and that you know that you
211 are going to see them again
212 (heh)sometime(heh) so it is not so much of
213 a wrench (0.5)h but you keep yourself to
214 yourself (0.2) a certain amount anyway=

Similar to the previous extract, the researcher requests the speaker to account for friendships established within prison (lines 177-179). The speaker opens his turn with 'erm, not as such no...' (line 180) suggesting that the account that he is going to provide is more complex than that of a simple 'yes' or 'no' answer. The speaker elaborates by stating '...there are a couple of guys that I have known from when I first started...' (lines 180-182). The phrase '...when I first started...' (line 182) enables the speaker to downplay the severity of spending the rest of his life in prison by utilising a phrase which is perhaps more fitting if someone was describing making friends when they first started school or employment, for instance. By constructing his account in this way, enables the speaker to normalise the information he is presenting. In doing so, the

speaker constructs an account which could be heard as doing ‘institutionalised’ where his narrative has been impacted by his long-term incarceration. The speaker continues by listing the names of the friends he has made in prison (lines 182-183). By constructing a list (Jefferson 1990), the speaker is able to further authenticate his claims for having established friendships during his time in prison.

In lines 189-193, the speaker states that in ‘...every jail we have gone to we always seem to bump into each other and its, our paths have crossed over the years so we have got to know each other quite well.’ Here, the speaker’s shift in footing (Goffman 1981; Potter and Hepburn 2005) from ‘I’ to ‘we’ and ‘our’ enables him to work up an account for the togetherness and camaraderie which typify the dominant discourse of ‘friendship’; he no longer speaks as an individual but instead as a category member of ‘friendship.’ In this sequence, the speaker is also able to indirectly attend to the fluid nature of imprisonment where prisoners are often moved from prison to prison (Allison 2009) in order for space to be utilised or treatment and education programmes to be undertaken, which can be problematic in trying to provide a prisoner with stability.

The researcher recognises that the friendships the speaker has accounted for are somewhat historic (c.f. lines 182 ‘when I first started’, 185 ‘at the very, very beginning’ and 187-188 ‘in the beginning twenty odd years ago’) and this prompts her to ask for clarification in line 194 on whether these friends are also serving life sentences, to which he responds ‘erm most-all of them are’ (line 195). Here, the speaker performs a self-repair where he cuts off his current utterance to restart it (Jefferson 1974) and in this case upgrade from ‘most’ to ‘all’. The researcher seeks further clarification (lines 196-199) as to whether these friends who are serving life sentences have also committed sexual offences. The speaker provides an account in which he bases affiliation (Widdecombe and Wooffitt 1995) on grounds of sentence length rather than type of offence. By doing this he is reaffirming his membership to the category of ‘lifer’ (life sentenced prisoner) and by stating that ‘...it is hard to explain...’ (line 200-201). The speaker works up an account where he is talking from a category of entitlement and knowledge that he understands and the researcher does not. In this turn, he explicitly refers to the problematic nature of befriending those who are on determinate, short term sentences in lines 202-206 ‘...you get to know people and all of a sudden they are gone. They go out and it hurts, I mean, because the guys become friends and all of a sudden they’re gone...’ Here, the speaker builds up an emotive account using words such as ‘hurt’ and ‘wrench’

(lines 204 and 213 respectively) further exemplified when he uses an extreme case formulation (Pomerantz 1986) when he says ‘...all of a sudden they’re gone...’ (line 206), thus strengthening his account and justifications for his affiliation only with those who fall into the category of ‘lifer.’

Summary

This chapter has identified original ways in which offenders manage their identity within talk and has contributed and furthered the existing literature in this area. This has been achieved by demonstrating that offenders both minimise and distance themselves from their offence in order to construct a more desirable identity than that of convicted rapist. This is done by distancing themselves within the category of their own offence (which is not explicit in the literature thus an original finding); this was done in extracts one, two and three which formulated narratives that constructed them all as not like the other men who had been convicted of rape. Extract three exemplified an account that was based on escalating levels of intentionality where he suggested that those rapes that were not planned (such as his own) were less severe than those rapists who had planned their offence.

In line with Hudson’s distancing technique of ‘distancing by category’ it was evident within the data presented that there are those who situate themselves within a hierarchy which is as sophisticated as rapists versus paedophiles. These formulations tended to neglect any orientation towards any other type of sexual offence with the exception of the speaker in extract five who extended the lowest rung of the hierarchical ladder to those who commit sexual offences against ‘old women’. It could be argued that this is reminiscent of life on the outside, that is, the dominant discourse of wider society and media representation.

What the previous literature and empirical research has failed to consider is the impact that treatment and sentence type has on these formulations. Arguably, for those offenders who have been through treatment and are in receipt of an indeterminate sentence (such as an IPP or life sentence) identity management within talk takes on a different guise. These offenders are more likely to present themselves as the same as other offenders (both follow rapists and other sexual offenders) and to produce treatment influenced accounts in order to demonstrate that they are a ‘reformed’, are unlikely to reoffend and no longer pose a risk to society. It is these ‘institutional

demands' which will impact on the narratives of a convicted sexual offender. To summarise, these narratives are not just about self-preservation but are integral to being released and for some of these participants it is about lowering risk and presenting oneself as reformed. Therefore, the management of identity is politically loaded and one could argue that the construction of a more desirable identity than that of a convicted adult rapist (and thus a 'reformed' identity) is fundamental to prisoner's liberty.

Finally, this chapter considered the way in which the offender identity is managed in participants talk about friendships within the prison. Both the IPP prisoners and those with fixed term sentences, who have not been through any form of SOTP, construct a narrative for not making any friendship bonds in prison. However, and of most interest, in the case of those with life sentences identity management takes on a different form. Here, the establishment of friends is based upon sentence type (that is, they only make friends with fellow lifers) and do not distance themselves from other sexual offenders.

Chapter Eight – Analysis – “...Consent is where both parties...involved in a sexual activity is willing freely to engage in it, not be pressured or forced or feel uneasy about it or downright refusing...”: making sense of consent

Introduction

This empirical chapter will provide an exploration of convicted adult rapists ‘knowledge’ of consent and sexual refusals and the way in which this is managed in talk. Accounts of both ‘knowledge’ of consent within participants’ offending behaviour and their own (non-offending) sexual experiences will be considered. This empirical work is vital to increase our understanding of sexual consent and in turn sexual violence.

As chapter two highlights, consent remains an ambiguous concept and constructions of consent are often presumed. This has been considered as problematic particularly when consent is integral to understanding sexual violence. The rhetoric surrounding the Sexual Offences Act 2003 suggests that it has sought to address some of the uncertainties of consent but it is argued that it still overlooks the subtleties of consent. As discussed, the main criticism still remains, that the onus is on the victim to demonstrate that the defendant did not reasonably believe that they consented. This will ultimately have implications for the ways in which consent is constructed by the criminal justice system and subsequently utilised in talk by offenders. This chapter will demonstrate how this can manifest itself in discursive practices such as ‘justifying’ and ‘minimising’ when accounting for rape by men who have been convicted and thus labelled by the criminal justice system as rapists.

Furthermore, this research seeks to extend the small corpus of discursive literature (discussed in chapter two) by examining the ways in which convicted adult rapists negotiate and understand the subtleties of consent within talk. The participants within this research are a unique audience talking about consent. This proffers further originality to this thesis, predominately because issues of consent have been highly consequential for this participant group and to date, this has been overlooked by discursive, empirical research.

This chapter will begin by considering the way in which participants construct their ‘knowledge’ of consent and the ways in which they ‘hear’ sexual refusals when talking about non-offending sexual situations. As highlighted, this will build directly on the

discursive work (c.f. O'Byrne, Hansen and Rapley 2007; O'Byrne, Rapley and Hansen 2006; Kitzinger and Frith 1999; Frith and Kitzinger 1997) which has examined how both young men and women perform and 'hear' sexual and non-sexual refusals. The second part of this chapter will move on to consider the strategies utilised by participants in order to demonstrate 'knowledge' of consent and sexual refusals in relation to their offending behaviour; this will be dealt with in two subsections. Firstly, by considering those who construct an account based on 'not knowingly' engaging in non-consensual sex and those participants who construct an account of knowingly transgressing consent and committing rape.

"...the old pants, the passion killers...": 'Hearing' Women's Sexual Refusals

The analytic focus of this section is twofold. Firstly, ways in which sexual refusals in non-offending sexual situations are 'heard' will be considered. Furthermore, the discursive techniques drawn upon by participants in order to demonstrate their 'knowledge' of consent in this setting will be explored. In this first section, extracts of data have been taken from two semi-structured interviews and a focus group. This initial extract is taken from the focus group conducted with Don, Chris, John and Michael. As discussed in chapter six, some of the questions asked in this focus group will be based on the previous research conducted by O'Byrne, Hansen and Rapley 2007; O'Byrne, Rapley and Hansen 2006.

Don, aged 44, was charged and convicted with three counts of rape against an 'acquaintance'. He had served approximately twelve years of a life sentence at the time of interview and had participated in a number of treatment programmes including, core SOTP, extended SOTP, BLB and ETS courses. Chris, aged 46 was charged and convicted with the rape of his step daughter (although Chris considers her as a 'family friend'¹¹). Chris was already serving a five year sentence for GBH at the time he was arrested; he was then sentenced to a further seven years for the sexual offence. At the time of the interview, Chris had begun the adapted SOTP but had been removed from the programme after an altercation with a fellow group member. Michael, aged 30, was charged and convicted of aggravated rape against his 'sister in law'. At the time of interview, Michael had served approximately eighteen months of a six year sentence (three years of this sentence are to be served in the community on licence) and had participated in Core SOTP. John, aged 60, was

¹¹ A category which removes the morally problematic implications of 'incestuous' abuse.

charged and convicted of five offences in total against a 'friend' including rape, GBH, theft and robbery. At the time of the interview John had served 22 years of a life sentence and had participated in the Core SOTP, Extended SOTP, HSF and CALM courses.

Extract One

424 **Sarah:** Erm (0.7) so we have talked about when we
425 know sex is on the cards (0.3) what about
426 knowing .hh that sex isn't on the cards
427 >how do you know< when someone doesn't want
428 to have sex °at that point in ti↑me° (0.7) so
429 we have probably touched on it a little bit
430 but
431 (1.2)
432 **Don:** HEH HEH erm (0.5) yeah I was just thinking
433 back to the partner I was on about and it
434 would be like (0.5) the old pants HEH HEH
435 HEH the passion killers HEH HEH HEH (h) oh
436 dear(h) >but that was very< (0.5) very like
437 you know signals from your partner but that
438 but just just you know °your partner could
439 just roll over you know sometimes and fall
440 asleep and you know doesn't even want to
441 like have a kiss and cuddle before sleep or
442 something like that (0.5) and other times
443 'oh nah not tonight' you know°
444 (1.5)
445 **Sarah:** Ok (.) anyone else↑
446 (0.5)
447 **Chris:** My Mrs was always up front, she was very up
448 front=
449 **John:** =Mine was as well and would just say no (.)
450 she said no 0.8) .hh A FEw times I
451 persuaded her (0.5) to carry on but it's a
452 lot of the time 'ok fair enough' just turn
453 over and go to sleep (1.8) a lot of times
454 (2.0) but I think it is because you know
455 them so well that you can accept it more
456 (0.6) it is a lot easier to accept because
457 it is not because they >don't like it and

458 don't love you< it might just be (.)because
459 they are tired they might have a headache
460 they might have to get up early for work in
461 the morning (0.6)°all things that you need
462 to take into consideration° if you are in a
463 long term relationship=

464 **Chris:** =I think you learn each other's body
465 language as well [lines omitted]

488 **John:** It is a look, a touch isn't it=

489 **Chris:** =Ye↑ah like I said (.)how you are together
490 really (.)you learn off each other you like
491 to (.)you like to think you do

492 **John:** My wife's favourite was when she would bring
493 me a cup of tea and she'd do that
494 (stroke arm) (0.5)normally she would just
495 give the cup of tea and walk away (.)so
496 that was a signal that I picked up on (0.5)I
497 DIDN'T know what it meant at first but over
498 the years I obviously learnt what it was and
499 it(.)carried on fro↑m there↓(0.3)so every
500 time I saw that I knew I was ok for the
501 night so it was up to me whether (h)I
502 wanted(h)to or not(.)so as you say it is
503 little things like that that you pick up
504 on over the years(0.3)little habits that
505 they have-that you have the knowledge of
506 each other
507 (1.2)

508 **Michael:**I think we are in danger of just relying on
509 body language completely if we are looking
510 at it in a clinical sense but (0.9) going
511 back to you rely on them heavily (.) but
512 with the confidence that actually if they
513 don't want to do something .hh they know
514 they are in a relationship where they can
515 speak up and say no (.)I think if you just-
516 cos people in their relationships-maybe some
517 people are really kind of dominated upon .hh
518 and some people don't feel confident in a
519 relationship and want to just serve their

520 husband or serve their wife or whatever the
521 partnership is .hh there↑fore↓ in that
522 situation-body language and just reading
523 body language and your perception of it
524 (.)even though you have been married to
525 them for years just relying on that then
526 that could be a problem so it's body
527 language (.)along with the fact that you
528 know (0.5)personally that you are in a good
529 relationship that (0.3) on past occasions
530 that (.) they are not so frightened of you
531 for want of a better expression saying that
532 'no I don't want to have sex' (0.5)cos there
533 is a danger that you could misread body
534 language(.)very easily

In line 424 the researcher summarises what the participants have discussed so far about sexual negotiations. She moves on by requesting that they construct an account for ways of knowing when 'sex is not on the cards'. In line 432, Don initiates his turn with laughter which could be interpreted as doing two things. Firstly, laughter enables the speaker to demonstrate interactional difficulties (Jefferson 1985) which could perhaps be linked with the private nature of the topic of discussion. Secondly, and more likely if we consider the organisation of this sequence, laughter signals to the listener that a humorous story is about to follow. Don employs a form of narrative reflexivity ('thinking back' – line 432-433) that enables him to situate his construction of consent that orients back to a time before he was imprisoned, when he was living with his partner. He demonstrates 'knowledge' of the nuanced way in which refusals are achieved by constructing a list (Jefferson 1990) of non-verbal behaviours. For instance, Don knew his partner was not interested in sex by the underwear she was wearing or if she just rolled over and went to sleep without engaging in any form of physical contact. In line 435, he employs the idiomatic expression (Drew and Holt 1988) 'passion killers'. Potter (1996a) argues that these types of expressions are utilised at specific junctures within conversation, for instance when someone is complaining, which it could be argued is evident here within Don's talk.

Throughout this extract the speakers orient to a co-constructed, common knowledge of 'hearing' their partners sexual refusals. This is first attended to by Don in lines 438-440

where he states ‘your partner could just roll over sometimes and fall asleep’ which is picked up again by John in lines 454-455 ‘I think it is because you know them so well’. This is further supported by Chris in line 464-465 when he asserts ‘you learn each other’s body language’. Don completes his turn in line 443 by using active voicing (Wooffitt 1992) in order to construct an account of consent that includes elements of a verbal negotiation. By voicing what his partner would say, “nah not tonight” (line 443) enables the speaker to demonstrate to the listener a more detailed and accurate account. Within this formulation the speaker demonstrates a ‘knowledge’ and ‘understanding’ of both verbal and non-verbal sexual refusals.

In line 445 the researcher requests another group member to formulate a response to her question in lines 424-430. Chris responds in line 447-448 with a short account that states “my Mrs was always up front”. He provides no detail upon whether this was achieved verbally or non-verbally. John interjects at line 449 in order to agree with Chris; again he constructs an understanding of refusals upon a verbal ‘no’ as he does in extract seven. John develops his narrative and provides detail by describing an account which lends itself to a coercive scenario, when he states in line 450-451 ‘a few times I persuaded her to carry on’. By stating that this occurred just a ‘few times’ the speaker is able to present this as a marked exception to his usual practice, which could be heard as a ‘face saving’ technique. He works up an account of the way in which consent and sexual refusals were produced and heard in his long term relationship. He uses repetition in lines 455 and 456 in order to emphasise his acceptance of sexual refusals from his partner. This could be seen as repairing the damage of the claims of the speaker’s coercive sexual relations with his partner as described in lines 450-451.

In lines 459-461, the speaker demonstrates recognition of normative refusals by formulating a list (Jefferson 1990) of established excuses (c.f. Kitzinger and Frith 1999; O’Byrne, Hansen and Rapley 2007; O’Byrne, Rapley and Hansen 2006). The excuses that the speaker formulates are examples of what Kitzinger and Frith (1999) describe as an ‘inability’ to have sex rather than an ‘unwillingness’, these include, tiredness, illness and having to get up early for work.

In line 464, Chris makes a knowledge claim which is exemplified when he initiates his turn by stating ‘I think’, he continues with what has previously been said about non-verbal negotiations. John continues the discussion upon non-verbal negotiations by stating ‘it is a

look, a touch isn't it?' (line 488). By incorporating a tag question (Wooffitt et al 1997), the speaker is able to turn a statement into a yes/no interrogative, which in this case is designed to elicit some sort of consensus of a 'commonsense' understanding, which he receives from Chris in line 489. He repeats an earlier formulation (in line 464-465) that sexual negotiations are learnt or 'you like to think you do', foregoing a 'developmental' discourse. Furthermore, Chris works upon an account which lends itself to the category bound activity of being in a long term relationship which he presents as an assumed, reciprocal knowledge of knowing each other.

In line 492, John continues with the narrative that he initiated in line 488. He organises his talk into a sexual script (Frith and Kitzinger 2001) that takes the format of non verbal gestures (cup of tea, stroking of arm, walk away). The action of which demonstrates his implicit knowledge of the subtleties of consent. In line 498, the speaker reiterates the repetition of Chris' earlier construction upon the negotiation of consent being a learning process. In doing so the speakers are able to work up their co-constructed account of the importance of learning how to interpret non-verbal signals within an established relationship. This could be 'heard' as a means of explaining how rape can be construed as misinterpreting the signals with somebody new and are thus, invoking the miscommunication model (Crawford 1995; O'Byrne, Hansen and Rapley 2007). Worryingly, 'misunderstanding' becomes a 'natural consequence' of a new relationship and all part of the 'learning process'.

In line 508, Michael's narrative enables him to take on a most intriguing role within the interaction by forewarning the group about the dangers of relying on body language alone. Similar to the talk of John and Chris, Michael orients his narrative to that of long term relationships and sexual negotiations and demonstrates recognition of coercion, domination and the impact that these have upon sexual consent. The speaker draws upon the 'miscommunication model' evidenced when he completes his turn in lines 532-534 by stating that 'there is a danger that you could misread body language very easily'. As discussed in chapter two the miscommunication model is based on the idea that men and women have opposing conversation styles which make miscommunication a given (Gray 1992, Tannen 1992). The argument is that miscommunication of the verbal and non-verbal actions (including facial expressions and gestures) by both men and women can result in a communication failure which could ultimately lead to rape (Crawford 1995; Frith and Kitzinger 1997; O'Byrne, Hansen and Rapley 2006). The impact of such a statement is

noteworthy when considering this in respect of the speaker's offence account (raped his sister in law after a significant amount of planning); this utterance is not from a category of knowledge or entitlement upon miscommunication and rape.

This next extract is taken from Michael's semi-structured interview where his understanding of consent was discussed. Of interest here is the way in which the speaker's 'knowledge' of consent makes no reference to verbal or non-verbal negotiations and instead he bases his construction of consent on free will and the absence of coercion. Again, it could be argued that such a formulation is reminiscent of the speaker's offence category of aggravated rape.

Extract Two

1808 **Sarah:** Ok erm:::.h just going back to:::: there
1809 were these questions on consent?
1810 **Michael:** Yeah↑
1811 **Sarah:** Bu:::t it is kind of difficult to talk about
1812 when obviously you know you have talked
1813 about planning out your(.)attack 0.8 erm
1814 >so consent was never going to be anything
1815 that would be negotiated?<
1816 (0.7)
1817 **Michael:** No↓ unfortunately not(.)°no↓°
1818 **Sarah:** Ok so perhaps you:: (0.5) could just say
1819 what consent means to you?
1820 (0.9)
1821 **Michael:** In a sexual=
1822 **Sarah:** =ye::ah [yeah]
1823 **Michael:** [conno]tation↑ yep erm consent is
1824 where both parties or heh dare I say it in
1825 this day and age more than any party
1826 involved in a sexual activity .hh is
1827 willing (2.0) freely to engage in it (.)
1828 not be pressured or forced or feel uneasy
1829 about it hh (0.6)or downright refusing (.)
1830 °yeah°(1.5)it is consensual I guess.

In lines 1808-1809, the researcher guides the speaker back to a discussion about consent. Between lines 1811-1815 the researcher eliminates any discussion of consent in relation to the speaker's offence account by reiterating that as his offence was planned, consent was never going to be negotiated. It could therefore be argued that this construction is typified by the speaker's committal of aggravated rape. In lines 1818-1819 the researcher requests the speaker to define consent. In line 1821, the speaker clarifies with the researcher that she is requesting a definition of consent in relation to sexual behaviours. In line with the researcher's turn (1811-1815), the speaker is able to shift his construction of consent from an offence account to a more generic 'knowledge' of consent. It could be argued that this is further demonstrated in line 1824 where the speaker constructs his 'knowledge' in gender neutral terms when he refers to 'both parties' that at no point relates to him or his offence. In line 1826 the speaker introduces sexual activity to his formulation making his definition of consent encompassing of many different forms of sexual activity and thus not exclusive to sexual intercourse. The speaker continues to work up his construction of consent, which at no juncture makes reference to verbal and/or non-verbal communication. Furthermore, he suggests that the absence of coercion needs to be apparent in order for 'parties' to willingly engage freely in sexual activity. He does this by producing a three-part list (Jefferson 1990) in lines 1827-1829 where he states that 'parties' should 'not be pressured or forced or feel uneasy about it' in order to support further and summarize the ways in which 'parties' can freely engage in sexual activity.

In line 1830, the speaker closes his turn with the disclaimer (Hewitt and Stokes 1975) 'I guess' (Karkkainen 2007). Disclaimers are a device utilised within talk in order to deflect any sort of perceived 'trouble' in advance of a statement that the speaker is about to make, an example of this is 'I am not a racist but...' (Wetherell and Potter 1992). Generally people use disclaimers when they are about say something which is likely to be interpreted as coming from someone with a particular identity, in the latter example, as a 'racist' (Potter and Wetherell 1987). When we consider this in relation to line 1829, the speaker's disclaimer features at the end of a statement; this could be interpreted as a doing three things. The first acts as an epistemic marker (Karkkainen 2007) like 'I think' which softens his definition. Secondly, it acts as a means for the speaker to end his turn. Finally, it could be understood as a device for the speaker to manage his identity as a convicted rapist which enables him to discredit the formulation that precedes his disclaimer. This therefore enables the speaker to

complete his turn without interruption by the researcher and as a means of managing his identity, thus presenting himself with a more desirable identity than that of 'convicted rapist'. This is further supported by the use of the disclaimer as it enables the speaker to construct 'doubt' over his formulation of consent; the speaker has been categorised as 'convicted rapist' by the criminal justice system, he was not to be considered as an authority upon the matter of consensual sex.

The final extract in this section is taken from a semi-structured interview with Richard who constructs his understanding of consent based upon a verbal 'yes' or 'no'. Richard, aged 23, was charged and convicted with the rape of a 'work acquaintance'. He had served approximately seven months of a three year sentence (18 months of which is to be served on licence in the community). Richard had not participated in any form of treatment at the time of interview.

Extract Three

961 people are arrested hh (1.0) that I
962 believe is quite possibly society's view on
963 (0.7) consent
964 **Sarah:** So you think consent's unspoken until
965 someone says no?
966 (0.4)
967 **Richard:** Generally=
968 **Sarah:** =yeah ok=
969 **Richard:** generally (0.5) I↑ mean I:: .hhhhh on
970 occasion have asked just to make sure
971 regularly (.) especially when I was younger
972 (0.5) but erm (0.6) and many nos have
973 obviously °been (1.1) taken°

In lines 938-940, the researcher requests the speaker to demonstrate his 'knowledge' of how sexual consent is negotiated. She formulates her question in gender neutral terms by asking 'how do people negotiate' consent? There is a significant pause of 1.5 seconds and the speaker initiates his turn by sighing which acts to alert the listener that some form of interactional trouble is occurring. If this is considered in relation to the speaker's organisation of the rest of the sequence, he seeks on more than one occasion (repeated sighs in line 944-945, 969 and by stating that the researcher has asked 'such an open ended question' in line 944) to forewarn the listener that this is a difficult and problematic piece of talk to formulate. He persists and formulates a construction of consent that is person specific, suggesting that negotiations of consensual sex will depend on which section of society one is considering. This is perhaps because he is speaking from the category of 'convicted rapist', who is not maintaining his innocence which suggests that at some juncture he has engaged in non-consensual sex. However, it could be argued that the speaker does not embrace this category when we consider extract six in this chapter, where the same speaker makes claims to have not 'knowingly' engaged in non- consensual sex.

The speaker orients to the topic by making a knowledge claim that is based upon 'previous thoughts' and not 'experience', the action of which enables him to distance himself from the statement he is about to make. It also does the opposite of the interactional work that the penultimate extract of this chapter achieves, where the speaker constructs himself as a 'macho man' (Wetherell and Edley 1999) by stating that no woman has said 'no' to him. In this extract, the speaker attempts to present himself as someone who has limited experience

of sexual situations. This could be 'heard' as a means to distance himself from the category of rapist but as an additional technique to manage an account that does not further incriminate him.

Furthermore, in this extract the speaker works up a narrative that incorporates many attempts of distancing himself from the account he is providing in order to introduce the contentious notion of 'presumed consent' in line 957. The speaker states that unless someone says 'no' (line 955) then consent is presumed. This idea of 'presumed consent' follows a script formulation (Edwards 1995, 1997) which the speaker outlines in lines 955-957. He organises this into a three part list (Jefferson 1990) which enables him to support the point that he is trying to make, that is, when these three things are in place, consent is presumed. By constructing a 'knowledge' of consent that is based upon presumption, reaffirms the role of non-verbal behaviours as integral when negotiating consent and performing sexual refusals. The speaker continues by stating that, in order for presumed consent to end then 'she will say' (line 959). The action of this enables the speaker to emphasise the use of verbal behaviours drawn upon to negotiate consent (which is in line with his construction of consent in extract six). In lines 960-961, the speaker utilises an extreme case formulation (Pomerantz 1986) when he states that if a woman has said no then 'it (sex) always does (stop) except in the cases where people are arrested'. By using the extreme case formulation of 'always' enables the speaker to strengthen the argument that he is formulating, although the strength of this is nullified when he describes exceptions to the rule. This is spoken from a category of knowledge and entitlement as someone who has been arrested, convicted and incarcerated by the criminal justice system. In lines 957-959, the speaker employs a sophisticated way of closing his turn, he completes with a summative statement, enabling him to yet again distance himself from his utterance that precedes it. In doing so he constructs a more desirable identity within his talk by stating that he had presented the views of society as a whole rather than his own.

The researcher continues by seeking clarification of 'presumed consent'. In line 967, the speaker provides a non-committal response which he elaborates on in lines 969-973; which could be 'heard' as a technique employed in order to enable the speaker to achieve a more desirable identity than that of convicted rapist. This is achieved in two ways; the first is the upgrade that he provides from 'on occasion' to 'regularly' when he describes verbally gaining consent (but this also acts as contradicting his presumed consent formulation). This enables the speaker to demonstrate 'behaviours' that perhaps

would not be typically associated with someone who has been convicted of a sexual offence. Secondly, the speaker in line 972 states that he has received ‘many nos’ which enables him to demonstrate his ability to ‘hear’ refusals. In the first instance, this could be heard as distancing him from the category of convicted rapist. Furthermore, it enables the speaker to construct himself as the initiator or as someone who has taken up an active masculine role, that is the onus is on women to “say no”. The speaker’s use of ‘obviously’ in line 973 is of particular interest. The use of ‘obviously’ here enables the speaker to present both his masculinity and sexual experiences as normative and reasonable which is reminiscent of the traditional sexual script discourse. That is, not everyone woman he’s ever wanted to have sex with has said ‘yes’. The underlying logic being that, ‘reasonable’ men should have some experience of dealing with knockbacks, because women are not always ‘up for it’ as the rape mythology suggests.

In this section, participants have demonstrated their ability to ‘hear’ sexual refusals. This was done with particular ease in a focus group setting when discussing non-offending sexual experiences.

“...Really there wasn’t any need for consent and if somebody said no they meant yes”: accounting for unknowingly engaging in non-consensual sex

This next section will consider accounts of consent where participants have made claims for unknowingly engaging in non-consensual sex.

Andrew, aged 44, was charged and convicted with two counts of rape (plus two other offences) against his 'partner'. He had served approximately three years of an IPP sentence at the time of interview and had completed the CALM course and was in the process of undertaking the HRP.

Extract Four

- 941 Sarah: Erm can I just ask you some questions
942 about consent I think we have kind of
943 covered them anyway.hh but what does
944 consent mean to yo↑u
945 Andrew: We↑ll when a person says yes::: (0.5)
946 basically (.) if a person says yes: (0.6)
947 verbally↑
948 Sarah: Yeah and (0.2) so you were saying(1.0)

949 like in terms of your offence because she
950 didn't say no:: you thought that that was
951 consent (.) yeah

952 Andrew: Well yeah like I said I mean years ago
953 you heard that no means no in any (0.5)
954 form whether it was drugs (.) drinking
955 .hh sex, no means no (0.5) ANd that is
956 the way it stayed for a long time (0.5)
957 so automatically (.) people automatically
958 think-it is like erm (0.5) beliefs of
959 what you see when you are growin↑g up you
960 >take on board so< people would
961 automatically especially men take on
962 board (0.5) that (0.5) she didn't say no
963 so it is not rape (.) because no means no
964 and she never said no (1.2) but as time
965 has changed they have realised that there
966 are different ways of raping a person
967 without them actually saying no .hh but
968 they don't seem to publicise it so much
969 you know (.) it is not until like you are
970 caught in this trap(0.5) well I SAY trap
971 in this situation (0.5) till you start
972 realising all these things (0.3) where
973 it should be I feel they should publicise
974 it a lot more (0.6) before it gets to
975 this point.

976 Sarah: .hh and do you think that is a genuine
977 belief:: or do you think that is another
978 way that people justify (.) behaving like
979 that=

980 Andrew: =no I don't=

981 Sarah: =you know you were talking about
982 minimising?

983 Andrew: Yeah no I don't THInk it is a way of
984 minimising. I mean I am not-I am
985 certainly not trying to minimise what I-
986 what I did (0.8)because like I said when
987 the police said to me what do you
988 determine as rape and I said when the

989 woman says °no↓° and that is that
990 basically al::l I thought it was and it
991 was no minimisation it wasn't anything
992 .hh because I didn't even know I was
993 going to be char↑ged or accus↑ed of it
994 (0.3) at the time you know I was being
995 questioned for it (0.5) so it wasn't to
996 minimise it or anything I thought well I
997 am giving the right answer if because the
998 girl says no (0.3) then yes that's rape
999 (.) you've forced her to say something
1000 that she didn't want to do (0.3)you know
1001 >and that is< genuinely what I
1002 thought(0.5) but as time has gone on and
1003 I have learnt that (0.2)there is loads of
1004 other ways that you can rape a person
1005 (2.0) just by putting fear in to that
1006 person and taking their dignity away from
1007 em (.) I certainly wouldn't have thought
1008 of it that way befor:e because=

1009 Sarah: =and is that stuff that you have learnt
1010 through the courses or=?

1011 Andrew: it is since I have been in here and I
1012 have learnt through the course (.) yeah↑

1013 Sarah: Or is it from talking to other people?

1014 Andrew: No it is learning through the course and
1015 I have sort of explain↑ed it to other
1016 people as well (0.6) you know

Initially in this extract, the speaker supplies a short response (lines 945-947) to the researcher's request of defining 'consent' that does not reference sexual activity. His response consists of two parts that throughout formulates an account that initially is gender neutral and thus centred around the category of 'person'. The first part to his utterance suggests that consent is achieved 'when a person says yes.' The use of discourse markers such as 'well' and 'basically' act to construct the speaker's formulation as something almost commonsensical. He continues by reformulating what he has just said by being explicit about how a 'person' says 'yes', that is, verbally.

The researcher continues by requesting the speaker to apply this definition to his offence account. He works up an account which draws on the 1980s discourse of the 'Just Say No' campaigns which enables him to use this rhetoric to manage his identity. In lines 962 -963 the speaker returns to his offence account and his line of defence by stating that 'she didn't say no so it is not rape'. The speaker performs a micropause before he reconstructs this statement with 'because no means no and she never said no'. This enables the speaker to produce an account which ignores the common sense knowledge of non-verbal behaviour and reinforces his rationale of ignorance. Of interest, is the shift in footing which precedes this. Considering that the speaker has been requested to discuss consent in relation to his own offence account, there is a shift in language from what he thinks, to what people think. Alongside this, there is a shift in context from the historical to the contemporary marked in lines 964-965 where the speaker states 'but as time has changed'. Furthermore, in lines 965-966 he states '...they have realised that there are different ways of raping a person without them actually saying no...' In this utterance, 'they' could be heard as everyone but him. 'They' could be heard as those who are responsible for generating legislation around rape, agents of the criminal justice system or society as a whole. All of which enables him to orient his account to the nuanced nature of consent whilst managing an explanation that supports his offence account that lacked mens rea.

Interestingly, and rather uniquely, the speaker between lines 968-975 constructs an account where he blames the lack of public campaigns for his 'situation'. The action of which enables him to distance himself from the offence and his part in this. Within this (lines 969-971) the speaker performs a repair where he states '...you are caught in this trap (0.5) well I SAy trap in this situation...'. If we consider this speaker's 'old me' subscription to the 'Just Say No' discourse, Kitzinger and Frith (1999) would argue that this is not the way in which refusals are done. However, by drawing upon this discourse, the speaker is able to evidence his constructed lack of knowledge at the time of the offence, whilst acknowledging that through treatment this understanding has changed. In doing so, the speaker is able to manage his identity and demonstrate a treatment influenced account. This will be considered further in chapter ten.

In lines 976-979, the researcher attempts to sensitively, challenge the speaker's lack of agency within his account. She achieves this by being generically vague in the framing of her question, where she states '...do you think that is another way that people justify behaving like that'. The researcher's use of the word 'people' draws on the category that the

speaker himself has been using. Alternatively, it could be 'heard' as a technique which softens the question the researcher is asking. It could be considered as a somewhat awkward question and again attempts to get him to connect this part of his account with earlier things that he had said. In line 980, the speaker is quite blunt in his response, 'no I don't'. The researcher responds in lines 981-982 by reformulating an earlier account and directing the speaker back to comments that were made about 'minimising'. The speaker recycles and dismisses the researcher's minimising comment and places emphasis on this, when he states '...I don't THInk it is a way of minimising' (983-984). He continues by performing a self-repair in lines 984-985. This is followed by an upgrade to '... I am certainly not trying to minimise what I-what I did ...'. In doing so, the speaker attempts to demonstrate that it is not minimisation and instead works this up as a genuine lack of knowledge throughout the interaction. This is demonstrated in lines 1001-1002, where he states '...that is genuinely what I thought...'.

The speaker continues by orienting his account to one that is treatment influenced. This is explicitly marked when the speaker states, '...I have learnt that...'. The researcher revisits this with an explicit request about his participation in treatment. In lines 1015-1016, the speaker works up an altruistic identity, a good citizen, an identity that is far removed from that of a convicted adult rapist, by his claims of educating others about rape.

By the explicit request of the researcher, this next speaker constructs an 'old me' account of consent which draws upon discourse surrounding conjugal rights and token resistance.

Martin, aged 41, was charged and convicted of rape (attempted rape and witness intimidation) against his 'wife'. At the time of interview, Martin had served approximately four years of an IPP sentence, and had taken part in Rolling SOTP, ETS and HRP.

Extract Five

- 1036 **Sarah:** The next bit is about consent and
1037 obviously we've talked quite a bit about
1038 that (0.3) erm (0.5) but the question is
1039 what does consent mean to you↑ (0.5) now I
1040 imagine that your ideas around consent
1041 (0.7) have changed quite (0.2) quite a
1042 lot=

1043 **Martin:** =yeah=

In this extract, the researcher signals a change in topic and introduces the next line of questioning. Within her formulation she makes assumptions that Martin's understanding of consent has changed since his offence. She draws on a shared knowledge between herself and the research participant that he has participated in a range of treatment programmes and was working towards parole and therefore, there is an expectation that his view of consent would have transformed from that at the time of his offence. The speaker confirms this transformation in his understanding which leads the researcher in lines 1044-1045 to request the participant to outline the ways in which he previously constructed consent. The speaker reconstructs an account based on the researcher's question which enables him to justify his offending behaviour. He produces an account that draws upon two main rape myths; the first draws upon ideas of conjugal rights that marriage automatically results in consent. Rape in marriage was first recognised as a criminal offence in 1991 in England; prior to that, women had not been protected by the law if they were raped by their husband. The second myth that the speaker draws upon to justify his offence and provide their 'old me' understanding of consent is based upon 'token resistance' (Muehlenhard and Hollabaugh 1988) that makes damaging claims by suggesting that some women say 'no' when really they mean 'yes' to sexual activity.

This next extract from Richard (refer to extract three for biographical detail), provides a more detailed ‘knowledge’ of consent, however, this is still based upon verbal negotiations.

Extract Six

926 **Sarah:** Er↑m (.) what does consent mean to you↑
927 **Richard:** (0.5) .hhh consent is:::: hhhhhhhh >means
928 a hundred different things in today's
929 modern world< BU↑t essentially it means

930 yes or no (0.4) it means that if you have
931 permission or don't-it is essentially a
932 grant of permission to do something (0.8)
933 .hhh in this context it's er::: (0.9) .hhh
934 all sex is (.)should be(.)must be
935 consensual-all sex h I have engaged in
936 (0.8) knowingly er↑m (0.5) has been
937 consensual (0.5) I (0.3) advocate
938 consensual sex entirely (0.6) because it's
939 right(.)it's fair (.) it's what should
940 happen
941 (0.4)

Within this extract the speaker responds to the researcher's request to define 'consent'. His initial turn features sighing; an audible deep breath which can demonstrate weariness and boredom. As noted, within the discursive literature, sighing can demonstrate interactional trouble (Seymour-Smith 2008). By the speaker sighing it could be interpreted as notifying the researcher that responding to the question presents him with some difficulty. This is further supported when he states that consent 'means a hundred different things', in other words, this is not going to be an easy question to answer, it is indeed going to be multifaceted. In this extract the speaker initially presents a definition of consent that does not reference sexual activity (927-932) and is based upon a verbal negotiation of 'yes' or 'no'. It is not until line 933-934 that he links his definition of consent with sexual activity where he upgrades from 'sex is', to 'should be', to 'must be consensual' which seeks to emphasise the importance of the role of consent within sexual activity. This utterance takes the shape of a three part list (Jefferson 1990) which not only acts as a way of both upgrading and substantiating the point in which the speaker is trying to make. That is, all sex should be consensual but it also functions to normalise what is being said, which links with the morality associated with consensual sex. The use of the word 'knowingly' in 'all sex I have engaged in knowingly has been consensual' (935-936) not only minimises his offence and his accountability but it also orients the speaker back to his offence account which takes the form 'of being too drunk to remember what happened'. In lines 935-937 where the speaker states 'I advocate consensual sex entirely because it is right, it is fair, it is what should happen' does some identity work for him. By being an advocate and doing things because they are right and fair is a strategic way of the speaker presenting himself in a more favourable light. Also, the use of the word 'entirely' can be considered as an extreme case

formulation which Pomerantz (1986) suggests acts in two ways. Firstly, it enables the speaker to assert the strongest case in anticipation of non-sympathetic hearings which could reflect the interactional context and the speaker's interpretation of the participant researcher relationship. Secondly it enables him to speak for the rightness of a practice; again reasserting a favourable identity. However, there is also something contradictory about the speaker being an 'advocator of consensual sex' when he speaks from the category of entitlement as a convicted and incarcerated sex offender who is not maintaining his innocence and thus has not been a full-time 'advocator of consensual sex'.

This section has considered accounts of participants who have unknowingly engaged in non-consensual sex. These accounts took the form of either a historical or contemporary understanding, all of which are drawn from the rape myth discourse.

“...well she said no and I wasn’t interested in that”: accounting for knowingly engaging in non-consensual sex

In contrast to the previous section, this next section will consider accounts of consent where participants accounted for knowingly engaging in non-consensual sex.

John, aged 60, was charged and convicted of five offences in total including rape, GBH, theft and robbery from a 'friend'. At the time of the interview John had served 22 years of a life sentence and had participated in the Core SOTP, Extended SOTP, HSF and CALM courses.

Extract Seven

1268 there was no such thing as tights it was
1269 nylons and like (0.4) you would get with
1270 a girlfriend (0.8) HAND starts wandering
1271 and all that (0.4) and er::: (1.2) you got
1272 to a bit of flesh (.) >and the hand was
1273 pushed away< (.) no don't do that and
1274 you got a little bit further °hand pushed
1275 away° (0.4) they kept saying no but they
1276 didn't really mean it (0.5) so it is they↓
1277 did mean it because they didn't want you
1278 to do it (0.8) but because you got further
1279 and further each time (0.5) eventually you
1280 got where you wanted to go, you got them
1281 excited (0.3) you got what you wanted >but
1282 they didn't actually say yes< (0.2) they
1283 have said no, four or five times hh and
1284 that's::: (1.0) we took that as consent in
1285 those days because when you got to that
1286 flesh above the nylon between the nylon
1287 and the panties 'oh terrific I am there'
1288 and it is that sort of buzz (0.7) it was
1289 part of the thing that everybody did and
1290 when you were with your mates and you
1291 spoke about how (0.4) terrific last
1292 night all this sort of thing (.) you
1293 trying to get in ye↑ah that was it they
1294 never actually said yes h(.) so: (.) the
1295 next time you go out and because I know a
1296 little bit more about sex than everybody
1297 else anywayy (0.8) I would try it with
1298 girlfriends (0.6) at school who were 13 or
1299 14 and I would go further than the other
1300 boys were getting because I knew what to
1301 do but (.) they didn't know (0.4) so that
1302 is how I got a little bit further (0.2)
1303 but when you are 13 14 (0.4) and you both
1304 don't know anything (.) ev↑erybody
1305 experiments you fumble about you do
1306 this look at mine-I will show you mine you
1307 show me yours (0.4) I was a little bit

1308 further advanced than that (0.4) but they
1309 never ever said yes they always said no
1310 (.) and so it was (.)>it was still against
1311 the rules isn't it↑< because they said no
1312 and I carried on doing it (0.6) so that
1313 was (0.4) consent >didn't really matter<
1314 but when you get older you get on with
1315 adult women (1.0)>consent never really
1316 comes into it< because you give out and
1317 you never really speak about (0.5) 'oh can
1318 we have sex later' you don't turn round
1319 and 'say right lets go to bed and have sex
1320 tonight' you go out and you have a few
1321 drinks (.) you go home have a coffee (.)
1322 you kiss and cuddle (.) get undressed (.)
1323 go to bed (.) you have sex but nobody said
1324 yes or no (.) it just sort of a (1.0)a
1325 natural progression

Similar to extract four, the speaker initially formulates a definition of verbal consent that is gender neutral and lacks any reference to sexual activity. His 'knowledge' of consent is based on a verbal negotiation 'but it didn't mean a thing at the time' (lines 1259-1260). Such a statement achieves two things. Firstly, it situates the speaker within the account he is formulating. Secondly, it allows the speaker to move from present to past; the present being able to construct an 'understanding' of consent, the past, recognising that consent 'didn't mean a thing'. Furthermore, it enables the speaker to separate his knowledge of protocol from practice, the latter of which he makes a case for being commonplace. Such a statement could be 'heard' as a disclaimer which the speaker has utilised in order to fend off potential accusations and interactional trouble.

The speaker reiterates his disregard of his victim's sexual refusal in lines 1263-1264, where he states '...she said no and I wasn't interested in that...'. He continues by orienting his 'knowledge' of consent to a historical, adolescent-developmental account which attends to a construction of masculinity (lines 1265-1269)

In lines 1275 the speaker utilises the discourse of 'token resistance' by suggesting '...they kept saying no but they didn't really mean it...', that it was commonplace practice to resist

initially. After a pause of 0.5 seconds the speaker switches his claims to 'they didn't want to do it' which could be 'heard' as an admission to rape. He continues to work up a case for pushing the boundaries by going 'further and further each time' (1278-1279). In doing so, the speaker orients himself to an account of 'presumed consent' based on physical pleasure when 'eventually you got them where you wanted to go, you got them excited...' (lines 1279-1281).

The speaker returns to work up a historical construction of consent where '...they didn't actually say yes (0.2) they said no, four or five times...' This is summed up on lines 1284-1285 when the speaker states 'we took that as consent in those days'. The action of which enables the speaker to attend to the historical nature of his account but also through footing, that is, through the use of 'we' could be heard as typifying and indeed normalising the activities of young men at that time. Therefore, token resistance can be considered as a 'historical' form of consent.

The speaker works up his account which acts to normalise rape when he states '...it was part of the thing that everybody did...' (lines 1288-1289). By utilising phrases such as 'everybody' enables the speaker to work up an account for normalised behaviour and attend to a construction of 'masculinity'.

The speaker orients to an account which situates himself apart from the others – his friends, other males which is demonstrated in lines 1295-1296, 'I know a little bit more about sex than everybody', in lines 1299-1300 'I would go further than the other boys' and in lines 1307-1308 where he states I was a little bit further advanced than that. This could be heard as 'doing' masculinity, either as a sexually promiscuous male or as a means of attending to the deviant nature of his behaviour – it was not the norm for everyone to behaving in this way. Taking the rest of the sequence into consideration, suggests that it is the former.

In line 1297, the speaker constructs an account of 'women as prey' by claiming that 'I would try it with girlfriends' which after a pause of 0.6 seconds qualifies that these were girlfriends at school. Furthermore, he returns to his account of token resistance in lines 1308-1309 by stating '...they never ever said yes they always said no'

The speaker continues by orienting his account to his 'knowledge' of consent and adult women where he constructs it as irrelevant by stating '...but when you get older you get on with adult women (1.0) >consent never really comes into it...' (lines 1314-1316).

Furthermore, he continues by ridiculing verbal negotiations through his active voicing of hypothetical situations ‘...you never really speak about (0.5) ‘oh can we have sex later’ you don’t turn round and ‘say right lets go to bed and have sex tonight...’ (lines 1317-1320). All of which, could be ‘heard’ as a technique which enables the speaker to demonstrate a ‘knowledge’ of consent that is based on non-verbal sexual negotiations. More worryingly, it could be ‘heard’ as an account of a continuous set of non-consensual, coercive encounters. The completion of the speaker’s turn supports the former.

Kevin, aged 45, was charged and convicted of rape (six offences in total including an indecent assault) against a ‘prostitute’ that he was acquainted with. He had served approximately nine years of a life sentence at the time of interview (he has previously served twelve years for a mixture of sexual and non-sexual offences) and at this juncture had participated in Core SOTP, Extended SOTP, BLB and ETS.

Extract Eight

1762 **Sarah:** .hh and erm I don't know again if we
1763 talked about this last time but part of
1764 what we are looking at is people's
1765 understanding of consent .hh how do you
1766 understand consent-what does it mean to
1767 you (0.5)so if you had to tell me what it
1768 meant, what would you say
1769 **Kevin:** (1.0)consent is a woman's right to
1770 say(0.4) no (.) at any stage of what you
1771 are doing and I mean .h there are lots of
1772 issues on the telly now you know (0.6)
1773 and I↑ have been to parties and we have
1774 both been tipsy and what not but I have
1775 never been in the position where you know
1776 she said no or anything like that .hh but
1777 I can understand how it comes on (1.6) ANd
1778 I think (0.3) for some people (.)I don't
1779 know it can be quite hard if you getting
1780 right down to the nitty gritty and she
1781 says no::: you know you think but (1.1) if
1782 you have got feelings and empathy then you
1783 know (0.4) °'why?'° you know (0.3) °'can

1784 we talk about this?'° cos you know (0.2) it
1785 may be a problem for her .h and I CAN
1786 understand that aspect now, I wouldn't
1787 have done years ago .h (0.3) and I
1788 wouldn't because I have not come across it

In this extract, the speaker's 'knowledge' of consent is formulated around a 'woman's right to say no at any stage'. Similar to extracts four and seven, the speaker works up an account of consent which is based on a verbal negotiation. His definition of consent is gender specific and sexualises the construction of the account he is presenting; expressions such as 'nitty gritty' (1780) demonstrate this.

Of interest in lines 1771–1772 is the contrast between vagueness ('lots of issues') and detail ('I have been to parties...'). 'Systematic vagueness' (Edwards and Potter 1992) can be used within talk as a device that offers the speaker protection against any negative responses from others participating in the interaction. However, in this case, vagueness allows the speaker to move from the general to a more specific account which enables him to draw upon the wider discourse that surrounds 'alcohol and consent.' Rape Crisis (2007) challenges the myths surrounding alcohol and consent and argue that by law a person is unable to give consent if they are either unconscious or their judgement is impaired by alcohol or drugs. Therefore, having non-consensual sex with a person who is intoxicated is a sexual offence.

In lines 1778–1781, the speaker talks from the category of 'heterosexual male' who is sympathetic with those (men) who when they have engaged in sexual activity; 'it can be quite hard if you getting right down to the nitty gritty and she says 'no''. The speaker reproduces the rape myth that 'once a man is sexually aroused he cannot help himself; he has to have sex' (Rape Crisis 2007). The action of this, is minimising an example of sexual violence that is in contrast to the offences that the speaker himself has committed. This could be 'heard' as a discursive technique which enables the speaker to minimise sexual violence by normalising it as part of masculinity.

The speaker stresses that 'I CAN understand that aspect now' (lines 1785-1786) when making sense of why women who have engaged in foreplay refuse sex. However, he accounts for this with some issue that she may have. This could be heard as an extension of

blame transferral by placing the emphasis on the woman. This utterance also suggests that the speaker has acquired this ‘understanding’ since his offence, particularly when he states that he would not have possessed that understanding ‘years ago’.

Furthermore, the speaker is serving a life sentence and during that time has participated in an extensive number of treatment programmes. He speaks as someone who is working towards parole and needing to demonstrate his reduction in risk, which this thesis has classed as ‘institutional demands.’ Therefore, it could be inferred that this new ‘understanding’ is ‘treatment influenced’ particularly when considering what follows this statement. This is further demonstrated when the speaker refers to ‘feelings and empathy’ in line 1782. Auburn (2010) writes of an ‘inference directing’ device which is “...designed to cancel out potentially damaging or face threatening inferences available from the sequence of events described” (p.118); in other words, a ‘face-saving’ technique. Taking this into consideration it could be inferred that the speaker has designed his narrative in this way in order to avoid any form of interactional difficulty, whilst managing a more desirable identity that his categorisation by the criminal justice system suggests.

Such a statement echoes sentiments of the prison Sex Offender Treatment Programme. Beech et al (1998) argues that the empathy component of the treatment programme has the most profound effect in getting offenders to understand the harm that they caused their victim. Discursively, it is possible to argue that this speaker is using the ‘talk of treatment’ as a resource which enables him to demonstrate a ‘treated’ self.

The speaker completes his turn by recycling an earlier utterance by stating that he ‘has not come across’ women performing sexual refusals before. It could be argued that this furthers the speaker’s construction of masculinity and presents him as a certain type of man. It could be heard that the speaker is constructing himself as someone that does not have problems engaging in consensual sexual relations with women. On the surface, this is noteworthy when considering the ‘context’ of the interview, that is, the speaker has been recruited to take part in this research and is speaking from a category of entitlement and knowledge about rape as he has been categorised and labelled by the criminal justice system as a ‘rapist’. However, similar to extract two, this is of interest when we consider the aggravated nature of his offence and instead this utterance could be heard as distinguishing his ability to ‘hear’ consent, in contrast to an offence account where he knowingly transgressed consent.

As already considered in extract two, Michael formulates an ‘understanding’ of consent that is based on free will and coercion. The extract below follows an account of what happened immediately after his offence, where he had to go and collect his wife (sister of his victim) and child from town.

Extract Nine

805 **Sarah:** AND how did that make you feel °picking your
806 (..)wife up?°
807 **Michael:** To be honest I was that numb and (0.3) I hh
808 (0.2)it was only then when I raped (.)
809 [victim]and (1.2) th-(0.6) the very short
810 time afterwards when I was in custody and
811 .hh (0.4)which happened very quickly and I
812 kind of knew it would happen really to a
813 certain extent COS I↑ actually °sorry I
814 forgot° I said to [victim] “if you tell
815 anybody that this happened I wi::ll say it
816 was consensual” because then I was-self
817 preservation kicked in I thought oh (0.9)
818 yeah .h I was really thinking about myself
819 and it-it was only after the offence >a
820 short time after the offence< that I
821 actually thought about the impact on
822 anybody else REALLY [lines omitted]

The researcher requests the speaker to account for how he felt collecting his wife immediately after he had just raped her sister. He initiates his turn with an honesty phrase in line 807 enabling him to orient his account to an ‘admission’ of something that he might not have previously revealed about his ‘character’ and ‘emotions’ (Edwards 2006). The speaker links the honesty phrase to the emotion category of numbness which one would typically associate with a victim of sexual violence rather than the perpetrator. Without devaluing the impact that rape has on victims, this thesis would contend that for some perpetrators sexual offending can be a traumatic event for the perpetrator. If we consider the impact of the speaker initiating his turn with an honesty phrase coupled with the introduction of an emotive category, (whilst bearing in mind the researcher has requested him to account for his feelings), one could argue that this enables the speaker to evoke a

more sympathetic hearing of what he is about to say, anticipating in advance that the interaction may be problematic. This also acts as a way of conducting 'identity work' for the speaker; he is someone who is honest, emotionally affected by his actions and not just a 'rapist'.

The organisation of this narrative at first glance appears somewhat erratic; in lines 808-813, the speaker constructs his 'realisation' with 'it was only then' at the time of raping his victim and being taken into custody (that he thought about the impact of his actions – this is deviant to the other participants who do not refer to remorse until sometime into their time in prison, if at all). The speaker does not complete this account until lines 820-822 with 'I actually thought about the impact.' What features between this is, is not necessarily disorganised talk but instead a carefully constructed account of features that the speaker wants the listener to hear.

In lines 811-812 where the speaker states 'I kind of knew it would happen really to a certain extent' is in reference to the speed that he went into custody. Here, the speaker constructs his account from a category of knowledge and entitlement as someone who used to work within the criminal justice system before he committed his offence (attended to in line 31 of the full interview transcript). By employing phrases such as 'kind of' and 'to a certain extent' minimises the knowledge claim that he is making; the speaker employs such a technique because the actions of a convicted rapist do not necessarily match those actions typically associated with the category of his previous employment within the criminal justice system.

In line 813-814 the description of the speaker's knowledge claim is repaired by his 'remembering' of the threat he issued to his victim at the time of the offence. In this extract, the repair enables the speaker to control the organisation of his narrative and add in extra detail. It also enables him to attend to the importance of consent. He states '°sorry I forgot° I said to [victim] "if you tell anybody that this happened I wi::ll say it was consensual"'. The citing of actual conversation (Wooffitt 1992) enables the speaker to provide narrative detail the action of which increases the authenticity of the account he is providing. Furthermore, and of interest, is that this is quite a significant thing to 'forget' as this is what underpinned the speaker's defence, that is, his claims of consensual sex were integral to the speaker's 'not guilty' plea.

In lines 816-818, the speaker accounts for his transition from feeling 'numb' to one of 'self-preservation' and 'thinking' of himself. In doing this the speaker draws upon the wider psychological discourse of 'coping strategies', furthermore, self-preservation is part of this and is a behaviour that ensures survival. Similar to the accounted experiences of other participants, the speaker's construction of consent provides a means of managing a viable identity (Schwaebe 2005) within the criminal justice system, that is, it is much better to maintain that one is in prison for having consensual sex rather than for rape. Within this extract of talk, the speaker accounts for his actions by drawing on psychological explanations that enable him to justify his decision for entering a 'not guilty' plea.

Summary

The aim of this chapter was to explore the ways in which convicted adult rapists construct sexual consent, refusal and coercion. This has been achieved through the consideration of participants 'knowledge' of consent in both deviant and non-deviant sexual situations.

Through the consideration of the focus group data, a more sophisticated articulation and appreciation of refusals and negotiations is apparent and really highlights the subtle nature of sexual communication. Here they demonstrate an ability to 'hear' women's refusals (passion killer pants) that evidently do not involve the word 'no'. However, this certainly acts in opposition to the initial constructions of consent and to some extent the role of consent when the speakers were accounting for their offence. The impact of this on defining consent (and the implications for the literature/legislation considered in chapter two), will be considered in chapter eleven. Furthermore, chapter eleven will consider the impact of the institutional context and the role of identity upon the factors stated above.

Constructions of consent have enabled offenders to manage their identity within talk, similar to other chapters - in brief, techniques are employed in order to minimise and distance speakers from the category of convicted rapist.

Chapter Nine – Analysis – “...she said to me ‘why don’t you rape me because it turns me on’ ”: the use of rape myths when constructing offence accounts

Introduction

This chapter will examine the vocabulary participants utilise in order to account for their offending behaviour. More specifically, this chapter will consider the extent to which this vocabulary encompasses ‘rape myths’ and the way in which these enable offenders to construct an account of their offence that ultimately facilitates the management of a particular identity.

As detailed in chapter one, approximately 167 women are raped every day in the UK (Amnesty International 2005), yet rape remains one of the most under reported and least prosecuted of all violent crimes. Low conviction rates can be attributed in part to the failings of the criminal justice system, which are in turn informed by the dominant social discourse of rape myths. Rape myths give people a false sense of security by minimising or denying the occurrence of sexual violence, by apportioning some degree of blame to the victim, and by offering excuses to the perpetrator. In effect these myths perpetuate sexual violence because they play a powerful part in defining our responses to rape (Rape Crisis 2007). This chapter (and thesis) addresses the paucity of in-depth qualitative, empirical work conducted with sex offenders in order to capture a detailed discursive exploration of this aspect of convicted adult rapists’ talk. These findings not only have implications for the treatment of sex offenders but for the wider rape myth literature and discourse which will be discussed in greater detail in chapter eleven.

This initial section will consider the responses of five participants when accounting for their offence to the researcher.

David, aged 29, was charged and convicted of raping his ‘friend’. He had fifteen months outstanding of a five year sentence at the time of interview and at this point had not participated in the Sex Offender Treatment Programme (SOTP).

Extract One

- 139 **Sarah:** And what do you think (.) what did you used
140 to think about sex offenders before you came
141 to prison?=
- 142 **David:** =to be honest with ya: I despised these

143 kind of people .h and I didn't think this
144 would happen to me↑ but I went out (1.0)one
145 night (0.4)and I had a few few too-a few
146 drinks and I also I was socialising↑ with a
147 few frien:ds (0.5) so they was all on drugs
148 .h and I thought 'hang on a minute, what are
149 you taking cos >I want to trȳ that I want
150 to see what it feels like<' so I tried
151 that and it didn't have any-I must
152 have had a sort of funny reaction to it .hh
153 so basically (1.2) I reckon it were that
154 that made me do what I done (0.7) which I do
155 regret that and I feel (0.3) you know really
156 bad about myself .h and °I also feel (0.2)
157 to find out how my victim feels-I feel
158 like she feels that I have° let her down
159 (0.8) I have let myself down and I have also
160 let my children down (.)so I feel like I
161 have let her down in a big way because
162 she was a close friend to me as well .hh
163 so: °I really feel bad about myself° (0.5)

164 Sarah: and do [you]
165 David: [for TRYing] for trying a drug as
166 well as doing what I have done because if I
167 didn't try that drug .h I wouldn't have done
168 what I have done

The researcher requests the speaker to formulate an 'opinion' about sex offenders before he himself was convicted of a sex offence. The speaker initiates his turn with an honesty phrase (Edwards and Fasulo 2006) in line 142 which could be heard as an 'admission' of something that he might not have previously revealed about his 'despisal' of sex offenders. By constructing an 'opinion' of 'these kind of people' it enables the speaker to separate and distance himself from the problematic category of 'sex offender' and thus manage his identity as a convicted adult rapist.

The speaker organises his narrative (lines 142-168), in a way that allows him to move on from the researcher's original request in order to work up an account of his offence. In line 143-144 the speaker states 'I didn't think this would happen to me'. Such a statement allows the speaker to manage his identity in two ways. Firstly, it enables him to attend to 'intentionality'. By the speaker orienting himself to an act he did not 'think'

would happen enables him to work up a presentation of his offence as something that was devoid of *mens rea*. Chapter seven has identified this as a technique employed by speakers in order to minimise their offence account whilst simultaneously constructing a more desirable identity by separating themselves from those rapists who planned their offence. Secondly and interestingly, this type of construction is more akin to the discourse of 'victim'. Drawing on this discourse enables the speaker to elicit a more sympathetic hearing and again enables him to construct a more favourable identity than that of a convicted adult rapist.

In line 145 the speaker performs a self-repair (Auburn 2010) in order to correct what he is about to say. Initially he states 'I had a few too' which one could hearably complete with 'I had a few too many drinks'. The speaker 'remembers' that he is not accounting for his offence based on the excessive consumption of alcohol but instead by taking drugs for the first time. Therefore, it could be inferred that that repair occurs in order for the listener to 'hear' 'I went out one night and I had a few drinks' which implies a more moderate alcohol consumption. It could be argued that this is because drinking is a more regular activity and drug taking is less commonplace by its illegality. Therefore, it is easier to make links with deviant behaviour by constructing a connection between his offence account and consuming drugs for the first time.

The speaker continues to orient his account to his drug consumption. In line 151, the speaker performs a repair that enables him to shift his account from the drugs having no impact, to them causing a funny reaction. By performing this repair the speaker is able to draw upon an established 'rape myth' in order to develop a justification for committing rape. The literature (Rape Crisis 2007; Scully and Marolla 1985; 1984) states that some perpetrators will construct offence accounts that report the use of alcohol and drugs. They argue that this enables offenders to not take full responsibility for their actions and as a result minimise and distance themselves from their offence. In line 153-154 the speaker states 'so basically (1.2) I reckon it was that that made me do what I had done'. With the use of the discourse marker 'basically', the speaker is able present a normalised account but the significant pause of 1.2 seconds would suggest that the speaker is experiencing some form of interactional trouble. This is perhaps best explained by the working up an account that constructs his offence as something he has

'done' which at no juncture references 'rape'; thus creating another opportunity for the speaker to distance himself from his offence.

Throughout this extract the speaker works up an identity which displays remorse, victim empathy and an acknowledgement of the impact that this offence had on others-all of which demonstrates insight. These 'repertoires' lend themselves to a treatment influenced account, which is of particular interest when we consider that this speaker has not yet been through any form of treatment programme. However, it could be argued that the 'reformed' identity, highlighted above, is undone when the speaker completes his turn with an 'if x then y formulation' (Edwards 1995) when he states 'if I didn't try the drug I wouldn't have done what I have done' (lines 166-168). Edwards (1995) argues that the structure of a conditional formulation enables the speaker to script action sequences; the action here being rape.

In this next extract the speaker is explicit in his use of 'rape myths' to work up an account of his offence.

Brian, aged 52, was charged and convicted with rape of his 'ex girlfriend'. Brian was in receipt of an IPP sentence and had just completed the adapted SOTP (now known as Becoming New Me).

Extract Two

271 **Sarah:** Ok and would you mind telling me a little
272 bit about↑ (.) the offence that you're here
273 for?
274 **Brian:** >Yeah yeah< that is no problem.
275 **Sarah:** Was that your first offence?
276 **Brian:** That was my first rape-sex offence yeah.
277 **Sarah:** So first-had you been in trouble before at
278 all?=
279 **Brian:** =not for sex offence.
280 **Sarah:** No (0.2) what-anythi↑ng else at all?
281 0.5
282 **Brian:** >Yeah yeah< erm sex under age (0.2)and erm
283 because (0.4) I had been told-she told me she
284 was older than what she wa↑s you know [lines
285 omitted]
310 **Sarah:** Ok and so this offence that you are in
311 here for now, what happened=

312 **Brian:** =what happened-erm my girlfriend I was going
313 out with it was my own girlfriend that I had
314 been going out with (2.0)for abou:t
315 (0.5)°roughly about (5.0)s:::even weeks or
316 something like that° (0.7) and I had my own
317 flat, she had her own house I used to
318 stop with her at her house °you know° (1.2) I
319 still got my own flat but I used to stay with
320 her at her house yea↑h and then would check
321 my house everyday like to see if it ok er:::m
322 (3.5) and she (.) when we were together when
323 we were going together (0.8)she said to me
324 why don't you rape me (0.4) because it turns
325 me on (.) you know that is what she said to
326 me (0.5) and I didn't do it you know↑ (2.5)
327 no she finished with me that is why I raped
328 her (0.5)and that is why (1.0)I didn't know
329 you call it rape because I didn't know what
330 rape was >you kn*ow* what I am saying< (0.5)
331 because I had never done that thing before
332 (4.5) er:::m she finished with me so:: that
333 is what happened that is when I ra:ped her=

In lines 271–273 the researcher requests the speaker to give an account of his offence. He responds by constructing short, closed responses (as demonstrated in line 274). The researcher therefore interjects with further questions in order to elicit a more detailed account. In line 276 the speaker states that he has only committed one sexual offence, that is, the count of rape that he is currently serving time in prison for. However, the speaker continues by working up an account of having been in trouble for 'sex under age' (line 282) which he does not classify as a sexual offence. This could be heard as a total lack of knowledge or as means of constructing a hierarchy of offences within the speaker's talk. Furthermore, the speaker draws on rape myth rhetoric by working up an account that constructs his victim as culpable by stating 'she told me she was older than what she was'.

In line 310, the researcher guides the speaker back to constructing an offence account as per her original request in lines 271. The speaker responds by working up an account for the lead up to his offence that is scripted into four stages; the introduction of his victim to the narrative, the construction of justifications for his offending behaviour, the

construction of a relationship breakdown as an offence related risk factor and the act itself. His account is marked by significant pauses, such as the pause of 5.0 seconds on line 315. Considering the position in the sequence, the delay could be 'heard' as enabling the speaker to 'remember'. Alternatively, it could demonstrate the 'cognitive' difficulties this prisoner was defined by the prison to be having.

In lines 323-325 the speaker orients his offence account towards a construction of victim culpability. He achieves this by reporting his victim's speech by stating that she said 'why don't you rape me because it turns me on'. By drawing upon the rape myth discourse, the speaker is able to shift the blame from himself and onto his victim. All of which enables the speaker to manage his own accountability. This is reiterated when the speaker states 'that is what she said to me (0.5) and I didn't do it you know' (lines 325-326) enabling the speaker to work up morality within his talk and subsequently manage a more desirable identity.

He continues by attending to the fourth stage of scripting (as highlighted above) by orienting his talk to the act itself in lines 327-328 when he states '...so she finished with me that is why I raped her...'. It is unclear here if this justification links back to lines 323-325 (she asked him to rape her) or because they had split up. The speaker continues by working up an account for not knowing what rape was in lines 328-329. In making these claims, acts as a variation in account when considering the speaker's earlier offence justification in lines 323-324. The action of which enables him to distance himself from his offence through his claims of ignorance. The speaker completes his turn in lines 332-333 by recycling his earlier offence justification of raping his victim because she had split up with him. In doing so, the speaker shifts his account away from the repertoire of victim culpability.

This next offence account represents those participants who formulated more detailed talk about their offending behaviour. Of interest here is the extensive number of treatment programmes this speaker has participated in, coupled with his indeterminate sentence.

Martin, aged 41, was charged and convicted of rape (attempted rape and witness intimidation) against his 'wife'. At the time of interview, Martin had served

approximately four years of an IPP sentence, and had taken part in Rolling SOTP, ETS and HRP.

Extract Three

498 **Sarah:** Would you even (0.2) go so far to say (0.3)
499 dom-domestic violence or .hh
500 (0.8)

501 **Martin:** Yeah↑ I would yeah-I mean-yeah(0.4)I would
502 yeah-there are obviously different types of
503 vi~~t~~olence which once again you know I am
504 learning about now but you know people (0.4)
505 don't always see (0.4) people see violence
506 as hitting but violence can be (.) by
507 calling people names you know-there are many
508 interpretations of violence which (0.2) is
509 opening my eyes er now-SO YEah I would say
510 it was a domestic violence case definitely
511 yeah erm (0.3)and the same before with my
512 first wife (0.2)you know and I didn't learn
513 (.)I didn't learn (0.4) you know I was
514 suffering from low self esteem (0.2) and it
515 were kind of-I sort of (0.5)felt (0.8) I had
516 my rights and I wanted to be married and I
517 would have a person and it was me
518 (.)controlling them-it wasn't-they didn't
519 have their life (1.0)I had their life (.)
520 you know a bit like a parasite I would suck
521 the life out of them (0.3)er:::m and (1.0)
522 one thing led to another .hh (0.3)we split
523 up and I didn't like being rejected either
524 I have a severe (0.2) problem with being
525 rejected you know (.)I didn't like it-'how
526 dare they reject me' (0.6) and I decided I
527 had-had enough (0.5) and I were going to-
528 basically I were going to go and you know
529 sort this out (1.0)erm: and I sneaked around
530 to my partner's house (1.0)>I knew she
531 wasn't going to be in< but I waited for her
532 skulking round the back (0.3)back of the
533 house-back of the garden waiting for her to

534 come in (1.0) erm and she came home sneaked
535 in the house (0.2) and I grabbed hold of her
536 erm forced myself upon her (0.5) erm
537 attempted to rape her and when I couldn't
538 (.) manage to have sex with her (0.5) I
539 dragged her upstairs and I forced her to
540 have sex on the bed you know I basically
541 raped her on the bed you know the marital
542 bed .hh (0.5) erm and then I sort of just
543 ignored (0.4) completely her (.) she was
544 crying upset and everything (.) and I wasn't
545 bothered I was going to have my way with her
546 and that was it (0.5) but I just didn't see
547 myself doing wrong- I thought-you know to me
548 (.) at that point I thought I was having
549 sex with my wife (0.5) you know even though
550 the fact she had said no (0.6) she didn't
551 want to do (0.2)but she sort of erm I think
552 she sort of (0.5)accepted that I was going
553 to have sex with her so there was less of a
554 fight (1.0) and you know so she knew I was
555 going to have my-you know have my way with
556 her so:: erm (0.5)and I↑ did

Within the interaction which precedes this extract, the speaker describes a relationship with his 'victim' and previous wife that could be categorised as 'abusive' (domestic violence). In lines 498-499 the researcher asks him to confirm this. Her question is marked by two delays of 0.2 and 0.3 seconds, alongside a stutter. All of which displays interactional difficulty which could be inferred as a result of the controversial nature of the question that she is asking. This is mirrored by the speaker's response. Initially, there is a delay of 0.8 seconds followed by a rise in intonation when the speaker is agreeing with the question the researcher has just posed. This rise in intonation and also the repetition in lines 501-502 enables the speaker to demonstrate that this is perhaps something he has not considered before.

The Healthy Relationships Programme (HRP) is designed for men who have either been convicted of, or admit to abusive and violent behaviour in the home and who have been assessed as a risk of being violent in their intimate relationships. Ideally, those men who

have been convicted of rape of a partner/ex-partner should automatically qualify for such a programme. This thesis would like to develop a feminist critique of the HRP around the naming of the programme. It softens what the course is about and has perhaps been named as such in order to encourage violent men to participate on said course. The consequences of which have been highlighted above. This is also demonstrated in lines 502-510 where the speaker applies his knowledge gained on the programme to link with the researcher's suggestion, something he had not previously done. Furthermore, in doing so, the speaker is able to work up a 'treatment influenced' account.

In line 514 the speaker works up an account of the lead up to his offence that draws upon psychological explanations of low self-esteem and the rape myth of conjugal rights. The speaker works up an account in line 518 that draws upon the feminist discourse of rape by talking in terms of control. This is demonstrated further when the speaker states that 'I would have a person'. Of interest here is the category of 'person' which is not worthy of being gender specific. The speaker works up this account of control, power and dominance by introducing a metaphor in lines 520-521. Here, he likens himself to a parasite who would suck the life out of his partners. The use of this discursive device could be understood in two opposing ways. Firstly, it could be utilised as a means for the speaker to employ generic vagueness in order for the speaker to avoid being direct in what it is he is trying to say. The counter argument of this could be argued that it really enables the speaker to demonstrate an 'understanding' of his actions which again could be linked to the 'treatment influenced' account heard at the beginning of this interaction.

From line 529 onwards, the speaker works up an account of his offence. By stating '...I sneaked around...' the speaker constructs his action as something that was mischievous, devious and calculating, thus, producing his actions as intentional. This is somewhat deviant within the data of this thesis; participants have generally avoided constructing accounts that suggest *mens rea*. However, this speaker is someone who has participated in many treatment programmes, he is someone who is comfortable with the constructions of 'old me' as there is now a 'new me' who has superseded that. It could be argued that if perpetrators present something as badly as possible, that is, by the detail the speaker gives of his offence and what he used to be like it will make the new presentation markedly better than the old. Furthermore, this could be considered as

contrast formulation which is a new, original and alternative way of doing identity work.

In this extract, the speaker constructs his victim as someone who rejected him (which underpins the justification for his offending behaviour), she was crying, gave him a verbal 'no' and in the end was submissive. Similar to extract one, there are instances where the speaker refers to his offence as 'sex' and not 'rape' (line 540). However, with the use of phrases such as '...I dragged her upstairs and I forced her to have sex...' achieves enough within this extract to construct an account that 'does' rape.

From lines 546-549, the speaker orients his account back to the justifications he utilised at the time of his offence. He achieves this through narrative reflexivity where he states '...at that point I thought I was having sex with my wife...'. This construction is somewhat problematic if we consider what sex with his wife entails – him hiding in the garden, her verbal 'no', coupled with the 'grabbing' and 'forcing' of his victim. Such a construction can be made sense of, when considering the context of domestic violence.

Although an offence account has previously been studied from this participant in extract two, this extract enables a more detailed consideration of offence accounts that are constructed in terms of 'sex' and not 'rape', which, in part, have been oriented to in extracts one and three.

Extract Four

364 **Sarah:** So when did the offence take place?
365 **Brian:** At erm (0.4) I went to meet her at the bus
366 stop that is what I was saying=
367 **Sarah:** =ok=
368 **Brian:** I think I sa:y that (4.5)
369 where we get off-when I say me and her
370 caught the bus from her house to my house
371 and then she go down the road to her friends
372 **Sarah:** Oh ok=
373 **Brian:** =so I went to the bus stop where we
374 usually get off and wait for her round the
375 corner(.) and as soon as I saw her (3.4) SHE
376 saw me so she start running (0.4) so I run
377 after her (1.2) and caught up with her

378 (0.8) I think she could run no more-I think
379 she were run↑ning °but she could run no
380 more° so she stopped and I caught up with
381 her (0.8) and I marched her back (.)to my
382 flat if you know what I mean by march her
383 back

384 **Sarah:** What did you say to her=

385 **Brian:** =I lead her back to my flat
386 (0.9)

387 **Sarah:** What did you say to her to get her to go
388 back to the flat?

389 **Brian:** Oh I said 'you are going to my flat
390 now' (0.8)to have a talk and a drink of tea
391 (5.6) °you know°-then as soon as we get to
392 my flat we sat on the settee (.) make her a
393 drink (.) she had a roll up-cigarette-smoke
394 (1.2) and I said-I told her to take her
395 clothes off-erm her top off-no her
396 bottom I think she had-I can't remember
397 what she had on-trousers or jeans (0.5)I
398 mean skirt or jeans (.) I asked her to take
399 it off and sit down (2.2)sit down here and
400 then we started snogging and that (0.6)and
401 then (2.2) [inaudible]I said get in the-if
402 you don't mind me swearing?

403 **Sarah:** No, no that is fine

404 **Brian:** I said to her 'fucking get in the bedroom
405 now' and as soon as she get in the bedroom I
406 said 'take your clothes off and get in bed'
407 so she did and that's it (1.2) you know

408 **Sarah:** Ok so you were swearing at her at that
409 point?

410 **Brian:** Pardon

411 **Sarah:** You were swearing at her(.)were you being
412 erm aggressive in terms of (.) being violent
413 with her or=

414 **Brian:** =no-no not violent(.)I weren't violent(1.2)I
415 weren't violent

416 **Sarah:** And what did she say to you-what was=

417 **Brian:** =not↑hing(.)nothing she just got in bed

418 **Sarah:** And then what happened then?
419 **Brian:** We started having sex(.) and then I let her
420 go-after I let her go(.) you know

As already highlighted, this extract is of particular interest because of the variation in scripting when the speaker is accounting for his offence. Throughout the extract there is a clash between a more traditional (consensual) sexual script and a script which 'does' acquaintance rape. However, within his account he does enough for the listener to hear that what he is describing as 'rape'.

In lines 374-377, the speaker states that he '...wait(ed) for her round the corner (.) and as soon as I saw her (3.4) SHE saw me so she start running (0.4) so I run after her...'. His significant pause of 3.4 seconds marks some form of interactional difficulty. Considering what follows, it could be heard as a means of signalling that the speaker is about to attend to something controversial. Through volume and emphasis, the speaker stressed that his ex-girlfriend saw him and started running. This works up a description which ultimately lends itself to an account of rape as opposed to an act which is based on consent. The second distinct construction is where the speaker utilises active voicing (Wooffitt 1992) in order to report the interaction between himself and his victim. This is demonstrated in line 389 where he states 'you are going to my flat now'. Again in lines 404-405 'fucking get in the bedroom now' and in line 406 where he states 'take your clothes off and get in bed'; this reported speech achieves three things. Firstly it works up the aggressive, coercive nature of the interaction between the speaker and his victim. Secondly, it enables the speaker to produce a narrative that is authentic and thirdly it attends to the scripted nature of the offence.

Within this extract, is a variation in account, that is, the speaker draws upon a more traditional sexual script when describing the offence. In line 400 the speaker begins to describe when he and his victim started 'snogging'. This switch between consensual terms is of real interest. The phrase 'snogging', in retrospect, is heard as a misplaced term that is more suited to a traditional (consensual) sexual script rather than an acquaintance rape script. It could therefore be interpreted as a technique which has been employed in order for the speaker to minimise his offence and present a more desirable identity. However, as described above, what precedes and proceeds this ceases to be effective.

The speaker completes his turn in lines 419-420 by stating that 'we started having sex and then after I let her go'. The speaker places emphasis on the word 'sex' and throughout this extract there is no explicit acknowledgement of the speaker's offence. Instead, he categories his account as 'sex' and not rape. As Lea and Auburn (2001) have highlighted in their research, this is a problematic construction and indeed the institution would concur, particularly as at the time of interview, the speaker had just completed the Sex Offender Treatment Programme. This thesis (and possibly in contrast to a more traditional feminist perspective) would question the extent to which this is problematic, when the speaker does enough within his talk for the listener to 'hear' that he is describing the actions of rape without labelling it as so.

This next extract typifies participants who formulated offence accounts that employed strategies of generic vagueness. Don, aged 44, was charged and convicted with three counts of rape against an "acquaintance". He had served approximately twelve years of a life sentence at the time of interview and had participated in the Core SOTP, Extended SOTP, BLB and ETS courses.

Extract Five:

1177 **Sarah:** Did you know this person?
1178 **Don:** Er:::m (0.8) an acquaintance hh
1179 **Sarah:** Ok
1180 0.9
1181 **Don:** °yeah°
1182 **Sarah:** Why did you pick that house?
1183 **Don:** Because it was the only one I could think of
1184 where there might have been (0.6) a single
1185 woman .hh
1186 **Sarah:** So:::(0.2)Because you knew who she was?
1187 **Don:** hh yeah=
1188 **Sarah:** =You knew the circumstances
1189 **Don:** Yeah (1.2) yeah and er:::m (1.5) I (2.0)well
1190 (1.2) I ended up raping (victim) as well a
1191 couple of times I think it was (0.6) er:::m
1192 (4.2) BUT I was-I was erm (0.8) me anger
1193 (0.3) it was all on(wife) (0.5) and erm
1194 (1.5)when I started (0.6) to erm sort of

1195 lose that anger (1.5) erm (0.3)that's when I
1196 (2.0) lost me arousal as well hh and more or
1197 less sort of like (h)realised(h) where I
1198 was (1.0) and erm (0.8) I just thought then
1199 I have got to justify what I was doing by
1200 (0.3)sort of carrying on and getting angry
1201 at (wife) again and saying (1.0)°'you
1202 brought me to this' and that sort of thing°
1203 .hh (2.5) and erm just trying to justify
1204 what I was doing really

Under the guidance of the researcher the speaker introduces his victim and location of offence to his narrative (from lines 1177-1185). Between lines 1189-1204, the speaker works up an account of his offence. In the first instance, the speaker orients his account towards an 'admission' which is marked by four significant pauses in order to demonstrate difficulty within the interaction. In contrast, what follows in lines 1190-1191 could be heard as almost 'blasé', when the speaker states '...I ended up raping (victim) as well a couple of times I think it was'. However, the use of 'I think' typically suggests that the speaker is making a knowledge claim (Potter 1996a) but considering the rest of the sequence it acts as a means to distance the speaker from what is being said.

This extract lacks any specific detail about the speaker's offence and the minimisation of this is even more apparent (later in the transcript - line 1251) when the speaker elaborates on being charged with oral, anal and vaginal rape which he does not attend to here. Instead he uses this extract in order to work up the justifications for his offending behaviour which he 'blame transfers' onto his wife '...me anger (0.3) it was all on (wife)...' (lines 1192-1193). Of interest here is the construction of culpability and how this was directed away from both the offender and victim.

Throughout this extract the speaker situates his offence in the past, as marked by constructing an account in the past tense. In the first instance, this can be accounted for, as the speaker is recalling an event in the past. Alternatively it could be interpreted as a technique that enables the speaker to make clear the distinction between 'old me' and 'new me', that is, this was me then-this is me now. All of which, lends itself to a treatment influenced account and works up a self-identity of reformation.

The final extract in this section is from a participant who constructed an offence account of being unable to 'remember' what happened.

Extract Six:

396 **Richard:** °No↑ idea°
397 **Sarah:** What were you drinking?
398 **Richard:** °Possibly drank a bit too much° (0.6) but I-
399 there's no (1.0) specific cause or °reason
400 why it happened it just happened that night°
401 **Sarah:** Ok and erm (1.6) what was said in terms of
402 (0.3) what did she do (0.3) whilst this was
403 happening (1.2) was she trying to get you off
404 her↑ or
405 (1.4)
406 **Richard:** .hhh apparently she (0.8) er pushed me off
407 her and then left the room (0.3) but
408 (0.4) that is all I have got from her
409 statement and from what she said
410 **Sarah:** Ok so your cousin's partner came in and
411 threw water over you?
412 **Richard:** Ye:::s appare- (0.3) by that time er everyone
413 was up
414 **Sarah:** So obviously they could hear something going
415 on?
416 **Richard:** .hh erm everyone thought it was (0.8) didn't
417 thi-thought it was something else entirely
418 and no-one (0.7) thought it was what it was
419 (0.6)
420 **Sarah:** So what did they think it was?
421 **Richard:** They thought it was just a normal night out
422 a normal end to a night out (0.6) but-and
423 then (0.8) .hh hhhhhhhh then I remember
424 being dressed and erm taken home
425 **Sarah:** Ok and what-what did they say to you?
426 **Richard:** .hhh they said erm my-that it was (0.2) an
427 INTEResting night that ended in a very odd
428 way that (victim) said that she woke up to me
429 having sex with her and (0.8) I thought well
430 that is utterly ridiculous (2.0) and then
431 thought nothing more of it (1.2) erm took
432 them to lunch (1.0) came back (0.6) relaxed
433 (.) got arrested at midnight (0.3) °it was
434 just one of those days°

In lines 300-303, the speaker works up an account for his offence by utilising a four part list. At no juncture does this construction refer to rape but instead orients him to a justification for his offence. In order to achieve this, the speaker draws upon the rape myth discourse of consuming too much alcohol and subsequent memory loss. Claims of memory loss could be considered as a means for the speaker to report upon his mental state at the time of the offence. However, discursively such a construction achieves two things. Firstly, it distances the speaker from the offence that he has been convicted of and secondly, it closes down further requests from the researcher for the speaker to account for his offence. The researcher recognises this and requests that the speaker formulates his account based on the words of others (lines 304-305).

As requested by the researcher, the speaker bases his account on someone else's' version of events (lines 308-311). In doing so, one would expect there to be issues with the accuracy of the information being recycled. It could be argued that this is a technique which enables the speaker to manage issues of accountability. More significantly, this device reinforces the speaker's argument of being drunk and unable to remember. In line 312, the speaker introduces his victim to the narrative by referring to her as 'the host'. It could be inferred that by not subscribing to the wider, dominant discourse of the criminal justice system, this could be heard as a technique that the speaker has drawn on to distance himself from his offence.

In lines 376-378, the researcher guides the speaker back to his offence account and seeks clarification on certain aspects of this. The speaker constructs an account where he initially states 'I think' which he repairs to 'I believe'. This action of which, enables the speaker to attend to his claims of being unable to remember what happened. This is attended to again and thus reinforced where he states 'but I don't know if that is what happened' (lines 380-381). This links back to the speaker's account of excessive alcohol consumption and memory loss. Furthermore, this could be 'heard' as a means of the speaker managing 'intentionality'. The speaker uses repetition, to again attend to his offence account beings the words of others and not his own '...I can only (0.3) surmise from (.) statements (1.1) °and piece it together...' (lines 386-388).

In lines 390-391, the researcher questions the speaker about how 'normal' it was for him to go out drinking and lose his memory. He responds by formulating an account in lines

398-400, that orients himself to a night that was not the norm and ‘...normally [he was] quite lucid and quite remembering...’. The action of which enables the speaker to justify his offending behaviour and thus manage his identity. However, he continues by stating that getting drunk and losing his memory ‘...has happened on occasion...’ When considering the action of this, it could be ‘heard’ as a means to make his account seem more realistic and plausible; perhaps the category bound activity of a student. Alternatively, by arguing that it was a one-off, out of character experience, he is open to challenge that what he is constructing is a convenient excuse or coincidence and subsequently his memory loss is not genuine. It could therefore be argued, that this serves as a ‘stake inoculation’ (Potter 1996a) which enables the speaker to rebut the potential claim that they have a stake even before they are challenged on it.

In lines 401-404 the researcher revisits what happened between himself and the victim. There is a delay of 1.4 seconds before the speaker responds, where he initially states ‘apparently she (0.8) er pushed me off her...’. In this utterance, the speaker could be ‘heard as being dismissive of his victim’s account. Alternatively, it could be another attempt by the speaker to reinforce that his offence account is formulated by the versions of others and is not something that he ‘remembers’ happening.

Similar to other extracts within this chapter, the speaker works up an account that is constructed in terms of ‘sex’ and not ‘rape’. This is demonstrated in lines 428-430 where the speaker states ‘...she woke up to me having sex with her and (0.8) I thought that is utterly ridiculous...’. Of interest, is in the extracts considered thus far where participants have talked about their offence in terms of ‘sex’ and not ‘rape’ but have achieved enough within their accounts to demonstrate that what they are talking about is rape. For example, in extract four the speaker states ‘...fucking get in the bedroom now [...] take your clothes off...’ and the speaker of extract three states ‘...I forced her to have sex...’. As already highlighted, in these extracts the speaker does enough for the listener to know that they are describing acts of rape without labelling it as such but within this extract there is no such construction. The speaker accounts for going out, getting drunk, pleading guilty and being incarcerated for rape. It could be argued that in doing so, that the speaker is constructing an account which does ‘denial’.

Thus far, this chapter has considered offence narratives which have, for the most part, enabled participants to manage their identity. In some cases, this has been achieved

through constructions of events that were 'out of the ordinary' or a 'one off'. This section has also examined the way in which offence accounts are formulated to incorporate justifications for offending behaviour, which for some involved the use of rape myths, which took the form of excessive use of drugs and alcohol or the working up of the victim's culpability within the offence.

The final section will consider four offence accounts that were constructed by participants for family and friends.

Accounting of the offence to others: family and friends

In this extract the speaker constructs an account for the ‘telling’ of his offence to his family at the time of his offence.

Extract Seven

- 550 **Sarah:** And what about in terms of (.) telling
551 family-telling friends about what was going
552 on?
553 **Richard:** I:: kept it very close erm family->family
554 obviously knew to begin with< (0.6)er::m and
555 I think I slowly-slowly let (.) small
556 numbers of people know-very very small I
557 kept it (0.8) °close for quite some time
558 (1.1)but when I did mention it and it (0.4)
559 spilt out to other people° I was quite
560 amazed in the amount of support I had
561 (0.4)shocked
562 **Sarah:** And so what were you saying to the family
563 had happened?
564 **Richard:** Well no-family were wonderfully supportive
565 we went through everything we went through
566 all the statements all the evidence we sat
567 down and we looked at it together so they
568 knew (2.2) everything (0.8)°what she said
569 what I said (0.6)all the circumstances so°=
570 **Sarah:** =BUt obviously there is this part that you
571 don't remember↓=
572 **Richard:**=Ye:s=
573 **Sarah:** =so what-how do you explain that to them-
574 what do you say?=

575 **Richard:** =I don't (.) I say I don't remember because I
576 don't (.) because I can't explain it and
577 there is no need to force an explanation
578 from something that I can't=

579 **Sarah:** =So do you say you didn't do it or

580 **Richard:** I say that I can't remember (.) I am saying
581 that my character (1.5) pretty much says
582 that I wouldn't do that(.) I have hundreds of
583 people that would say the same thing HOWEVER
584 I put myself in that situation so therefore
585 I have to take responsibility it was my-it
586 was my fault for getting that drunk and
587 forgetting

In this extract the researcher requests the speaker to formulate an account for how he explained his offence to family and friends (lines 550-552). The speaker responds by working up an account where his family ‘obviously’ knew that he had committed an offence (lines 553-554). However, the speaker remains vague on how it was that they knew this. Such a construction could be interpreted as doing four things. Firstly, the speaker’s use of the word ‘obviously’ could be ‘heard’ as a technique which orients the listener to a shared understanding of the criminal justice system, that is, a suspect’s right to inform someone of their arrest. Secondly, it could be argued that the speaker is referring to some form of ‘parental intuition’. Whereby, parents have a sixth sense about knowing what their children are up to, and ‘obviously’ they knew. This ‘parental knowing’ is a developing theme, which reoccurs within participants talk in this research. Thirdly, it could be considered as a rhetoric which demonstrates to the researcher the relationship that the speaker shared with his parents—a relationship where he confides in his parents or one where he still remains dependent. Finally, it could be interpreted as a discursive device that enables the speaker to close down any further discussion related to his offence. This is reminiscent of the interaction as a whole, where the speaker maintains not having any memory of the offence (c.f. extract six to see this in-action).

In line 556, the speaker utilises the repeated use of the extreme case formulation (Pomerantz 1986) 'very' in which he places emphasis. This enables him to make the strongest case possible to demonstrate the minimal amount of 'other' people that he has informed about his offence. This is of particular interest when in lines 582-583, the

speaker states ‘...I have hundreds of people...’ that would account for him not being the sort of person to commit a sexual offence. Furthermore, it is in variation to only ‘very
very small’ amounts of people knowing about his offence. This variation could be heard as technique which is face saving and enables him to manage his identity, thus, dealing with the consequences of the stigma that is associated with sexual offending.

The speaker continues by stating that ‘...I kept it (0.8) °close for quite some time (1.1) but when I did mention it and it (0.4) spilt out to other people° I was quite amazed in the amount of support I had (0.4) shocked’ (lines 556-561). The speaker’s use of the word ‘mention’ softens the severity of what it is he is actually ‘mentioning’. Such an utterance works as constructing his ‘behaviour’ as normal. He works up an account of being amazed by the support he received and indeed after a 0.4 second pause upgrades this to shock. The action of which enables the speaker to attend to the shared cultural knowledge about the perceived social stigma attached to sexual offending. But it also enables the speaker to manage his identity and construct himself in a more favourable light. Even though he had been categorised as a rapist by the criminal justice system, people still supported him.

In lines 562-563 the researcher recognises that the speaker has still not attended to her original question in lines 550-552. Consequently, she recycles her question requesting the speaker to construct an account based on the information that he provided his family with. Instead, he organises his narrative in order to reiterate the support that he was given as previously attended to in lines 560. Here he upgrades the level of support to state that his family have been ‘wonderfully supportive’ (line 564). This orientation to support is evident within the majority of participants talk within this thesis. As already highlighted, through the construction of support, speakers are able to manage their identity within talk. Chapter four has outlined the stigma attached to sexual offending and when this is taken into consideration the expectation would be that sex offenders would be devoid of support. However, by formulating an account of being supported by family members enables participants to present themselves as more humanistic and likeable than the dominant discourse surrounding sex offenders and their crime suggests.

Through the shift in footing (lines 564-569), where the speaker switches from ‘I’ to ‘we’, he is able to demonstrate the togetherness of the family and work up his construction of

'support'. The notion of 'footing' highlights the basis upon which an account is offered, for instance, is it a construction of a direct experience or a reformulated account of someone else's version of events? As a result, footing plays an integral role in accountability (Edwards and Potter 1992). As already highlighted not only does the shift in footing enable the speaker to work up his construction of family support but it also enables him to distance himself from his own personal accountability by incorporating others. The speaker goes onto list the pragmatic approach that the family took in going through and piecing together statements and evidence. He draws upon the extreme case formulation 'everything' in lines 567-568 when he states that '...they knew (2.2) everything...' Again, this could be 'heard' as a form of identity work by the speaker presenting himself as someone who had nothing to hide, nothing to be ashamed of, who was not disowned by his family who were helping him work through a problem.

The researcher challenges the speaker's claims that 'they knew everything' in lines 570-571 by guiding him back to his offence account, where she states 'BUt obviously there is this part that you don't re↑member↓. Furthermore, in her turn, the researcher attempts to orient the speaker back to this offence account as he has not attended to the previous requests in lines 550-552 and 562-563. Here he provides a closed 'ye:s' in line 572 in order to act in agreement with the researcher but also as a device to close the conversation. The researcher makes a fourth attempt to re-establish the interaction by recycling her original question, in lines 573-574.

In line 577, the speaker states that '...there is no need to force an explanation...'. In terms of progressing through the criminal justice system, it could be argued that this level of detail is of utmost importance when one is going through the criminal justice system. Therefore, such an utterance could be considered as an orientation towards and account of 'denial'. However, if we consider the organisation of the sequence in greater detail, this is perhaps not the case. The speaker continues by making attempts to close his turn. The researcher recognises and interjects with another question regarding 'denial' in line 579. The speaker reiterates his version of events when accounting to others by stating that, 'I say that I can't remember'. He continues by drawing upon a psychologised explanation (and this thesis would argue rape myth) that profiles offenders as possessing some form of personality defect. In lines 580-582, the speaker constructs an account based him not being the type of person that would rape someone. Such a claim echoes the sentiment of Edwards (2006), 'I wouldn't hurt an old lady'. By drawing upon this

type of formulation it enables one to say something about their general character to act in one way or another; more specifically it allows the speaker within this interaction to deny a specific disputed action, that is, the act of rape. This is further supported with the speaker's use of an extreme case formulation in lines 582-583 where he states, '...I have hundreds of people that would say the same thing...'. The speaker completes his turn by formulating an account for his offence that is situational but is also based on him taking responsibility for his actions. However, in lines 585-587 the speaker clarifies what he is taking responsibility for, that is, getting drunk and forgetting. The action of which enables the speaker to minimise the offence he has been convicted of.

This next extract will demonstrate the variation in offence account which was reminiscent in the talk of a number of participants within this research.

Watson, aged 43, was charged and convicted of four counts of rape (thirteen offences in total), one of which was committed against a 'friend'; the other three counts of rape were committed against prostitutes. At the time of the interview Watson had served 24 years of a life sentence. He had participated in a number of treatment programmes including Core SOTP, Extended SOTP and CSB.

Extract Eight

995 **Sarah:** And so we're talking TEN years down the
996 line of doing your prison sentence and that
997 is when you came out of denial↑.h (0.6) how
998 did-how did that come about-you said you
999 moved to(name of prison)=
1000 **Watson:** =it was in (name of prison) someone else
1001 talking about their life story and h (0.3)
1002 it was like a picture of mi↑ne .hh it was
1003 like a picture of mine I had been through
1004 that life I was abused and (0.6) that is how
1005 I felt when my mother died and that is how I
1006 felt so it was all rather-all really hh
1007 (0.3)I really pictured and it made me talk
1008 (.)made me sit back on myself and kept going
1009 through my head and head and .hhh (0.3)
1010 I kept thinking about it and thinking about
1011 it and then I went to my group one day .hhh
1012 and erm (0.2) sorry I went to (name) the

probation officer.hh the probation officer
and my group facilitator and we sat down and
he said 'yeah I knew anyway I was just
waiting for you to come' he said .hh h 'it
is down to you to open up' and that is when
I got all my hh went through it with him hh
I got all my family together, had a special
visit >all day visit< and I said to my
family 'I did commit the offences I did do
this-this is what I did wrong this is what I
have learnt blah blah blah (0.6) and you
either↓ work with me and support me or' hh
and they've have all stuck beside me from
then on

Similar to other participants serving life sentences, the speaker provides a historic account of his life pre offence which incorporates the precursors to his offending behaviour. For those that have been through treatment (which all the lifers in this research have) they are able to identify these as 'risk factors' and in this extract the speakers constructs these in terms of an 'epiphany'. This could be 'heard' as a device which demonstrates a 'realisation', all of which is important for this speaker's identity management.

In this extract the speaker organises his narrative to present a sequential, scripted account with a beginning, middle and end in order to construct an account of 'moving out of denial'. In lines 1000-1010, the speaker orients himself to the beginning of his sequential account where he describes an 'epiphany' on hearing someone else's life story that reflected his own situation. The speaker's account at this juncture is absence of any orientation to sexual offending and indeed could be heard as an attempt to elicit a more sensitive hearing by working up an account of child abuse and parental death. In lines 1010-1017 the middle of the speaker's scripted account is formulated where he accounts for the process of coming out of denial to his probation officer. In lines 1011-1012, the speaker performs a self-repair so that he can modify his talk, where he accounts for coming out to his probation officer and not the group, as previously stated. This enables the speaker to work up the accuracy of his account which is further reiterated in the active voicing of lines 1015-1016.

The 'end' to the speaker's sequence occurs in lines 1018-1026 where he formulates an account for informing his family about his offence, that is, the final step for 'moving out of denial'. In lines 1021-1024 the speaker uses active voicing (Wooffitt 1992) in order to demonstrate accuracy within the construction of events that he gave to his family. Furthermore, the footing that the speaker draws upon here enables him to manage his own accountability, that is, he is able to take responsibility for his actions within his talk. However, the use of the phrase 'blah, blah, blah' in line 1023 is often utilised in talk in order to demonstrate the scripted nature of the information that is being presented and the predictability of it. It could also be understood as implying a shared knowledge between the speaker and listener and therefore something that is simply not worth articulating. Frith and Kitzinger (2001) maintain that this technique is employed in order to account for the mundane nature of the information that is being presented. The speaker has been incarcerated for more than twenty-four years, since the age of seventeen. The speaker has formulated and reformulated his 'story' many times during his time in prison.

Similar to the previous extract, this next participant constructs an account of being in denial and the variation in offence account to family and friends that this resulted in. Michael, aged 30, was charged and convicted of aggravated rape against his 'sister in law'. At the time of interview Michael had served approximately eighteen months of a six year sentence at the time of interview (three years of this sentence are to be served in the community on licence) and had participated in Core SOTP.

Extract Nine

1140 moved to their house and shortly after it
1141 had happened (0.4) they made it quite clear
1142 that they didn't want to know what had
1143 happened AND THEY NEVER REALLY CHALLENGED ME
1144 on my version they said "look Michael, did
1145 you do it?" (0.6) °and I went "no" and they
1146 went "we totally believe you"° so (1.0)
1147 AGAIN that didn't help in a way it was
1148 because they weren't being too like
1149 'uuurghh' forceful parents but (0.7) so yeah
1150 I told them (0.5) that I had raped
1151 (victim) (0.8) and that (0.9) >I can't
1152 remember actually how I worded it< but I
1153 said "look what would happen if I actually
1154 (0.8) erm (0.3) went guilty" (.) and my mum
1155 couldn't work it out °"what do you mean what
1156 if you went guilty?"° and I had to explain
1157 "well what if actually what I was accused
1158 of I actually did?" and they were like
1159 "°oo:::::h°'k"
1160 **Sarah:** So it was kind of hypothetical to begin
1161 with?
1162 **Michael:** No I was-my dad got the gist he knew I was
1163 saying what I was saying but it was my way
1164 of saying it, I didn't just want to come
1165 out "oh by the way mum I am a rapist" (1.0)
1166 I was asking them how they would react but
1167 my dad knew straight away(0.7) in the space
1168 of like a couple of minutes (0.6) and then
1169 that was it and I said "well I think I might
1170 have to go to prison (.) erm °I wonder how
1171 you would cope with that?"° and then she
1172 went "°ohh°" (0.6) and then THEY WERE FINE
1173 AFTER THAT-I say fine they were obviously
1174 probably emotionally distraught (0.2) >I
1175 think my mum actually cried a bit< (0.4) but
1176 they still supported me as if they were
1177 supporting me as if I was innocent WHICH I
1178 KNEW THEY WOULD and I guess that was a good
1179 thing to help me come out a bit as much as

1180 you could maybe say argue they were
1181 hindering me in a way because they were
1182 supporting me in my inn-o-cence even though
1183 I wasn't .hh they actually knew-I knew even
1184 before I told them that I was guilty that I
1185 would have that support no matter what so
1186 that was kind of a helping factor really

In lines 1129-1130 the researcher requests the speaker to recount the version of events that he formulated for his parent's. After a delay of 0.9 seconds, the speaker's initial utterance could be understood as a search for some clarification from the researcher. This is demonstrated by the rise in intonation which could be 'heard' as a question. However, the speaker continues and responds with a generic account of '...I told them (0.4) what happened...' which he works up to telling them what 'happened in the bedroom'. In lines 1136-1138, the speaker constructs an offence account which he is explicit in its lack of detail. He orients his talk to a list of justifications as to why his account was detail deficient, including, '...they wouldn't want to know that anyway (.) I know that for a fact...' and '...they made it quite clear that they didn't want to know...'. Of note, in line 1139 and similar to other extracts, the speaker utilises the use of 'obviously'. The use of it here implies that the researcher and speaker have a shared knowledge, that is, the researcher should know where he would have lived after he was arrested and issued with bail.

In lines 1143-1147, the speaker works up an account that constructs his parents as instrumental in the denial of his offence. He illustrates his account by utilising active voicing (Wooffitt 1992) in lines 1144-1145 thus allowing the speaker to report the speech of his parent's. This acts as a scripting device (Frith and Kitzinger 2001) that provides further narrative detail and increases the authenticity of the account that the speaker is producing. In line 1149, the speaker introduces the category of 'forceful parents' which within the same utterance he dismisses. This could be 'heard' as recognition of the problematic nature of formulating his parents in this way when he orients his account to the category of supportive parents.

In line 1150 the speaker states 'I told them (0.5) that I had raped (victim)', however, as he continues, the speaker elaborates on the wording of this, through the use of active voicing. Consequently, in lines 1153-1154 and 1157-1158, the speaker works up an

account of the hypothetical scenarios that he presented his parents with. He continues by justifying this in lines 1164-1165, by stating ‘...I didn’t just want to come out “oh by the way mum I am a rapist...”. Through his talk the speaker demonstrates conflict, on one hand, he attempts to present himself as a someone who is fully accepting of the offence that he has committed and thus ‘reformed’. Here, this is attended to by the admission of his offence to his parents. Yet, at the same time, the speaker is able to explicitly demonstrate his recognition of the problematic nature of admitting to being a rapist.

In lines 1172-1173, the speaker works up an account of his parent’s being ‘fine’ about his inexplicit admission to being a sex offender. In the speaker’s next utterance, it could be inferred that he recognises that this is perhaps not the typical response associated to this type of admission by suggesting, “...I say fine they were obviously probably emotionally distraught...”. His switch from ‘obviously’ to ‘probably’ displays uncertainty and enables the speaker to minimise his parents reaction to his offence account.

The speaker continues by orienting his account back to the category of ‘supportive parents’ where he states ‘...they still supported me as if they were supporting me as if I was innocent WHICH I KNEW THEY WOULD...’ Again, this work is undone in lines 1180-1181, when the speaker orients back to his account of denial when he states ‘...you could maybe say-argue they were hindering me in a way...’. Here, the speaker performs a self-repair in order to upgrade his statement concerning his parents facilitation of his denial.

In line 1183, the speaker orients his account to a shared understanding that his family had of his offence, whereby ‘they actually knew’. This construction of ‘parental intuition’ has been demonstrated in a number of participants talk. It could be argued that this discursive resource not only enables the speaker’s to construct their family as supportive of someone who has committed a highly stigmatised offence but at the same time enables the speaker to manage his identity. The speaker completes his turn by working up his account of ‘supportive parent’ by employing the use of repetition when he states, ‘...I knew even before I told them that I was guilty and I would have that support no matter what’.

Similar to other participants, this next extract is from a participant who pleaded guilty to the charge of rape, yet produces an offence account to his family which undermines this.

Keith, aged 60 was charged and convicted of rape against his 'wife'. He had served approximately twenty-four months of a four year sentence at the time of interview (twenty-four months of this sentence are to be served in the community on licence). He had not yet participated in any form of treatment programme.

Extract Ten

In lines 1689-1691 the researcher requests the speaker to recount the offence account that he gave to his daughter whilst being held in custody. The speaker formulates an account (in lines 1694-1695) that is based around an accusation rather than an admission where he states '...I told her that I had been erm (0.6) accused of raping her mum...'. The pause of 0.6 seconds demonstrates a certain level of interactional difficulty for the speaker. This could be contextualised by the speaker's guilty plea, that was registered within two hours of him being arrested (c.f. line 1449 of transcript). The action of formulating an account based on an accusation rather than an admission enables the speaker to manage his identity. By constructing his account as an accusation rather than an admission, still allows some scope that he might not have committed the offence - the action of which is 'face saving' (Goffman 1963). An admission would position the speaker closer to intentionality, *mens rea* which has already been highlighted as a problematic notion for convicted adult rapist's.

In lines 1696, the speaker states that he cannot remember what his daughter's reaction was to receiving the news that he, her father, had been accused of raping his wife and her mother. A more traditional psychological approach would consider this as the speaker's inability to remember an event. However, from a discursive perspective and if we consider the controversial nature of the topic, this could be considered as a means to manage trouble within interaction and in turn, a technique that enables the speaker to manage his identity. The speaker completes his turn with an attempt to 'remember' what his daughter had said. He employs active voicing in order to report her speech which enables him to undo his inability to remember, and construct an account that displays accuracy.

This final extract orients the speaker to a construction of denial, identity and again this notion of a shared understanding between himself and his family about his offence.

Lance, aged 26, was charged and convicted of rape against his 'partner'. He had twelve months outstanding of a six year sentence at the time of interview and at this point had not participated in any form of treatment programme.

Extract Eleven

In this extract the researcher requests the speaker to construct an account of what happened after he was arrested and given bail. The speaker formulates an account for living at his Aunty's house whilst on bail. The researcher responds by asking the speaker to outline the account he gave to his Aunty (lines 644-645). Of interest, the speaker produces a similar account to the other extracts that have been considered thus far in this section, whereby he states 'well obviously she knew what had happened.' The focus of analytic interest here is the use of 'obviously' and the notion of a shared knowledge where he states 'she knew'. These are particularly useful devices for those participants who have demonstrated 'trouble' elsewhere within the interaction in accounting for their offence. As already highlighted, this notion of 'intuition' could be 'heard' as a discursive resource which speakers draw upon to facilitate managing identity within talk but also demonstrate recognition of the wider discourse of stigma and shame that surrounds sexual offending.

In contrast to this account, in line 653 the speaker describes denying the offence to his Aunty. The researcher requests the speaker to account for why he denied the offence, whereby, he formulates an account in line 656 that initially displays uncertainty. The use of phrases such as 'I don't know' could imply the speaker's actual uncertainty in responding to the question. However, what follows in the sequence is a response to the question. Here he formulates an account to justify his denial which is underpinned by identity management. The speaker problematises the label of sex offender by indirectly drawing upon the wider discourse which surrounds sex offenders and the stigma attached to this, 'I just probably didn't want her to think (2.6) what I think of sex offenders'.

Summary

In the first instance, this chapter sought to examine the ways in which convicted adult rapists drew upon widely shared cultural accounts such as 'rape myths' in order to account for their offending behaviour. The 'vocabulary of motive' (Scully and Marolla

1984) identified in the literature argued that rapists drew on 'rape myths' in order to account for their conduct. The construction of an account that incorporates rape myths not only allows the offender to obscure the 'true nature of their actions' but enables them to perform accountability by shifting the blame from themselves and onto their victim.

This chapter has demonstrated that convicted adult rapists have an already established rape myth vocabulary which they drew upon when accounting for their offending behaviour. This enabled participants to justify, deny and minimise their actions, which could be argued to facilitate their offending behaviour. However, the level to which offenders subscribed to rape myths to formulate accounts of their offences was very much dependent upon sentence type and treatment received within the prison. Their subscription to rape myths was often relatively subtle and was based upon offenders' accounts of their mens rea (or lack thereof) or their consumption of drugs and/or alcohol, rather than primarily upon the culpability of the victim as the more historic rape myths might suggest. The utilisation of rape myths enabled participants to construct an account of their offence that facilitated the management of a particular identity either as 'reformed' or in contrast, through the creation of an identity that was considered to be more positive than that of 'convicted rapist'. These findings not only have implications for the treatment of sex offenders but for the wider rape myth literature and discourse which will be discussed further in chapter eleven.

Furthermore, it has been documented (Scully and Marolla 1984; Hudson 2005) that in order to manage stigma and thus identity, offenders will often conceal their offence to immediate family. Through the consideration of offence accounts given to family and friends by four participants, it was found that the most striking feature within these accounts is the construction of shared knowledge when 'retelling' the offence account. Here the speakers draw upon parental knowledge/intuition/instinct as a discursive resource which enables participant's to reason why they did not give their parent's an 'actual' account of their offence; because they just knew. These types of accounts were often accompanied by a working up of the construction of being supported by family members enables participants to present themselves as more humanistic and likeable than the dominant discourse surrounding sex offenders and their crime suggests.

Chapter Ten – Analysis - “...They kind of used words that I would never have used like... ‘self gratification’ and ...‘pre cognitive’ and all this stuff...”: the impact of treatment upon convicted adult rapists’ talk

Introduction

This chapter will consider the way in which ‘treatment’ (as outlined in chapter four) is attended to in the interactions of participants within this research. Furthermore, this chapter considers the impact that participation upon accredited treatment programmes in HMP Whatton has upon the talk of convicted adult rapists, demonstrating the ways in which this manifests itself.

As detailed in chapter four, there is a small corpus of literature which suggests that some offenders who have gone through treatment (that is, participated on one of the accredited prison service Sex Offender Treatment Programmes such as Core SOTP) will say what is expected of them rather than what they ‘believe’; this has been classed as ‘talking the talk’ (Hudson 2005). This sentiment has been repeated in the work of Lacombe (2008) who suggests that treated offenders adopt ‘people-pleasing behaviour’ which is demonstrated through Hudson’s (2005) ‘talking the talk.’ Cullen and Gendreau (2001) problematise the impact that ‘talking the talk’ can have by arguing that some offenders will be released from prison not because they are ‘rehabilitated’ but because of “their effective playacting before the parole board (i.e. to “prove” one was cured)” (p.324). This problematisation is extended further by Lacombe (2008) who argues that offenders who ‘talk the talk’ should be considered as a high-risk for reoffending; however, Lacombe’s claims lack empirical evidence. Recent research conducted by Harkins, Beech and Goodwill (2010) has found that motivation for treatment is positively correlated with sexual recidivism. They argue that offenders who are more motivated to participate in treatment (and are therefore not in denial) are more likely to reoffend, thus problematising the current model of treatment.

The discursive approach employed by this thesis seeks to challenge the way in which talk is considered as a route to cognition. The very definition of ‘talking the talk’ already challenges this traditional understanding, that is, talk performed within treatment is not a route to cognition. This chapter will consider the ways in which ‘talking the talk’ is constructed but, unlike other research, it will also consider what this talk achieves within interaction.

In more detail, this chapter will offer original insight through the examination of the ways in which sexual offenders, specifically convicted adult rapists, draw upon this 'treatment speak' as a discursive resource in order to describe, position and make sense of their offending behaviour. The chapter will also consider the opposing argument that 'treatment' simply provides offenders with a reformulated, more socially desirable, set of psychologised terms that can be drawn upon in order to justify, excuse and deny offending behaviour.

This chapter will also pay consideration to the wider influences of the institution upon talk. These wider influences include the prison environment as a whole and the demands placed upon prisoners by others such as the parole board and probation for offenders to perform in a way that demonstrates a reduction in risk. The impact that this has upon language will be considered; all of which makes a unique contribution to the existing literature.

The 'New' Language

This first extract considers the way in which the ‘new’ language of treatment is explicitly oriented to within offence accounts; this was exposed rather than embedded (Jefferson 1987) where the speaker attributes the source of this ‘new’ language to the process of treatment. However, as the chapter develops, it will become evident that it is more commonplace for ‘treated’ offenders to reconstruct offence accounts where ‘treatment speak’ was embedded with their talk.

Michael, aged 30, was charged and convicted of aggravated rape against his 'sister in law'. At the time of interview, Michael had served approximately eighteen months of a six year sentence (three years of this sentence are to be served in the community on licence) and had participated in Core SOTP.

Extract One

1569 within the group (0.2)>well I challenged
1570 quite a few people and there blatantly
1571 wasn't honesty from the group< .hhh but as
1572 a group member I could support other
1573 people and if nothing else I (.) found
1574 that I could support people (0.9).hh which
1575 was a help (.) >to them< (0.4) and also
1576 maybe (0.7) was:n't just me filling
1577 a seat for the sake of filling a seat .hh
1578 I (0.5) totally (0.5)-the facilitators
1579 were brilliant-everything was brilliant
1580 ↑but I got to a point in my life then
1581 (0.2) cos that was (1.0) over a year
1582 after, a year and a half >after the
1583 offence< so I had done a lot of soul
1584 searching .hh kind of thought about the
1585 offence a lot thought about the patterns,
1586 they(.)they were very good, they kind of
1587 used words they I would never have used
1588 like(.) °err:::° I don't even know, self
1589 gratification and things er p-pre
1590 cognitive↓ and all this °stuff° = words
1591 that I maybe would never have associated
1592 with feelings before but (0.8) as a whole
1593 (1.0) I think I'd still be the person that
1594 I am sitting here now↓ (.) would still be
1595 it if I hadn't been on the course or not
1596 on the course=

1597 **Sarah:** =right ok=

1598 **Michael:**=↑But it wasn't a negative experience. It
1599 was an experience but definitely wasn't
1600 negative

The initial parts of this interaction are overlapping where the speaker is completing his turn, reporting on his 'motivations' for participating in treatment, that is, to 'tick the box.' His account for participation in treatment orients to the wider psychological discourse upon 'extrinsic motivations' and what this thesis has classed as 'institutional demands' which will be discussed in greater detail in this chapter.

In line 1563, the researcher requests the speaker to formulate an account based upon his experiences of group work whilst participating on the Core SOTP. Initially he orients his

account back to an earlier part of the interaction where participation in treatment was constructed as beneficial. He continues by shifting his account from support that treatment provided to the presence of honesty within the group. In lines 1566 and 1568 there are significant pauses within the interaction, the action of which enables the speaker to problematise what is about to follow in this sequence, that is, the anticipated controversy by the suggestion that some of those offenders participating in treatment were not being honest about their offence related thoughts.

Between lines 1565-1577 the speaker formulates an account of his group experiences that is based upon the support that he was able to give fellow group members and the dishonesty of said group members; '... I challenged quite a few people and there blatantly wasn't honesty from the group but as a group member I could support other people...' (lines 1569-1573). Initially in this extract the speaker is able to manage his identity, so instead of that of convicted rapist the speaker takes on the role of facilitator. He is able to construct morality by being someone who was there to support, challenge and help other group members through the process; all of which made his presence more meaningful, it '...wasn't just me filling a seat' (line 1576-1577). Furthermore, it enables the speaker to demonstrate 'altruism' by accounting for a selfless concern for the welfare of others, which again enables him to bolster his offender identity. This negotiation of identity within a group setting has resonance with Seymour-Smith's (2008) research. She found that in a cancer self-help group, men were troubled by the self-help group identity. As a result, the men in her study resisted the identity of receiving help and instead constructed themselves as offering help, similar to this offender-participant. Seymour-Smith (2008) argued that this enabled the men in her research to attend to the presentation of a masculine identity by producing 'legitimate masculine' reasons to be engaged in self-help groups.

The speaker continues by performing a self-repair (Schegloff, Jefferson and Sacks 1977) in line 1578. Self repair occurs when a speaker cuts off their current utterance to restart it, in order to correct an obvious mistake or draw upon an alternative expression (Jefferson 1974). Repair is a common feature within talk and is particularly apparent in those who have gone through treatment. The strategic use of self-repair within talk could be viewed as symptomatic of those offenders who have been through treatment, that is, a technique that has developed as a result of being challenged by peers and

facilitators within the treatment group setting. The use of self-repair here enables the speaker to correct his initial utterance in order to add in information about the 'brilliance of the facilitators' which he upgrades with an extreme case formulation (Pomerantz 1986) where 'everything was brilliant'. This is a discursive technique which enables the speaker to soften the criticism he is about to formulate in lines 1580 -1596 which constructs his own 'soul searching' as integral to his understanding of his offence rather than participation on a treatment programme. Instead, and underpinning the focus of this chapter, in lines 1586-1592 the speaker accounts for treatment as providing him with a new psychological language, a vocabulary which has enabled him to reformulate his offence account with; '...they kind of used words they I would never have used like err I don't even know, self gratification and things er p-pre cognitive and all this stuff- words that I maybe would never have associated with feelings before...' Here the speaker is explicit in his orientation to the 'new' language of treatment, however, 'pre cognitive' is not a word that is part of the psychological vocabulary but is instead drawn from the term 'cognitive distortion' (c.f. chapter four for a more detailed discussion). This coupled with the use of an extreme case formulation (Pomerantz 1986) where the speaker states 'I don't even know' (not just 'I don't know') enables him to work up his account of not knowing but then produces a list of what he does know. The action of 'I don't even know', coupled with his misconception of the psychological terminology of 'pre cognitive' allows the speaker to distance himself from the assumed practical utility of the 'new' language. This is in line with the speaker's constructed disregard of treatment in the initial and concluding parts of this extract; the speaker completes his turn by constructing an account which dismisses the impact of treatment by constructing claims that he would be the 'reformed' character he is now whether he had participated in treatment or not.

The analysis of this extract has demonstrated that a 'new' language is made available to offenders through their participation in treatment programmes. This 'new' language has been used as a discursive resource which has enabled participants to describe, position and make sense of their offending behaviour.

“Good news travels fast in prison, though not as fast as bad news” ¹²

This next section considers the wider influences, of the prison environment and the impact which it has upon rapists' talk.

Keith, aged 60 was charged and convicted of rape against his 'wife'. He had served approximately twenty-four months of a four year sentence at the time of interview (the remaining twenty-four months of this sentence are to be served in the community on licence). He had not yet participated in any form of treatment programme.

Extract Two

¹² Quote from 'Erwin James' who was sentenced to life imprisonment in the mid 1908s - whilst in prison he wrote for the *Guardian* about prison life. A collection of his columns were published in 'A Life Inside' where this quote was taken from.

¹³ Servery – a prisoner that works on the food counter/kitchens (the servery)

359 has been centred around my family (1.0) my
360 children (0.7) my wife (1.5) erm (0.7) I
361 mean I have never touched my wife, I have
362 never hit her you know (0.7) and I mean I
363 suppose like all couples we have had our
364 fair share of (h)bar(h)neys erm (1.0) but
365 you know I never ever dreamt (0.4) ever,
366 that I would do anything like that to my
367 wife (1.5) you know someone mentioned the
368 word about minimising you know your
369 offence (1.7) never do that in front of a
370 facilitator or psychologist and all that
371 and I would never do that because (0.5) you
372 know what I have done was totally wrong
373 [lines omitted]

In the lead up to this extract, the researcher had requested the speaker to construct an 'understanding' of the term 'sex offender'. Initially he formulates a response that suggests he is going to attend to the researcher's question when he states '...it is funny enough I was talking to an inmate this morning...I had a chat with him about it...' This formulation is structured around the discussion of 'Jeremy Kyle' (a daytime TV, confessional type chat show) between himself and a fellow prisoner. In line 355 the speaker pauses for 1.5 seconds which enables him to shift the topic from his commentary of the guests of 'Jeremy Kyle' to orient himself towards a more offence related account. Here, the speaker produces a narrative which is reflective and attends to gender '...when I look at my wife and when I look at other females...' If such an orientation to gender is considered in relation to what follows in the sequence, that is, acknowledgement that he raped his wife, it could be argued that the speaker is attending to the highly gendered nature of his crime.

The speaker continues by utilising an extreme case formulation (Pomerantz 1986), repetition and a three part list (Jefferson 1990) in lines 358-360 where he states 'all my life, all my life has been centred around my family (1.0) my children (0.7) my wife (1.5).' Firstly, the significant pauses between each utterance of the list enables the speaker to attend to the interactional difficulty that such an account presents. This difficulty is reinforced by the speaker's use of extreme case formulations which Pomerantz (1986) suggests occur when a speaker is trying to construct an account in order to defend

themselves against foreseen disagreement or potential criticism. The speaker's formulation of a three part list enables him to work up an account that demonstrates 'committed father' and 'committed husband'; an identity that could superficially be considered as far removed from that of convicted rapist. This identity work of 'good husband' is extended further where the speaker states '...I have never touched my wife...' (line 361). In recognition that he is speaking from a category of knowledge and entitlement as someone who has been convicted of rape, the speaker makes interactional attempts to defend a hearing of 'touched' as 'rape'. He achieves this by qualifying his earlier statement with the addition of specific detail '...I have never hit her you know...' Here, it could be argued that the speaker orients his talk to his category of knowledge and entitlement and in doing so draws upon and thus reinforces the myth which implies that rape is not a physical assault.

The speaker continues where he depicts the 'barneys' (line 364) that he and his wife used to have as routine, normalising them as the type of mundane arguments that all couples have. This is further supported by the way in which the utterance is marked with gentle laughter enabling the speaker to be heard as constructing an account that is reminiscent of old times and fond memories. This construction of normalisation not only enables the speaker to ward off potential critique that he is presenting an idealised version of his relationship but it also enables him to account for his offence as something that was 'out of the ordinary.' He works up his account for the 'out of the ordinary' with the use of three extreme case formulations in line 365 where he states '...I never ever dreamt that, ever that I would do anything like that to my wife...' The speaker avoids any explicit labelling of his behaviour, yet achieves enough within this turn for the researcher to understand that what he is describing is rape. This could be because of the interactional context of the interview and the implied shared knowledge as a prerequisite of the sample is that the participants in this research have been charged and convicted of raping an acquaintance or through his earlier elimination in lines of physical assault in line 362 (although this research would consider rape to be a physical assault). Such a construction would be considered as problematic by the psychology department at HMPS if the speaker had been through treatment. As this speaker has not been through treatment such an explicit construction of his actions could be considered as causing the speaker interactional difficulty and subsequently silenced. The speaker's construction

between lines 360-367 is hearable as an example of 'minimisation' which the speaker attempts to undo with production of a disclaimer in lines 371-372.

In line 367 the speaker incorporates a 1.5 second pause into his account which enables a shift in topic. Between lines 367-372 the speaker moves on to orient his account towards an institutional influenced account (that is, one that is impacted upon as a result of the prison environment) where 'someone' mentioned that you should never minimise your offence. By drawing upon the advice of a fellow prisoner through the use of reported speech the speaker is able to authenticate his account. Such a construction extends the 'talking the talk' literature by articulating the self surveillance that prisoners undergo through the silencing of problematic constructions in the presence of staff members. However, the implication here is that these types of constructions may still be deployed in their own company which was attended to by many of the participants in this research.

Through the construction of ‘institutional hearsay’ the speaker demonstrates ‘recognition’ that ‘minimisation’ of his offence as something that would go against the rehabilitative ethos of HMPS and in lines 371-372 states ‘...I would never do that because you know what I have done was totally wrong...’ By constructing an acceptance of wrongdoing, the speaker is able to manage his identity further. This next extract furthers the developing discussion upon the impact of the prison environment upon the discourse of those yet to go through treatment.

Lance, aged 26, was charged and convicted of rape against his 'partner'. He had twelve months outstanding of a six year sentence at the time of interview and at this point had not participated in any form of treatment programme.

Extract Three

1304 **Lance:** [well
1305 it] means you can have a play station and
1306 things like that [get more money] so if=
1307 **Sarah:** [ah: right ok]
1308 **Lance:** =you don't do your courses you don't get
1309 any of that.
1310 **Sarah:** Ok, so that is quite er (.) a motivation?
1311 **Lance:** Well yeah↓ but it seems like (1.0) that is
1312 all the reason that they are pushing the
1313 courses on you for
1314 (1.5)
1315 **Sarah:** So do you reckon you would do a course if
1316 it didn't lead (0.9) to getting .hhh those
1317 extra things?
1318 (4.0)
1319 **Lance:** I don't know (1.5) I mean I haven't
1320 been put in that situation so
1321 (4.0) probably not↑-I wouldn't,no=
1322 **Sarah:** =mmmm↑
1323 (1.5)
1324 **Lance:** I mean I don't mind doing the
1325 healthy relationships but (1.0)when I even
1326 thought about the SOTP I thought °oh↓°
1327 (0.8) I have been told about (0.5) off
1328 other people what (1.5) what it is
1329 like you are sat in there and what they
1330 say and everyone tells you what the crime=
1331 **Sarah:** =yeah::=

1332 **Lance:** --and people have told me about some of
1333 the stuff that other people have said↑ and
1334 (1.0) I don't think I could take it=
1335 **Sarah:** =no:=

1336 **Lance:** =like when people tell the group what they
1337 have done to children and that and that
1338 would make me really angry
1339 (3.0)

Initially, the researcher requests the speaker to construct an account for his 'motivations' to partake in treatment. The speaker constructs an account (lines 1297-1299) for the loss

of incentives and earned privileges (also known as enhancements) that prisoners will face if they do not take part in treatment; this was further supported in other interviews within this research and a small body of literature (c.f. chapter four). HMPS would argue that a lot of what offenders say about the system is a specific perspective which is not necessarily accurate, and indeed would argue that it takes more than non-compliance with treatment to lose enhancements, but the approach taken within this research is not designed to out the ‘truth.’ As outlined in chapter five the relativist approach does not take one account as ‘truth’ instead it treats everyone’s account as equally valid (Edwards, Ashmore and Potter 1995) and pays particular attention to the action of these accounts.

The speaker works up this account around the oppositional categories of ‘us and them’. This enables the speaker to maintain an identity that sets him apart from that of the institution, this is particularly evident for instance in line 1298 where he categorises psychology as ‘they’.

In lines 1315-1317, the researcher requests the speaker to construct an account for participating in treatment if it did not result in any form of incentive or earned privileges. Initially, the speaker formulates an account based on uncertainty where he states ‘I don’t know’ in response to the researcher’s question. As discussed in chapter four the refusal of treatment (as oriented to by participants in this research and also a small body of literature) is not considered favourably by HMPS and the use of a discursive device such as ‘I don’t know’ is a technique that enables the speaker to manage or minimise his stake or interest within the topic of the interaction (Edwards and Potter 2005). The speaker continues by upgrading from ‘...probably not...’ to ‘...I wouldn’t, no...’ (line 1321) when attending to his non participation in treatment.

Throughout the speaker’s turn in lines 1324-1330 delays in speech are worked into his account which orients him to interactional difficulty. This is further supported through the speaker’s construction of ‘institutional hearsay’ (similar to extract two) where he states ‘...I have been told about...’ (line 1327) that treatment in a group setting would comprise of a mixed group of offenders which would include those who have committed offences against children which the speaker problematises in line 1334. More recently the discourse surrounding the treatment of rapists as a separate entity has developed. Participants within this research have constructed the mix of offences within the SOTP group setting as problematic, echoing the sentiments of Eccleston and Owen (2007) who

have argued that that the mixing of adult rapists with other sexual offenders such as child sex offenders may result in facilitators overlooking effective treatment needs for all concerned. By the speaker orienting his account to child sex offences it enables him to construct a case for morality. He achieves this by drawing upon the wider institutional discourse which surrounds the hierarchy of power. As discussed in chapter four, the paedophile remains at the bottom of the hierarchy of power but this time with the adult acquaintance rapists at the apex epitomising hegemonic masculinity (Waldrum 2007). This is reformulated by the speaker where he works up an account which implies the category of convicted adult rapist is more desirable than that of someone who has committed offences against children, particularly where he articulates his disgust for child sex offenders in lines 1336-1338.

This section has considered the wider influences of the institution by drawing attention to the impact of the prison environment and the way in which treatment permeates this to influence the talk of those who have not even been through treatment. In doing so, this section has drawn attention to the problematic nature of 'institutional hearsay' and its impact upon talk but has also extended the debate surround the treatment of mixed offender groups.

'Institutional' Demands and Reported 'Motivations'

This next section presents three extracts which extend the discussion upon 'institutional demands' and the reported 'motivations' of offenders to participate in treatment.

Richard, aged 23, was charged and convicted with the rape of a 'work acquaintance'. He had served approximately seven months of a three year sentence (18 months of which is to be served on licence in the community). Richard had not participated in any form of treatment at the time of interview.

Extract Four

774 **Sarah:** [lines omitted] I ↑just wanted to ask you
775 >whilst we were talking about this< about
776 treat:ment↓ and about what programmes
777 (0.2) you:'ve taken part in (.) and would
778 want to take part in (.)
779 **Richard:** -°hmm-huh°-

780 **Sarah:** (.) and also kind of trying to think
781 about how that fits in with (0.5)we have
782 talked about this guilty-not guilty .hh
783 and how it all kind of fits in with ↑that
784 really-so: if you want to say to begin
785 with what you have done (.)or what you
786 want to do.

787 **Richard:**.hh I:: haven't >done any treatment yet<
788 **Sarah:** =yeah ok

789 **Richard:**(0.7) I'm (0.2)quietly looking forward to
790 the:(0.3) battle with psychology
791 obviously put >°inverted commas round that
792 because it makes it look better in the
793 type up< but erm° (1.0) NO I mean I:: have
794 had no contact with psych-I mean the
795 normal(1.0) meeting with somebody and
796 filled out a form at the start=

797 **Sarah:** =yep

798 **Richard:**(0.8)erm haven't heard from them since
799 I was recommended to go on an APAS course
800 I believe (0.8) .hhh in my: personal
801 officer has got me down for a: SOTP (0.9)
802 either a >Core course, or a Rolling
803 course< .hhh I::: (hhhhh) my opinions on
804 treatment are interesting because
805 (1.5)they are made without a lot of
806 information, we are not given any
807 information about our treatment=

808 **Sarah:** =right ok=

809 **Richard:**=which is .hhh ↑UNderstandable for most
810 cases but (1.5) I'd: quite like to know
811 bits and pieces because .hh from: long
812 conversations with people who are doing
813 SOTPs (1.0) .hh it seems an interesting
814 (.) an interesting prospect-I must say I
815 am not looking forward to it, I would much
816 rather I didn't do them because .hh in a
817 way (1.0)oh yes I am guilty of a sex crime
818 BUT I don't see how SOTP in any way could
819 benefit me given the situations of my

820 offence (0.3) But I doubt that will be
821 looked at and >doubt that will be taken
822 into consideration< so .hhh there is a
823 slight amount of trepidation (0.7) with
824 courses (.) bu:t (0.5) °if I° have to do
825 them I have to do them otherwise
826 probation get to slap a great big no:↑ on
827 me

In lines 774-786, the researcher requests the speaker to account for his participation in treatment. The construction of the researcher's question orients to the problematic formulation of the speaker's offence account as attended to in chapters eight and nine. The speaker provides a short response (line 787) for having not participated in treatment at this juncture; with encouragement from the researcher (line 788), the speaker continues with a formulation that is explicit in the 'us and them' construction which separates himself from the psychology department by stating '0.7 I'm 0.2 quietly looking forward to the battle 0.3 with psychology...' (lines 789-790). However, the level of sophistication (for instance, compared with extract three) which this speaker undertakes in creating such a construction is immense, particularly in lines 791-793 where he makes direct reference to the transcript and how this interaction should be typed up. This orientation is unusual; often participants will make reference to recording devices (Speer and Hutchby 2008) but not to the formatting of transcripts. This could be considered as a self sanctioning technique which enables the speaker to keep what is said in check (and to be explicit in this) whilst attending to the highly consequential nature of the environment in which he resides in. To elaborate, it could be argued that there is an expectation placed upon offenders by the institution (including the prison itself, parole board and probation) to act and talk in a certain way which this thesis considers as 'institutional demands'. These demands take on even more significance for those offenders whom are in receipt of indeterminate sentences and are working towards parole. Typically, those who are faced by these 'institutional demands' often demonstrate a motivation to engage in all aspects of prison life but mainly with sentence plans and thus treatment.

In lines 799-803 the speaker demonstrates a familiarity with his sentence plan by working up an account of what is expected of him in regards to participation in

treatment programmes. However, the speaker continues by shifting his account from what is expected of him by his probation officer to constructing an account of his own 'thoughts' on the matter where he states '...my opinions on treatment are interesting because (1.5) they are made without a lot of information, we are not given any information about our treatment which is understandable for most cases...' (lines 803-807). The incorporation of a 1.5 second pause on line 805 enables the speaker to attend to some form of interactional difficulty that he may be having; in this case it enables him to attend to the controversy of the 'thoughts' he is presenting and a view that is not in line with that of the establishment. This sequence also enables the speaker to distinguish himself from the 'most cases' that he refers to, thus, which enables him to construct an identity which is different to all those other prisoners but it also allows him to reinforce his earlier offence account of being something 'out of the ordinary'.

Similar to extracts two and three, the speaker demonstrates (lines 811-813) the way in which 'institutional hearsay' permeates through the prison environment, impacting upon the accounts of those offenders who have not taken part in any form of treatment. The speaker continues by working up an account for not wanting to participate in treatment (lines 815-816) which is further substantiated in lines 817-819 where he states '...oh yes I am guilty of a sex crime but I don't see how SOTP could benefit me in any way...' Of interest, is the construction of a guilty admission (as stated earlier and in chapters eight and nine, the speaker constructs an offence account of not remembering what happened) but also what could be construed as identity work, that this speaker is different from those 'other' offenders as he is therefore exempt from the 'benefits' of the Sex Offender Treatment Programme which in lines 819-820 he attributes to the '...situations of my offence...''

The speaker completes his turn by attending to the pragmatic institutional 'motivation' of needing to participate in treatment in order to satisfy the demands placed upon him by his probation officer by stating '...but if I have to do them, I have to do them otherwise probation get to slap a great big 'no' on me' (lines 824-827). This type of construction is reminiscent of forensic psychological research which found that 7% of offenders in their study took part in treatment as they felt they had no option but to do the course if they wanted a chance to leave prison (Beech et al 2005, p.38).

This next extract has been chosen as it demonstrates a more explicit report of 'motivations' for treatment.

Andrew, aged 44, was charged and convicted with two counts of rape (plus two other offences) against his 'partner'. He had served approximately three years of an IPP sentence at the time of interview and had completed the CALM course and was in the process of undertaking the HRP.

Extract Five

912 have got to be (bangs table) 100% dead
913 that you have done this before You can
914 start moving on .hh because if you leave
915 that 1% out there is something there that
916 is always going to be at the back of your
917 mind and it is going to drag and it is
918 going to pull you down (0.6) and you have
919 got to be 100% clear that this is what
920 you want to do (0.6) before you do it

In lines 882-886, the speaker initiates his turn with an account of treatment programmes that 'they' (psychology) want him to do. The speaker sets up an account that utilizes the general oppositional categories of 'us and them' enabling him to construct a separation of himself from the establishment. He continues by constructing 'compliance' through the engagement with his sentence plan by stating '...I have said to them whatever courses they have got in here for the time I am here, I'll do them...' (lines 887-890). It could be argued, that by the speaker constructing an account for participating in programmes whilst in prison only, that 'reformation' could be heard as being a process that is time limited rather than an ongoing process. The speaker makes further attempts in lines 890-891 to reinforce his willingness to engage in treatment and quash any concerns that might be held by the institution that he could be participating in treatment for the wrong reasons and indeed participating in a process of 'talking the talk.' This could be considered as an example of 'stake inoculation' (Potter 1996a) a device utilised when a speaker anticipates that their account will be undermined.

In lines 892-895 the researcher's question is structured in a way which implies that the speaker had already pre empted her next question. He continues by working up an account of his 'motivations' for participating in treatment. He constructs an account for his participation in treatment that draws upon a discourse of 'learning'. By working up an account for being able to pass on the learnt knowledge to others not only points to the wider benefits of treatment but it also enables the speaker to demonstrate 'altruism' (similar to extract one) by the implication a selfless concern for the welfare of others. This enables the speaker to construct an identity of someone who is willing to engage with the rehabilitative ethos of HMP Whatton. One would expect that the ultimate goal of treatment and for those who participate in treatment that they would do so in order to

not reoffend again, however, in this instance, the speaker's 'motivation' for treatment does not at any point reference his offence, his desire not to do it again but instead is systematically vague in its construction of learning.

The shift in footing within this interaction is noteworthy. Initially in lines 882-891 where the speaker is building up an account of the courses that psychology want him to do, he constructs his account in the first person '...I'm to do the SOTP...' (line 882). From line 897 to the completion of the speaker's turn, there is a shift in footing from 'I' to 'you'. In lines 897-901 this shift in footing enables a displacement in ownership to what is being said, so much so, it could therefore be argued that these reported 'motivations' are instead heard as someone else's account. Between lines 904-918 this shift in footing enables the speaker to do advice giving upon the prerequisites for successful engagement with treatment.

In lines 908-911 the speaker works up his second person, advice giving construction by drawing upon the wider psychological discourse of 'treatment speak' that was also evidenced in extract two where he states '...the first time you try to minimise just the slightest 1% of it (1.5) you are not going to get anything out of it...' However, this construction of 'minimisation' is utilized in a different way to that of extract two, previously, through the use of reported speech and the role of 'institutional hearsay' the speaker was able to disclaim that his account was doing 'minimisation.' In this extract, the speaker works up this account of 'minimisation' in order to subtly qualify why he is someone who has not yet participated in treatment.

This is further substantiated where the speaker completes his turn in lines 911-920 by working up an account for not taking part in treatment that draws upon 'category bound activities' where 'Y do X' (Sacks 1995); so those offenders that go through treatment do not 'minimise' their offence. The flipside of this being if an offender does 'minimise' his offence then treatment at this juncture is perhaps not for them, which is where this speaker situates his account.

In this next extract and unlike the other participants in this research, this speaker, aged 42, is maintaining his innocence for the offence he is currently serving a life sentence for. The speaker had previously been found guilty and convicted of raping a ten year old girl. He had pleaded guilty for this offence at the time of going to court. During this time he undertook the SOTP at a different establishment to HMP Whatton. In the initial

stages of the interaction the speaker reports that after being sentenced most recently, the Home Office and Her Majesty's Prison had lost all previous information upon him including information from the treatment programmes that he had participated in. His reported 'motivations' for taking part in treatment are explicitly constructed in terms of managing risk factors.

Extract Six

1352 **Sarah:** .hh now in terms of SOTP:: (1.0) how, how
1353 did you come to do that again-is it
1354 because purely they didn't have any record
1355 of you doing it before:↑ or::=
1356 **Connor:** =right heh=
1357 **Sarah:** =was there a decision that you↑ ↓know=
1358 **Connor:** =with everything that has gone on, I got
1359 the solicitor and I got them to force
1360 through what they call a paper review↑
1361 (1.0) now a paper review is almost like a
1362 progress thing for the parole board, three
1363 years before your tariff expires you are
1364 supposed to get it and (1.2) that was the
1365 reason I got the solicitors (1.4)because I
1366 had gone way past that .hh so I actually
1367 got the paper review two years before my
1368 tariff expires which is now next year
1369 (0.8) an:d I put it to the parole board
1370 basically you know (1.5) obviously, I have
1371 got a criminal record and I have committed
1372 a >sex offence in the past< but I haven't
1373 committed this offence and I am
1374 maintaining my innocence and that is
1375 something that can never change because
1376 (0.8) I↑ ↓didn't commit the offence so
1377 bearing that in mind, I asked them, how
1378 can I now progress on and lower my risk
1379 (0.5) an:d: I got the paper review
1380 obviously from the parole board and that
1381 came back an:d in the paper review it
1382 said↓ .hh for me to address my risk
1383 factors (0.4) which was on the

1384 sentence plan which was what I had done
1385 (h)my (h)self(.)the drink, the drugs, the
1386 relationships I had already done th↓at
1387 .hhh(0.5)they said erm to do the CALM
1388 course,well I have just completed that as
1389 well (0.6).h and they said to do the SOT-
1390 and they accept that I am maintaining my
1391 innocence for this offence .h (0.6) but I
1392 should look at doing the SOTP on my
1393 previous admitted offence erm: .h (1.1) I
1394 must admit I was still a bit reluctant to
1395 do that (0.3)obviously I have got in mind
1396 the SOTP that I have done in the first
1397 place and how that was to attack the:
1398 (0.7) the person and make them fee:l or
1399 >belittle< them .hh (1.8)and I couldn't
1400 get past the idea (0.8)that I would have
1401 to do an offender behaviour programme on
1402 an offence I have committed but I am in
1403 jail for another offence (0.7) and if I am
1404 to do the offender behaviour programme on
1405 that offence, how is that going to relate
1406 to the current conviction (.).hh and I
1407 couldn't see how that would work .h ↑but I
1408 mean I don't see it as (0.7) that way
1409 entirely now, I mean >I am looking at
1410 this because now I can show< .hh that how
1411 I am aware of my risk factors and how I
1412 deal with these risk factors and how my
1413 thought processes were and how they are
1414 now↑ .hh and it had shown that I have got
1415 that ability so that is going to help to
1416 lower the risk but I can never address the
1417 allegation that I am in prison for
1418 (0.6)°but° I can address who I am and show
1419 things like the CA:LM course and=

In lines 1352-1357, the researcher requests the speaker to account for having to redo the SOTP particularly in light of the speaker maintaining his innocence and having

previously completed the course. The speaker's talk is tagged onto the researcher's in line 1358 which closes down her turn enabling him to structure his narrative which could be heard as a technique to attend to the issues prioritised by himself.

Within this extract the speaker 'does' knowledge; he is speaking from a category of knowledge and entitlement of the criminal justice system. This is demonstrated between lines 1361-1364 where the speaker explains to the researcher what a 'paper review' (line 1361) is. He continues by working up an offence related account that attends to the construction of 'innocence' in lines 1372-1377. He achieves this by constructing an account of guilt for his previous offence (lines 1370-1372) in contrast to the absence of guilt for the current offence that he has been convicted of. By the speaker working up his claims of guilt for rape of a child, which (as outlined in chapter four) sits at the bottom of the hierarchy of power, enables the speaker to reinforce his claims of innocence for an offence that is situated at the apex (Waldrum 2007); all of which enables the speaker to manage his 'innocent' identity more effectively.

Between lines 1377-1383 the speaker orients his account to the wider discourse of the 'new penology' (c.f. chapter four) and the management of risk. Therefore, this sentiment is reflected in the discourse of treatment which the speaker draws upon when explicitly identifying his risk factors in lines 1385-1386 to be drink, drugs and relationships. In lines 1410-1414 the speaker orients his account back to the management of risk where he works up an account for the demands that are placed upon him, in this instance, by the parole board in order to demonstrate a reduction in risk. He does this by utilizing narrative reflexivity (Auburn 2005) in lines 1410-1414 when the speaker states '...I can show that now I am aware of my risk factors and how I deal with these risk factors and how my thought processes were...' In doing this, it enables the speaker to structure an account that presents old self versus new 'reformed' self. All of which enables the speaker to construct a reformed self who is taking responsibility for his previous actions.

This section has considered the way in which the expectations placed upon offenders by the institution (including the prison itself, parole board and probation) to behave in a certain way manifests itself within talk. This thesis has categorised these as 'institutional demands'. These demands take on even more significance for those offenders whom are in receipt of indeterminate sentences, such as IPPs, and are working towards parole. Typically, those who are faced by these 'institutional demands' often demonstrate a

motivation to engage in all aspects of prison life but mainly with sentence plans and thus treatment. Reported 'motivations' for treatment in the main explicitly and inexplicitly adhere to this need to demonstrate willing accompanied by a reduction in risk.

Victim Empathy

As highlighted in chapter four the promotion of victim empathy is a core component of the Sex Offender Treatment Programme. Research conducted by Beech et al. (2005) suggested that offenders who had participated in treatment, when asked to identify a significant area of the course the majority chose the victim empathy work. Beech et al. (2005) argued that this seemed to have a powerful impact on many offenders in that they had changed their attitude towards their victims by enabling them to see things from the victim's perspective. This next section will consider the interactional orientation to 'treatment speak' by offenders particularly in relation to the notion of victim empathy.

Kevin, aged 45, was charged and convicted of rape (six offences in total including an indecent assault) against a ‘prostitute’ that he was acquainted with. He had served approximately nine years of a life sentence at the time of interview (he has previously served twelve years for a mixture of sexual and non-sexual offences) and at this juncture had participated in Core SOTP, Extended SOTP, BLB and ETS.

Extract Seven

1132 was the prostitute we use that .hh where
1133 she was (2.0) she has got a kid (1.7) her
1134 friends are at a party .h a kids birthday
1135 party and somebody has give that kid a
1136 water pistol as a gun and that has ↑gave
1137 her flashbacks to what (.)I done to her
1138 (0.5) she has took the kid (0.5) the thing
1139 off the kid (0.6) the kid has started
1140 cry:ing, he doesn't know (0.4) the people
1141 who brought the present (0.5)their
1142 understanding and you start to get °this
1143 ripple effect° .h (0.6) and it's (1.7) not
1144 until you learn and start thinking and
1145 putting your↑self in other peoples' shoes
1146 just what is happening (0.5) and the other
1147 thing that kicked home was .hhh (2.0) >I
1148 have had traumatic things that have
1149 happened to me as a kid< (0.5) and I still
1150 have problems with them nowadays (0.5)
1151 [lines omitted]

In this extract the researcher requests the speaker to account for the verbal reactions of his victim during the offence (lines 1115-1116). He initially formulates an account based upon 'memory recall' where he states '...not a lot from what I remember...' (line 1118); the speaker employs strategies of narrative reflexivity in order to correct this to what he knows now. More succinctly, Auburn (2005) argues that "this is a device which shifts the focus of the narrative from the sequence of past events to the current context of the telling itself" (p.697). In utilising narrative reflexivity the speaker is also able to draw upon skills learnt through treatment by 'doing' victim empathy through reflection demonstrated in lines 1119-1120 '...looking back now she was scared (0.5) out her wits'. This type of formulation is repeated in lines 1120-1121 where he produces another reflective account through the use of active voicing in order to account for the thoughts internal to his victim '...looking back on it now you know how am I going to survive this...' (lines 1222-1123). Through the construction of victim empathy the speaker is able to produce an account which is not only treatment focused but one which enables him to demonstrates the effects of successful treatment and thus present an identity of 'reformed' self.

Again by utilizing reflexivity in his narrative the speaker orients his account back to the time of his offence where there was an absence of empathy for his victim; ‘...at the time there are no thoughts on the victim...’ (1126-1127). Furthermore, this could be heard as a general statement which accounts for how all sex offenders feel. This could be heard in two ways, firstly as a device that distances the speaker from his account or alternatively one which demonstrates his expert knowledge. He continues by constructing an ‘understanding’ of such matters as a direct result of treatment (lines 1127-1128). The speaker accounts for the ‘ripple effect’ that his offending behaviour would have had on those around; initially making claims ‘...it is what I call the ripple effect...’ (1129-1130). He continues by performing a self-repair in order to accredit his new found language, his ‘treatment speak’ to the courses he had taken part in ‘...it is what I call the ripple effect or the courses do...’. Spencer (1999) describes how the victim empathy element of treatment has indeed been “widened to include the ripple effect: the effect on secondary groups, such as the family and friends of the victim, who share in the pain and trauma” (p.90). Between lines 1128-1137 the speaker orients his account to a role-play (one of the techniques used in group work) thus enabling him to draw upon an example to explain and demonstrate an ‘understanding’ of ‘treatment speak’. Of interest, the speaker’s construction of victim empathy and the impact his actions has had on others does not orient to the sexual element of his crime but instead to the use of a weapon during the offence.

In line 1144, the speaker orients his account back to ‘learning’ which could be ‘heard’ as the learning associated with participation on treatment. This is achieved through the speaker’s construction of ‘perspective taking’ (as part of the work done on victim empathy, offenders are required to work upon perspective taking skills) by the utilisation of the idiomatic expression of ‘put yourself in other peoples’ shoes’. This enables the speaker to demonstrate his competency in ‘doing’ victim empathy. Typically, idiomatic expressions are used in order to close an interaction or to facilitate a shift in topic and because of their vagueness they are difficult to challenge and so are often used if the speaker is accounting for something that may be heard as ‘unpopular’ (Drew and Holt 1989). The expression to ‘put yourself in someone else’s shoe’s would typically be used as a means to promote and explain empathy in childhood but is increasingly being used in business, religion and in this instance psychology, thus demonstrating its cultural currency. In the context of this interaction, this idiomatic

expression has been used as a means to teach offenders about the term 'victim empathy' and indeed the reformulation of this enables the speaker to work up his treated identity.

The speaker continues, having worked up an account for the 'ripple effect' of his actions on, in this case, the child of his victim. In lines 1446-1450 he orients this to the 'traumatic things that have happened to me as a kid' (lines 1147-1149). In doing this, it could be argued that the speaker is indeed 'talking the talking' but perhaps not 'walking the walk'; the speaker can describe victim empathy but is struggling in its application. Often children who were abused find it difficult to 'do' empathy as adults (Simons, Wurtele and Heil 2002). This next extract furthers this discussion upon treated offenders' orientation to the construction of victim empathy.

Watson, aged 43, was charged and convicted of four counts of rape (thirteen offences in total), one of which was committed against a 'friend'; the other three counts of rape were committed against 'prostitutes'. At the time of the interview Watson had served 24 years of a life sentence. He had participated in a number of treatment programmes including Core SOTP, Extended SOTP and CSB.

Extract Eight

09 **Watson:** I was::: (0.3) in .hh convicted in October
10 1987(.) I was remanded in 19 in May.hh 8 (0.6)
11 86 erm (0.8) from: the remand I was in (name
12 of prison) (0.5) (name of prison), (name of
13 prison) that was my remand period. When I
14 was convicted I went into (name of prison)
15 .hh and from the (name of prison), to (name of
16 prison) hh from (name of prison) to (name of
17 prison) hh .hh then I done (name of prison),
18 (name of prison) and then I went to (name of
19 prison) (1.0) .hh then from (name of prison) I
20 went to::: (name of prison) to do the SOTP
21 .hhh from (name of prison) I went and done
22 the::: extended programme and HSF .hh in (name
23 of prison) hh .hh followed by the (0.5)
24 booster .hh hh SOTP booster which was done at
25 (name of prison) .hh at that time and then
26 from (name of prison) due to a conflict of
27 interest with my: (0.5) a family member who

28 knows an officer there so I was moved to (name
29 of prison) and then I went to (name of
30 prison), then up to .hhh (name of prison) and
31 then back to do the CSB course now .hh

32 **Sarah:** So you have moved round [A lot heh heh
33]

34 **Watson:** [So I have been
35 around]

36 I hope that's not filled your tape heh heh

37 **Sarah:** Yeah:: [heh heh]

38 **Watson:** [heh heh]

39 **Sarah:** Erm so↑ are there any of thos:e that stand
40 out-so either for being go↑od or for being
41 (0.3) not so good?

42 **Watson:** E:: I think (2.5) the place where I st-I
43 started seeing my life was (name of prison),
44 where I seen a change and accepted
45 responsibility and started looking at my
46 crim:e and came out of denial and all that lot
47 so that was (name of prison) and that was a
48 big change for me because it made me see .hhh
49 the damage that I had done to others and look
50 deeply into things then, so that was then=

51 **Sarah:** =So why do you think that change occurred
52 then?

53 **Watson:** E:: (2.0)hhh change of-change of environment
54 e:: (1.2) comfortable e: (0.3) hh hearing .hh
55 just looking at myself with depth to see the
56 damage that I had done and how that would
57 affect me .hh if that happened to my sisters
58 and my nieces and all that lot and that is
59 what made me change and I started doing the
60 courses and all that lot to see the damage of
61 victims .hhh what I done to my victims hhh and
62 not looked at before and got away, pushed it
63 away, it was like putting a rucksack on my
64 back and just carrying that about (.) and not
65 looking at that and it was really just .hh hh
66 (1.2) in denial of it really, not accepting it
67 .hhh and when I did accept it that is when the

In lines 9-31, the speaker initially accounts for the 21 prisons he has been in during the last 24 years of his sentence. It could be heard that between lines 32-38 the speaker and researcher incorporate humour in an attempt to 'make light' of the sheer number of prisons the speaker has been in. This is marked by laughter in lines 32, 37-38 but also the speaker's utterance in line 36 where he states 'I hope that's not filled your tape' which is followed by laughter. In lines 34-35, the speaker reformulates the researcher's utterance from 'so you have moved round' (line 32) to 'so I have been around'. Such an utterance could be heard as 'doing' sexual undertones, however, by the relative ease in which the interaction continues, it could be argued that within this interactional context it was not 'heard' in this way.

In lines 39-41, the researcher asks the speaker to construct an account based upon his 'opinion' of the prisons that he has been to. The speaker does not explicitly attend to the researcher's question but instead formulates an account (in lines 42-50) which marks his 'coming out' of denial which is constructed in terms of 'change' and the 'acceptance of responsibility' (lines 44-45). Similar to the previous extract, the speaker is able to construct the 'treatment speak' of the discourse that surrounds victim empathy by stating '...that was a big change for me because it made me see the damage that I had done to others and look deeply into things...' (lines 48-50).

The researcher requests an account (lines 51-52) for the 'change' that the speaker constructed in his previous turn. Similar to extract seven, the speaker works up an account that orients him to 'perspective taking' where he states in lines 40-41 '...just looking at myself with depth to see the damage that I had done and how that would affect me if that happened to my sisters, my nieces and all that lot...' (lines 55-58). This construction also enables the speaker to attend to the highly gendered nature of his crimes through the formulation of a three part list of his female relatives. It could be argued that this list sexualises the speaker's sister and nieces particularly if possible absentees are being considered from the list such as his partner or even victims. However, the list is more representative of the speaker being 17 years of age when he was convicted and is also perhaps reflective of the techniques deployed in treatment to teach offenders about empathy.

The speaker continues to work up his account of victim empathy and in lines 63-64 he draws upon what could be heard as a 'treatment influenced' analogy that enables him to account for 'denial'; '...it was like putting a rucksack on my back and just carrying that about...' Analogies are often used in talk in order to simplify the information that the speaker is trying to present, by reconstructing it and presenting it as something else ; something that those listening and in this context, those who are not sex offenders can relate to. Within this extract this enables the speaker to not only present a treatment influenced account but to demonstrate a 'reformed' self, who is no longer in denial, accepts full responsibility for his crime and can now construct an 'understanding' of the damage he has caused his victims. To all intents and purposes, this speaker is 'talking the talk'.

This next extract considers more specifically the incorporation of 'treatment speak' including the 'doing' of victim empathy in the participant's offence account.

Martin, aged 41, was charged and convicted of rape (attempted rape and witness intimidation) against his 'wife'. At the time of interview, Martin had served approximately four years of an IPP sentence, and had taken part in Rolling SOTP, ETS and HRP.

Extract Nine

773 know, how dare she fall out with me, how
774 dare she pack me in (0.3) you know, I am
775 perfect, you know, I am all these things
776 (0.5)

777 **Sarah:** And how did that link with the rape do
778 you think?

779 **Martin:** .hh (1.8) er(hh)m (5.0) I think (1.0) by
780 blaming he::r (1.5) it made it easier to
781 offend (1.5) if I am being-yeah because I-
782 you know, by me saying°that's right°-by
783 me blaming her (3.0) it's me not taking
784 responsibility for what I have done (1.0)
785 and it gave me the justification for why-
786 for for raping her you know-she-this
787 person hadn't done anything wrong but in
788 my eyes she had done everything wrong
789 because she was the one that ended the
790 relationship .hh and in any arguments she
791 was the one who had caused the arguments
792 and all these things, all these little
793 build ups (1.0) was all (.) blame that I
794 didn't see that it were levelled at me
795 (0.7) and again all these things (0.3) as
796 well as what was going on gave me the
797 right to to rape her.

Initially, the researcher formulates a question that is constructed as scripted where she states ‘...this question is...’ (line 759). This does two things; firstly it could demonstrate that the researcher is unfamiliar with the interview schedule where the significant pauses of three seconds in line 757 and of one second in line 759 could be considered as a technique that is employed in order to buy more time whilst she decides/finds what question to ask especially when this is accompanied by the shuffling of papers in line 758. However, it could also be understood as a form of interactional trouble and as a discursive technique which enables the researcher to distance herself from the question that is being asked; again the delays in speech on lines 759 further supports this assertion. The researcher is conducting a feminist piece of research that problematises

the subscription to rape myths, including victim blaming, which can account for her restoration to the script; it was the script asking and not her.

Similar to extract seven the speaker formulates an account which utilizes the device of 'narrative reflexivity' (Auburn 2005) in order to shift the focus of his account from the past where he did blame his victim, to one of the future where he is able to draw upon the 'treatment speak' of 'victim empathy' as a resource. This is achieved in lines 762-763 after the speaker is asked by the researcher if he blamed his victim; '...at the point (0.4) I would have said so yeah...' In lines 764, the researcher orients the speaker's account to the time of his offence; here he works up his account that draws upon the dominant rape myth discourse of 'victim blaming' which he links to the wider psychological discourse by labelling it as 'blame transferral' in line 768. In doing this, it could be argued that the speaker is doing 'reformed' by demonstrating an insight into his 'risk factors' which led up to him committing his offences.

Similar to some of accounts in the previous chapter, this type of subscription to rape myths enables the speaker to construct a justification for his offending behaviour. This is made explicit in lines 779-780 where the speaker states '...(5.0) I think (1.) by blaming her (1.5) it made it easier to offend...' The substantial pauses in this turn demonstrate the problematic nature of what the speaker is trying to describe. The speaker continues by utilizing narrative reflexivity in lines 786-788 where he states 'she-this person hadn't done anything wrong but in my eyes she had done everything wrong...' Through the construction of an extreme case formulation (*everything*) the speaker is able to work up his 'old me' subscription to victim blaming rape myths. Subsequently, through the use of narrative reflexivity and the construction of an extreme case formulation the speaker is able to demonstrate a dramatic shift in his 'thinking' from the time of his offence to the time of the interview. Reflective accounts such as these, enable the speaker to do 'reformed' particularly through the construction of 'old me' accounts versus 'new me' accounts. In this utterance, the speaker self-repairs his construction of his victim from 'she' to 'this person' which could be heard as downplaying the gendered nature of his crime. Alternatively, the self-repair could be in response to the way in which the researcher's question was constructed in line 760. The speaker's use of the phrase 'in my eyes' is another device which enables him to take ownership of what he is saying and also implies that he was perhaps alone in this understanding. The speaker completes his turn by drawing upon the victim blaming rape myth in order to work up an account

which enables him to justify his offending behaviour and shift the blame from himself and onto his victim.

This section has considered further the way in which treatment can impact upon the talk of convicted adult rapists. More specifically, the interactional orientation to 'treatment speak' by offenders, particularly in relation to the notion of victim empathy has been considered. It was found that it was typical for treated offenders to utilize the discursive technique of 'narrative reflexivity' which enabled the speakers to shift the focus of their narrative from the past to the present, in treatment terms, it enabled offenders to demonstrate a shift from 'old me' to 'new me' which ultimately led to the working up of an account which demonstrated reformation. 'Victim empathy' was achieved through the construction of perspective taking, the incorporation of 'treatment speak' which included the use of terms taken directly from treatment such as 'ripple effect', 'blame transferral' and the transportation of the 'rucksack' of issues. The construction of these terms enabled participants to indeed demonstrate that they were talking the talk' but are they 'walking the walk'?

The Impact of Treatment

This final section considers the differing impact that treatment has had upon the accounts of two offenders who have both participated in treatment.

Brian, aged 52, was charged and convicted with rape of his 'ex girlfriend'. Brian was in receipt of an IPP sentence and had just completed the adapted SOTP.

Extract Ten

661 **Brian:** Yeah I just finished that today.
662 **Sarah:** How was that?
663 **Brian:** It learnt me a lot
664 **Sarah:** Yeah↑=
665 **Brian:** =it learnt me a very lot yeah because I
666 tell you °I am having trouble
667 on the wing° (0.5) and that-this is the
668 way it learn me °I am having trouble on
669 the wing° before (clicks fingers) I would
670 flip just like that but I went to the
671 officer to sort it out, I have learnt
672 (0.3) you know (0.8) °you know what I
673 mean° so it learnt me a lot you know
674 (0.7) hmm finished today
675 (0.8)
676 **Sarah:** And what other things did you learn:n?
677 **Brian:** Pardon=
678 **Sarah:** =What else did you learn whilst you were
679 on the course?
680 **Brian:** Oh I learnt a lot, I learnt a lot of
681 things (0.7)loads of things .hh I learnt
682 to keep out of trouble and I learnt about
683 problems and when to see people (1.0) you
684 know a lot of things.
685 **Sarah:** And what about in terms of the offence,
686 What did you learn:n about that?
687 **Brian:** Oh the sex offence=
688 **Sarah:** =Yeah↓
689 (3.0)
690 **Brian:** Not to do it again heh not to do it again,
691 and won't commit (0.5), to commit it again
692 you know, I learnt a lot (1.5)it learnt me
693 a lot (2.0)I am very pleased to do it you
694 know
695 (2.5)

The researcher requests the speaker to account for the treatment programmes he has participated in. He initially demonstrates a difficulty in hearing (pardon - 652) which is replaced with a difficulty in understanding (treatment - 654). In lines 655-656 the

researcher provides the speaker with examples in order to assist the interactional trouble that the speaker has demonstrated. He goes on to construct an account of SOTP that is based upon learning. The account he constructs between lines 663-674 does not reference his offending behaviour (this is reminiscent of the other extracts considered from this speaker – particularly in chapter nine) instead he works up an account of being able to manage his anger which is more reminiscent of the Controlling Anger and Learning to Manage it (CALM) course. The speaker achieves this (in lines 669-671) by employing narrative reflexivity where he presents two scenarios; past and present. So far the speaker has constructed a turn which is systematically vague; to some extent he understands the premise of treatment but does not quite articulate it in the way the other participants in this research have. The speaker works up an account for having learnt how to keep out of trouble in prison, however, he fails to extend this to outside of the institutional context, i.e. in relation to not reoffending upon his release from prison.

The researcher recognises the lack of an offence related account and reformulates her question. The speaker responds by repeating his earlier turn and constructing an account of learning, keeping out of trouble and solving problems as a prisoner in a prison environment. As already highlighted the speaker does not extend his understanding any further than that; his constructions are very literal but this perhaps could be considered as a typical characteristic of some of those prisoners who fall under the 'intellectually disabled' definition. Again, the researcher recognises that the speaker has still not attended to her question. In lines 685-686, the researcher reformulates her question in more explicit terms 'and what about in terms of the offence, what did you learn about that?' The speaker constructs his turn in line 687 which could be interpreted as dismissive 'oh the sex offence' or as 'remembering' as to why he is in prison. Between lines 690-694, the speaker constructs an account that draws upon the wider discourse of recidivism; he completes his turn by orienting his account back to 'learning.' This extract stands out from the others considered in this chapter and to some extent could be considered as 'deviant' as unlike the other research participants, this speaker does not go to the same lengths to construct an account that does 'reformed' or indeed demonstrate that he is treatment influenced. His attempts to do 'reformed' start and end at 'not to do it again' (line 690); it is apparent that his level of comprehension does not seem as sophisticated as the other participants. This speaker does not (possibly because he cannot) reproduce the 'treatment speak' that has been evidenced in the previous extracts.

This extract perhaps flags up issues with working with some ‘intellectually disabled’ offenders which will be discussed in greater detail in chapter eleven.

Extract Eleven

This final extract is taken from the focus group conducted with Don, Chris, John and Michael.

Don, aged 44, was charged and convicted with three counts of rape against an "acquaintance". He had served approximately twelve years of a life sentence at the time of interview and had participated in a number of treatment programmes including, core SOTP, extended SOTP, BLB and ETS courses.

476 coping with (h)me (h) emotions really=

477 **Sarah:** =So was that from a verbal no that she was

478 giving or::=

The focus within this extract is Don's contribution to the discussion where participants of the focus group had been asked to consider, from their non-offending sexual experiences how they knew when someone did not want to have sex with them. Unlike the previous speaker who constructs a short, systematically vague turn, Don works up an account which is based upon a 'real life' example, yet does not strictly attend to the question that has been asked of the group.

The speaker's turn is marked with significant pauses. His initial pause in lines 453 could be heard as a 'floor holder' the action of which enables the speaker to maintain his turn within the speaking process. Due to the positioning of the other silences within his talk (c.f lines 473 and 475) these are no longer heard as 'floor holders' but instead 'dysfluency markers' (Lennon 1990). These enable the speaker to flag up that a difficult, negative, emotional reflection is to follow.

Throughout both the focus group and interview contexts, this speaker displayed great difficulty in talking about his offence which is marked here by delays within his speech. This is of particular interest as the speaker is someone who has spent many years in prison and has been through many treatment programmes. He would therefore be expected to be well versed in discussing his offending behaviour. Alternatively, this difficulty could be heard as a subtle and sophisticated way of doing 'reformed' by working up an account in this way enables the speaker to construct an identity where he has not normalised his offence account.

The main analytic focus of this extract is the speaker's incorporation of 'treatment speak'; in lines 459 where the speaker refers to 'ruminating' over the breakdown in relationship with his partner and her 'saying no to sex' (line 457), in lines 462-463 where the speaker is explicit in the identification of his risk factors and in lines 468 – 470 where the speaker states '...where the psychology called it you know erm about my entitlement to sex'. The latter highlights the discursive utility of 'treatment speak' and the resources that it provides participants with to reformulate offence accounts. The 'entitlement to sex' thinking that the speaker refers to is in part reminiscent of the rape myth of conjugal rights. Furthermore, the speaker takes on a new level of sophistication whereby he

problematises the ‘new vocabulary’ and its alleged offence related excuse making properties where he states ‘...using my entitlement thinking that I was entitled erm but it was just me looking for an excuse to be, to be angry really...’ (lines 470-473). Therefore, it could be argued that ‘treatment’ simply provides offenders with a more socially desirable, set of psychologised terms that can be drawn upon by offenders in order to justify, excuse and deny offending behaviour; of which this speaker has rejected, thus doing ‘reformed’ at a new level.

Summary

This chapter has considered the ways in which treatment programmes at HMP Whatton have impacted upon the talk of those convicted adult rapists participating with this research.

Literature which argues that offenders are being released due to ‘effective playacting’ in front of the parole board (Cullen and Gendreau 2001) has been considered. Hudson (2005) categorised this as ‘talking the talk’ where offenders would say what they thought treatment facilitators wanted to hear from them rather than what they ‘believed’. Furthermore, Lacombe (2008) argued that those offenders who do indeed ‘talk the talk’ should be considered at a high risk of reoffending. More recently, Harkins, Beech and Goodwill (2010) have found that those who were more ‘motivated’ to partake in treatment were more likely to reoffend. The literature has identified the presence of ‘talking the talk’ amongst offenders and indeed the consequences of this. Through the ‘respecification’ of ‘cognition’ and thus a somewhat different epistemological position (as outlined in chapter five) than the research above, this chapter has considered how ‘talking the talk’ is constructed within interaction and the action of this.

It was found that, although participants sometimes explicitly oriented to the ‘new’ language of treatment within their offence accounts it was more commonplace for ‘treated’ offenders to reconstruct offence accounts where ‘treatment speak’ was embedded. The ‘new’ language is made available through treatment for offenders to use a discursive resource which enabled them to describe, position and make sense of their offending behaviour and in some cases be explicit in doing so. The incorporation of ‘treatment speak’ was particularly evident in the ‘doing’ of victim empathy in a participant’s offence account. This was achieved through the display of perspective taking, the incorporation of ‘treatment speak’ which included the use of terms taken

directly from treatment such as 'ripple effect', 'blame transferral' and the transportation of the 'rucksack' of issues. All of which demonstrates the idiomatic force of 'talking the talk'.

Furthermore, this chapter has demonstrated the way in which 'institutional hearsay' permeates through the institution impacting on the accounts of those offenders who have not taken part in any form of treatment; discursively, for some participants, this was achieved through the construction of reported speech. This chapter has drawn attention to the problematic nature of 'institutional hearsay' and its impact upon talk but has also extended the debate surrounding the treatment of mixed offender groups; the policy implications of which will be discussed in chapter eleven. Expectations placed upon offenders by the institution (including the prison itself, parole board and probation), to behave in a certain way manifests itself within talk. As already highlighted, this thesis has categorised these as 'institutional demands'. These demands took on even more significance for those offenders whom were in receipt of indeterminate sentences and working towards parole. Typically, those who were faced by these 'institutional demands' often demonstrated a motivation to engage in all aspects of prison life but mainly with sentence plans and subsequent treatment programmes. Reported 'motivations' for treatment predominantly attend to a need to demonstrate 'willingness' accompanied by a need to show a reduction in risk.

As the other empirical chapters of this thesis have highlighted, the management of the offender identity is an omnirelevant concern which permeates throughout the offender-participant interactions as an underlying activity. Offenders' identity management practices took three broad forms: those who worked up an account that situates their offence as better than those that were planned and committed by a stranger, those who oriented an account of their offence as being 'better than a child sex offender' and those doing 'reformed.' The latter was more likely in those who had been through treatment and were working towards parole. The implications of which will be discussed in chapter eleven.

Chapter Eleven – Conclusion

This thesis has sought to delineate an often overlooked narrative by the feminist literature. By utilising critical discursive psychology, this thesis has analysed the ways in which ‘rape myths’ and knowledge of sexual consent, coercion and refusal is incorporated into convicted adult rapists’ offence accounts.

The originality of this thesis is situated in the exploration of how identity is ‘actioned’ in the talk of convicted adult rapists. Furthermore, participants’ highly consequential ‘knowledge’ of consent, which to date has been overlooked, has been highlighted. This thesis has also demonstrated the impact that treatment and sentence type has on the talk of convicted adult rapists, which the previous literature and empirical research has failed to address. Moreover, this thesis has demonstrated the contemporaneous nature of the rape myth discourse.

The main findings for each of the research aims will now be summarised.

To explore the ways in which convicted adult rapists construct sexual consent, sexual refusal and sexual coercion

Chapter eight considered the offender-participants’ ‘knowledge’ of consent and sexual refusals and the way in which this was managed in talk. Both ‘knowledge’ of consent within offending behaviour and participants own (non-offending) sexual experiences was considered. Participants demonstrated their ability to ‘hear’ sexual refusals which did not involve the word ‘no’. Furthermore, this was done with particular ease in a focus group setting when discussing non-offending sexual experiences. Within this context, participants demonstrated a sophisticated articulation and appreciation of refusals and negotiations. All of which reinforces their knowledge of the subtle nature of sexual communication.

When attending to offence accounts participants constructed a ‘knowledge’ of consent which took the form of either a historical (such as, conjugal rights) or contemporary (such as, the influence of drugs/alcohol) understanding. It was recognised that this knowledge of consent was taken from the rape myth discourse. Through the construction of consent and the application of this ‘knowledge’ to offence accounts, participants were able to manage a more viable identity.

To examine the ways in which convicted adult rapists draw upon widely shared cultural accounts or 'rape myths' to account for their conduct

Chapter nine considered the ways in which offenders drew on rape myths in order to construct an account of their offence. All of which enabled them to facilitate the management of a particular identity. It was demonstrated that convicted adult rapists already had an established rape myth vocabulary which they drew upon when accounting for their offending behaviour. This enabled participants to justify, deny and minimise their actions. It was demonstrated that offenders employed a variety of rape myths when accounting for their offence in accordance with particular issues of stake and interest. All of which was tied to the management of identity, sentence type and treatment received. Subscription to rape myths was often relatively subtle and was based on offenders' accounts of their mens rea (or lack thereof) or their consumption of drugs and/or alcohol, rather than primarily upon the culpability of the victim as the more historic rape myths might suggest. The utilisation of rape myths enabled participants to construct an account of their offence that facilitated the management of a particular identity either as 'reformed', or in contrast, through the creation of an identity that was considered to be more positive than that of 'convicted rapist'.

Furthermore, it has been documented (Scully and Marolla 1984; Hudson 2005) that in order to manage stigma and thus identity, offenders will often conceal their offence to immediate family. Through the consideration of offence accounts given to family and friends by four participants, it was found that the most striking feature within these accounts is the construction of shared knowledge when 'retelling' the offence account. Here the speakers draw upon parental knowledge/intuition/instinct as a discursive resource which enabled participants to reason why they did not give their parents an 'actual' account of their offence as 'they just knew'. These types of accounts were often accompanied by a working up of the construction of being supported by family members enabling participants to present themselves as more humanistic and likeable than the dominant discourse surrounding sex offenders and their crime suggests. The latter of which strikes resonance with the desistance literature. This highlights the importance of family support in the process of desistance (Sampson and Laub 1993).

To examine the influence the prison (particularly through treatment programmes) has upon the discourse of convicted adult rapists

Chapter ten considered the ways in which treatment programmes at HMP Whatton impacted on the talk of those convicted adult rapists participating in this research.

It was found that, although participants sometimes explicitly oriented to the 'new' language of treatment within their offence accounts it was more commonplace for 'treated' offenders to reconstruct offence accounts where 'treatment speak' was embedded. The 'new' language is made available through treatment for offenders to use a discursive resource which enabled them to describe, position and make sense of their offending behaviour and in some cases be explicit in doing so. The incorporation of 'treatment speak' was particularly evident in the 'doing' of victim empathy in a participant's offence account. This was achieved through the display of perspective taking, the incorporation of 'treatment speak' which included the use of terms taken directly from treatment such as 'ripple effect', 'blame transferral' and the transportation of the 'rucksack' of issues. All of which demonstrates the idiomatic force of 'talking the talk'.

It was found that expectations placed on offenders by the institution (including the prison itself, parole board and probation), to behave in a certain way manifests itself within talk. These 'institutional demands' took on even more significance for those offenders whom were in receipt of indeterminate sentences and working towards parole. Typically, those who faced these 'demands' often demonstrated a motivation to engage in all aspects of prison life but mainly with sentence plans and subsequent treatment programmes. Reported 'motivations' for treatment predominantly attend to a need to demonstrate 'willingness' accompanied by a need to show a reduction in risk.

As the next section will reiterate, the management of the offender identity has been an omnirelevant concern of this thesis as it permeates the offender-participant interactions as an underlying activity. Offenders' identity management practices took three broad forms: those who worked up an account that situates their offence as better than those that were planned and committed by a stranger, those who oriented an account of their offence as being 'better than a child sex offender' and those doing being 'reformed.' The latter was more likely in those who had been through treatment and were working towards parole.

Finally, this chapter highlighted how that it was typical for treated offenders to utilize the discursive technique of 'narrative reflexivity' enabling speakers to shift the focus of their narrative from the past to the present, in treatment terms, it enabled offenders to demonstrate a shift from 'old me' to 'new me' which ultimately led to the working up of an account which demonstrated reformation and links with the management of identity. Auburn (2005) argues that an implication for those involved in implementing the SOTP is to consider whether moments of narrative reflexivity provide facilitators with an opportunity to challenge offenders more thoroughly. However, this thesis has demonstrated the ways in which this technique enables offenders to show treatment influence, to demonstrate that they can move from 'old me' to 'new me' and as a result demonstrate a 'reformed' self.

To examine the ways in which the 'rapist' identity is managed within talk

The management of identity was perhaps the most remarkable feature of these narratives and was integral to all other findings in this thesis. Initially, chapter seven considered the discursive techniques utilised by participants to manage the 'rapist' identity. For those offenders who sought solace from distancing themselves from the offence(s) they had committed, this was achieved in two ways. Firstly, by offender-participants distancing themselves from 'other' rapists. This was managed through the construction of 'out of character' experiences, accounts of temporary aberration and narratives of intentionality. Secondly, by drawing on a discourse of hierarchy, offenders were able to situate themselves as better than other sex offenders, particularly from those who had committed offences against children, or in one case, older women.

Chapter eight highlighted how 'knowledge' of consent enabled offenders to manage their identity within talk. Similar to the other empirical chapters in this thesis, techniques were employed, by speakers, in order to minimise and distance themselves from the category of convicted rapist.

This thesis has also highlighted that for those offenders who have been through treatment and are in receipt of an indeterminate sentence (such as an IPP or life sentence) identity management within talk takes on a different guise. These offenders were more likely to present themselves as the same as other offenders (both fellow rapists and other sexual offenders) and to produce treatment influenced accounts. This facilitates the presentation of an identity which is 'reformed' and attends to the demands of the 'risk'

asserted by the penal system. It is these 'institutional demands' which impact on the narratives of a convicted sexual offender. Therefore, the management of identity is politically loaded and one could argue that the construction of a more desirable identity than that of a convicted adult rapist (and thus a 'reformed' identity) is fundamental to prisoners' liberty.

Limitations of study

A particular issue, specific to the research design, was the incorporation of adapted prisoners into the data collection. Although, the researcher felt satisfied in the ability of these prisoners to consent to participating in interviews, they would have perhaps benefitted from a different type of interview schedule. At times, the discussion was challenging and the researcher felt ill equipped to deal with this, particularly when a few participants were demonstrating issues with their working memory and, executive functioning. If this group were to be worked with again the researcher would give these participants more direction with questions, be more specific with questions and pull out specific tasks and sessions from the SOTP to discuss.

Moreover, the use of the focus group data needed more in depth consideration as ultimately it was not drawn on enough in the final write up. However, this can easily be resolved through postdoctoral study as the data generated is fruitful.

Research Implications: Updating Knowledge

The findings concerning the rape myth discourse suggests that what is documented in the literature (c.f. chapter three but for example, these include Rape Crisis 2007; Burt 1980; Fawcett Society 2007) is somewhat dated. It was unusual for participants to subscribe to the historic, rape myth discourse of such as 'she was asking for it, she was wearing a short skirt'. Therefore, it could be argued that the research literature, the institutional and practitioner knowledge and understanding needs to be updated with the findings in this research.

Furthermore, the findings of this thesis have reiterated the need to extend the criminal justice system understanding of the subtleties of consent, reinforcing the need to incorporate this into our legal discourse. However, this alone would not eradicate sexual violence altogether, particularly if we consider the cases within this research where some of the participants reported knowingly transgressing consent. This points

towards a more flexible understanding of consent which can be applied to a case by case basis.

Research Implications: 'Rethinking' Treatment

The findings in this thesis offer insight to the developing knowledge base which surrounds 'desistance'. There is a dearth of literature and empirical findings in the area of desistance and sexual offending (Laws and Ward 2011).

Farrall and Bowling (1999) define desistance as the 'moment that a criminal career ends' (1999 p. 253). Furthermore, Farrall and Calverley (2006) argue that 'desistance' is bound up in a process by which (ex) offenders come to see themselves as an essentially good person, who at some juncture having acted in a deviant way. The literature argues that in order for people to desist from crime, individualised treatment is required. By adopting this approach, the mixed group setting would no longer be problematic and an updated understanding of rape myths could be incorporated and challenged within a treatment setting.

More recently, there has been a shift in thinking with regards to whether or not treatment should breakdown the 'rapist identity' as displayed by some of the participants within this research. Part of this identity (and a priority of treatment) involves offenders taking responsibility for the crime that they have committed. However, Ware and Mann (2010, *Unpublished Paper*) have argued that there is little evidence to suggest that failure to take responsibility impacts on recidivism rates. Therefore, it could be argued that we perhaps need to be more concerned by those who present themselves as 'reformed' and 'treatment influenced?' All of which highlights the need for a new approach to treatment, one which is individualised and has links with desistance theory.

Future Research

Building on from these ideas, very little empirical work on desistance from sexual offending has been conducted. Therefore, the work in this thesis could be developed further through a longitudinal study by following a group of offenders from their point of entry into the prison system up until the time they are released with numerous interviews pre and post treatment. This would support any further claims which could be made about the impact of treatment. A further tentative suggestion at this stage

would be to extend the longitudinal approach with follow up interviews once released from prison in order to pursue interests in desistance. This would inevitably require a significant amount of ethical consideration.

It is hoped that the findings of this thesis will provide practical value to academics, actors of the criminal justice system and feminist organisations including Rape Crisis. Furthermore, this thesis is intent on providing a small platform towards the eradication of sexual violence.

References

- Alexander, M., (1999). Sexual Offender Treatment Efficacy Revisited. *Sexual Abuse: A Journal of Research and Treatment*, 11(2), 101-16.
- Allen, M., Emmers, T., Gebhardt, L., and Giery, M.A., (1995). Exposure to Pornography and Acceptance of Rape Myths, *Journal of Communication*, 45(1), 5-26.
- Allison, E., (2009). *The 'ghosting' of prisoners must stop* [online]. Available at: <http://www.guardian.co.uk/commentisfree/2009/oct/21/prisons-ghosting-prisoner-transfer> [Accessed January 19th 2009].
- Amnesty International., (2005). *Sexual Assault Research: Summary Report* [online]. Available at: http://www.amnesty.org.uk/news_details.asp?NewsID=16618 [Accessed January 13th 2010].
- Anderson, I., and Doherty, K., (2008). *Accounting for Rape*. East Sussex: Routledge.
- Anderson, D., and Hatton, D., (2000). Accessing Vulnerable Populations for Research, *Western Journal of Nursing Research*, 22(2), 244-451.
- Antaki, C., and Widdicombe, S., (1998). Identity as an Achievement and as a Tool. In: C. Antaki and S.Widdicombe, eds., *Identities in Talk*, London: Sage Publications Ltd, 1998, pp.1-14.
- Auburn, T., (2005). Narrative reflexivity as a repair device for discounting 'cognitive distortions' in sex offender treatment, *Discourse and Society*, 16(5), 697-718.
- Auburn, T., (2010). Cognitive distortions as social practices: an examination of cognitive distortions in sex offender treatment from a discursive psychology perspective, *Psychology, Crime and Law*, 16 (1/2), 103 – 123.
- Auburn, T., and Lea, S., (2003). Doing cognitive distortions: A discursive psychology analysis of sex offender treatment talk, *British Journal of Social Psychology*, 42(2), 281-298.
- Barbaree, H. E., (1991). Denial and minimization among sex offenders: Assessment and treatment outcome. *Forum on Corrections Research*, 3(4), 30-33.

- Barnett, M.A., Quackenbush, S.W., Sinisi, C.S., Wegman, C.M., and Otney, K.L., (2001). Factors affecting reactions to a rape victim. *Journal of Psychology*, 126(26), 609-620.
- Beck , U., (1992). *Risk Society: Towards a New Modernity*. London: Sage Publications.
- Becker, H., (1963). *Outsiders: Studies in the Sociology of Deviance*. New York: Free Press.
- Beech, A., and Fisher, D., (2004). Treatment of Sex Offenders in the UK in Prison and Probation Settings. In: H. Kemshall and G. McIvor, eds., *Managing Sex Offender Risk*, London: Jessica Kingsley Publishers, 2004, pp. 137-164.
- Beech, A.R., Fisher, D., and Beckett, R.C., (1999). *Step 3: An evaluation of the Prison Sex Offender Treatment Programme* [online]. Available at: www.homeoffice.gov.uk/rds/pdfs/occ-step3.pdf [Accessed January 13th 2010].
- Beech, A., Fisher, D., Beckett, R., and Scott-Fordham, A., (1998). *An evaluation of the Prison Sex Offender Treatment Programme* [online]. Available at: <http://www.homeoffice.gov.uk/rds/pdfs/r79.pdf> [Accessed January 13th 2010].
- Beech, A., and Mann, R., (2002). Recent developments in the assessment and treatment of sexual offenders. In J. McGuire, ed., *Offender rehabilitation and treatment: Effective programmes and policies to reduce re-offending*, Chichester: Wiley, 2002, pp. 259–288.
- Beres, M.A., (2007). 'Spontaneous' Sexual Consent: An Analysis of Sexual Consent Literature, *Feminism and Psychology*, 17 (1), pp. 93-108.
- Berrington, E., and Jones, H., (2002). Reality vs. Myth: Constructions of Women's Insecurity, *Feminist Media Studies*, 2(3), 307-323.
- Billig, M., (1999) Whose Terms? Whose Ordinariness? Rhetoric and Ideology in Conversation Analysis, *Discourse and Society*, 10(4), pp. 543-558.
- Bindel, J., (2010). *Anonymity for rape defendants would be a disgrace* [online]. Available at: <http://www.guardian.co.uk/commentisfree/2010/may/21/anonymity-rape-defendants> [Accessed June 23rd 2010].

Blagden, N., and Pemberton, S., (2010). The Challenge in Conducting Qualitative Research with Convicted Sex Offenders, *The Howard Journal of Criminal Justice*, 49(3), 269-281.

Blagden, N., Pemberton, S., and Breed, C.J., (2012). Adult Rapists. In: B. Winder and P. Banyard, eds., *A Psychologist's Casebook of Crime: From Arson to Voyeurism*. London: Palgrave-Macmillan, 2012, *forthcoming, pages unknown*.

Bogue, J., and Power, K., (1995). Suicide in Scottish Prisons, 1976-93, *Journal of Forensic Psychiatry and Psychology*, 6(3), 527-540.

Bourdieu, P., Chamboredon, J.C., and Passeron, J.C., (1991). *The Craft of Sociology: Epistemological Preliminaries*. Berlin: de Gruyter.

Box, S., (1983). *Power, Crime and Mystification*. London: Routledge.

Briere, J., (2002). Treating adult survivors of severe childhood abuse and neglect: Further development of an integrative model. In: J.E.B. Myers et al eds., *The APSAC Handbook on Child Maltreatment*, 2nd Ed. Newbury Park, CA: Sage Publications, 2002, pp. 175-204.

Briere, J., and Malamuth, N., (1983). Self-reported likelihood of sexually aggressive behavior: attitudinal versus sexual explanations, *Journal of Research in Personality*, 17(3), 315-323.

Brown, S., (2005). *Treating Sex Offenders*. Cullompton, Devon: Willan Publishing.

Brownmiller, S., (1975). *Against Our Will: Men, Women and Rape*. New York: Simon and Schuster.

Bryman, A., (2004). *Social Research Methods*. 2nd ed. Oxford: Oxford University Press.

Burnett, R., and Maruna, S., (2004). So 'Prison Works', Does It? The Criminal Careers of 130 Men Released from Prison under Home Secretary, Michael Howard, *The Howard Journal for Criminal Justice Studies*, 43(4), 390-404.

Burt, M., (1991). Rape myths and acquaintance rape. In: A. Parrot and L. Bechhofer, eds., *Acquaintance rape: The hidden crime*. New York: John Wiley & Sons, 1991, pp. 26-40.

Burt, M., (1980). Cultural Myths and Supports for Rape, *Journal of Personality and Social Psychology*, 38(2), 217-230.

Cameron, D., (2007). *The Myth of Mars and Venus. Do Men and Women Really Speak Different Languages?* Oxford: Oxford University Press.

Cassidy, L., and Hurell, R.M., (1995). The influence of victim's attire on adolescent's judgement of date rape, *Adolescence*, 30(118), 319-324.

Check, J., and Malamuth, N., (1983). Sex Role Stereotyping and Reactions to Depictions of Stranger Versus Acquaintance Rape, *Journal of Personality and Social Psychology*, 45(2) pp. 344-356.

Coates, L., and Wade, A., (2007). Language and violence: Analysis of four discursive operations, *Journal of Family Violence*, 22(7), 511-522.

Cohen, S., (1972). *Folk Devils and Moral Panics: The Creation of Mods and Rockers*, St Albans: Paladin.

Cotterill, P., (1992). Interviewing women: Issues of friendship, vulnerability, and power, *Women's Studies International Forum*, 15 (5-6), 593-606.

Cowburn, M., (2005). Confidentiality and public protection: ethical dilemmas in qualitative research with adult male sex offender, *Journal of Sexual Aggression*, 11(1), 49-63.

Cowling, M., (1998). *Date Rape and Consent*, Aldershot: Ashgate Publishing Company.

Crawford, M., (1995). *Talking Difference: on gender and language*. London: Sage Publications.

Criminal Justice Joint Inspection. (2010). Restriction and Rehabilitation: Getting the Mix Right [online]. Available at:
www.justice.gov.uk/inspectorates/hmi.../Sex_Offenders_Report-rps.pdf [Accessed July 24 2010]

Cullen, F. T., and Gendreau, P., (2000). Assessing correctional rehabilitation: Policy, practice, and prospects. In J. Horney, ed., *Criminal justice 2000: Vol. 4. Policies, processes,*

and decisions of the criminal justice system. Washington, DC: National Institute of Justice, 2000, pp. 109-175.

Cullen, F. T., and Gendreau, P., (2001). From nothing works to what works: Changing professional ideology in the 21st century. *The Prison Journal*, 81(3), 312-337.

Davies, C., (2010). Scotland Yard condemned for serial sex attacker failings [online]. Available at: <http://www.guardian.co.uk/uk/2010/jun/28/scotland-yard-serial-sex-attacker-failings> [Accessed June 29 2010].

De Vries, A.P., Kassam, A.N., Cnaan, A., Sherman, S.E., Gallagher, P.R. and Winston, F.K., (2000). Looking beyond physical injury: Posttraumatic stress disorder in children and parents after pediatric traffic injury, *Pediatrics*, 104(6), 1293-1299.

Dickerson, P., (1997). 'It's not just me who's saying this...' The deployment of cited other in televised political discourse, *British Journal of Social Psychology*, 36(1), 33-48.

DPP v Morgan [1976] AC 182

Dodd, V., (2010). Sex attackers left at large by police failures [online]. Available at: <http://www.guardian.co.uk/uk/2010/jun/28/sex-attackers-left-at-large-police-failures> [Accessed June 29 2010].

Drew, P., (1992). Contested Evidence in Courtroom Cross-Examination: The Case of a Trial for Rape. In: P. Drew, and J. Heritage, eds., *Talk at Work*. Cambridge: Cambridge University Press, 1992, pp. 470-520.

Drew, P., and Heritage, J., (1992). *Talk at Work*. Cambridge: Cambridge University Press.

Drew, P., and Holt, E., (1988). 'Complainable matters: the use of idiomatic expressions in making complaints' *Social Problems*, 35(4), 398-417

Drew, P., and Holt, E., (1995). Idiomatic Expressions and their Role in the Organization of Topic Transition in Conversation. In: M. Everaert et al. (eds) *Idioms: Structural and Psychological Perspectives*, pp. 117—32. Hillsdale, NJ: Lawrence Erlbaum Associates

Dripps, D.A., (1992). Beyond Rape: An Essay on the Difference between the Presence of Force and the Absence of Consent, *Columbia Law Review*, 92(7), pp. 1780-1809.

Dunn, L., (1991). Research Alert! Qualitative Research May Be Hazardous to Your Health! *Qualitative Health Research*, 1(3), 388-392.

Dyer, C., (2007). *Reforms aim to dispel rape myths and increase convictions* [online]. Available at: <http://www.guardian.co.uk/uk/2007/nov/29/ukcrime.immigrationpolicy> [Accessed December 7th 2008].

Ecclestone, L., and Owen, K., (2007). Cognitive Treatment "Just For Rapists": Recent Developments. In T.A. Gannon et al. (eds) *Aggressive Offenders' Cognition: Theory, Research and Practice*, pp. 135-151. Chichester: John Wiley.

Edley, N., and Wetherell, M., (1997). Jockeying for position: the construction of masculine identities, *Discourse and Society*, 8(2), pp. 203-217.

Edwards, D., (1995). Two to Tango: Script Formulations, Dispositions, and Rhetorical Symmetry in Relationship Troubles Talk, *Research on Language and Social Interaction*, 28(4), 319-350.

Edwards, D., (1997). *Discourse and Cognition*. London: Sage Publications.

Edwards, D., (2006). Facts, norms and dispositions: practical uses of the modal verb would in police interrogations, *Discourse and Society*, 8(4), 475-501.

Edwards, D., (2008). Intentionality and *Mens Rea* in Police Interrogations: The Production of Actions as Crimes, *Intercultural Pragmatics* 5(2), 177–199.

Edwards, D., and Fasulo, A., (2006). "To Be Honest": Sequential Uses of Honesty Phrases in Talk-in-Interaction, *Research on Language and Interaction*, 39(4), 343-376.

Edwards, D., and Potter, J., (1992). *Discursive Psychology*. London: Sage Publications.

Edwards, D., and Potter, J., (2005). Discursive psychology, mental states and descriptions. In: H. Molder and J. Potter, eds., *Conversation and Cognition*. Cambridge: Cambridge University Press, 2005, pp. 241-259.

- Edwards, D., Ashmore, M., and Potter, J., (1995). Death and Furniture: The Rhetoric, Politics and Theology of Bottom Line Arguments against Relativism, *History of the Human Sciences*, 8(2), pp. 25-49.
- Edwards, D., and Stokoe, E., (2004). Discursive Psychology, focus group interviews and participants' categories, *British Journal of Developmental Psychology*, 22, 499-507.
- Elliott, C., and de Than, C., (2007). The Case for a Rational Reconstruction of Consent in Criminal Law, *The Modern Law Review*, 70(2), 225-249.
- Elvin, J., (2008). The Concept of Consent under the Sexual Offences Act 2003, *The Journal of Criminal Law*, 72(6), 519-536.
- Epps, K., Haworth, R., and Swaffer, T., (1993). Attitudes Toward Women and Rape Among Male Adolescents Convicted of Sexual Versus Nonsexual Crimes, *The Journal of Psychology*, 127(5), 501-506.
- Ewing, K., (2009). Attitudes and Responses to Rape in Light of the Low Conviction Rate, *Plymouth Law Review*, 2(1), 48-70.
- Farrall, S., and Bowling, B., (1999). 'Structuration, Human Development and Desistance from Crime', *British Journal of Criminology*, 39(2), 253-268.
- Farrall, S., and Calverley, A., (2006). *Understanding Desistance from Crime*. Maidenhead: Open University Press.
- Fawcett Society., (2007). *Rape: The Facts [online]*. Available at: <http://www.fawcettsociety.org.uk/documents/Rape%20-%20The%20Facts.doc> [Accessed January 13th 2010]
- Feeley , M., and Simon, J., (1992). The New Penology: Notes on the Emerging Strategy of Corrections and its Implications, *Criminology*, 30(4), 452-474.
- Feild, H.S., (1978). Attitudes towards rape. A comparative analysis of police, rapists, crisis counselors and citizens, *Journal of Personality and Social Psychology*, 36(2), 156-179.
- Finch, E., and Munro, V.E., (2005). Juror stereotypes in blame attribution in rape cases involving intoxicants, *British Journal of Criminology*, 45(1), 25-38.

- Flowe, H.D., Shaw, S.E., Nye, E., and Jamel, J., (2009). Rape stereotyping and public delusion, *British Journalism Review*, 20(4), 21-25.
- Foucault, M., (1965). *Madness and Civilisation: A History of Insanity in the Age of Reason*. New York: Random House.
- Foucault, M. (1977). *Discipline and Punish: the birth of the prison*. London: Penguin.
- Foucault, M., (1978). *The History of Sexuality: Volume 1: An Introduction*. London: Allen Lane.
- France, A., (2010). *Buy...or I rape and kill you* [online]. The Sun. Available at: <http://www.thesun.co.uk/sol/homepage/news/2976424/Call-centre-worker-threatened-to-rape-and-murder-young-mum.html> [Accessed 27th May 2010]
- Freyne. A., and O'Conner, A., (1992). Posttraumatic stress disorder symptoms in prisoners following a cell mates hanging, *Irish Journal of Psychological Medicine*, 9(1), 42-44.
- Friendship, C., and Beech, A., (2005). Reconviction of sexual offenders in England and Wales: an overview of research, *Journal of Sexual Aggression*, 11(2), 209-223.
- Frith, H., and Kitzinger, C., (1997). Talk about Sexual Miscommunication, *Women's Studies International Forum*, 20(4), 517-528.
- Frith, H., and Kitzinger, C., (2001). Reformulating Sexual Script Theory, *Theory and Psychology*, 11 (2), 209-232.
- Garfinkel, H., (1967). *Studies in Ethnomethodology*, New Jersey: Prentice-Hall.
- Garland, D., (2001). *The Culture of Control*. Oxford: Oxford University Press.
- Gavey, N., (2005). *Just sex?: the cultural scaffolding of rape*. East Sussex: Routledge.
- Gergen, K., (1973). Social Psychology as History, *Journal of Personality and Social Psychology*, 26(2), pp. 309-320.

Gergen, K., (1985). The social constructionist movement in modern psychology. *American Psychologist*, 40(3), 266-275.

Gilbert, G. N., and Mulkay, M., (1984). *Opening Pandora's Box: A Sociological Analysis of Scientists Discourse*. Cambridge: Cambridge University Press.

Giddens, A., (1990). *The Consequences of Modernity*. Cambridge: Polity Press.

Gill, R., (1995). Relativism, Reflexivity and Politics: Interrogating Discourse Analysis from a Feminist Perspective. In: S. Wilkinson, and C. Kitzinger, eds., *Feminism and Discourse*. London: Sage Publications, 1995, pp. 165-186.

Gill, R., (1996). Discourse Analysis: Practical Implementation. In: J.T. Richardson, ed., *Handbook of Qualitative Research Methods for Psychology and the Social Sciences*. Leicester: The British Psychological Society, 1996, pp. 141-156.

Girard, A. L., and Senn, C.Y., (2008). The role of new "date rape drugs" in attributions about date rape, *Journal of Interpersonal Violence*, 23(1), 3-20.

Golfashani, N., (2003). Understanding Reliability and Validity in Qualitative Research, *The Qualitative Report*, 8(4), 597-607.

Goffman, E., (1963). *Stigma: Notes on the management of spoiled identity*. Prentice-Hall: Englewood Cliffs, New Jersey.

Goffman, E., (1981). *Forms of Talk*. Philadelphia: University of Pennsylvania.

Gray, J., (1992). *Men Are from Mars, Women Are from Venus*. London: Thorsons.

Gray, J.M., (2006). Rape myth beliefs and prejudiced instructions: effects on decisions of guilt in a case of date rape, *Legal and Criminological Psychology*, 11(1), 75-80.

Griffin, S., (1971). Rape: the all-American crime, *Ramparts*, 10, 26-36.

Grønnerød, J.S., (2004). On the Meanings and Uses of Laughter in Research Interviews, *Young*, 12(1), 31-49.

Hall, S., (2003). Foucault: Power, Knowledge and Discourse. In: M. Wetherell, S. Taylor, and S.J. Yates, eds., *Discourse Theory and Practice*, 3rd ed, Sage Publications: London, 2003, pp. 70-81.

Hall, E.R., Howard, J.A., and Boezio, S.L., (1986). Tolerance of Rape: a Sexist or Antisocial Attitude?, *Psychology of Women Quarterly*, 10(2), 101-118.

Hansen, S., and Butler, C., (2010). *I think they have made some very wrong decisions': sexual health professionals' use of rape myth repertories in accounting for cases of sexual assault.*

Division of Clinical Psychology Annual Conference 2010. Manchester, 2-3rd December 2010.

Hanson, R., and Bussiere, M., (1998). Predicting Relapse: A Meta-analysis of Sexual Offender Recidivism Studies, *Journal of Consulting and Clinical Psychology*, 66(2), 348-62.

Harkins, L., Beech, A and Goodwill, A., (2010). Examining the Influence of Denial, Motivation, and Risk on Sexual Recidivism, *Sexual Abuse: A Journal of Research and Treatment*, 22(1), 78-94.

Harmon, G., Owens, G.R., and Dewey, M.E., (1995). Rapists' Versus Non-Rapists' Attitudes Toward Women: A British Study, *International Journal of Offender Therapy and Comparative Criminology*, 39(3), 269-275.

Harré, R., and Secord, P., (1975). *The Explanation of Social Behavior*. Oxford: Blackwell.

Heney, J., and Kristiansen, C.M., (1997). An analysis of the impact of prison on women survivors of childhood sexual abuse, *Women and Therapy*, 20(4), 29-44.

Henley, N., and Kramarae, C., (1991). Gender, Power, and Miscommunication. In: N. Coupland, H. Giles and J. Wiemann, eds., 'Miscommunication' and Problematic Talk, Sage Publications: London, 1991, pp. 18-43.

Heritage, J., (2005). *Handbook of Language and Social Interaction*. New Jersey: Laurence Erlbaum Associates Ltd.

HMpsi., (2007). *Without Consent*. London: HMIC

HMPS., (2010). *Life Sentenced Prisoners* [online]. Available at:
http://www.hmprisonservice.gov.uk/adviceandsupport/prison_life/lifesentencedprisoners/ [Accessed 14^h June 2010]

Hesse-Biber, S.N., and Leavy, L.P., (2006).

The Practice of Qualitative Research. Thousand Oaks, CA: Sage Publications.

Hewitt, J.P., and Stokes, R., (1975). Disclaimers as aligning actions preserving situational definitions in the face of disruptive lines of conduct. *American Sociological Review*, 40, 1-11.

Hickman, S., and Muehlenhard, C., (1999). "By the Semi-Mystical Appearance of a Condom": How Young Women and Men Communicate Sexual Consent in Heterosexual Situations, *The Journal of Sex Research*, 36(3), 258-272.

Hollin, C.R., and Palmer, E.J., (2006). *Offending Behaviour Programmes: Development, Application and Controversies*. Chichester: John Wiley & Sons, Ltd.

Home Office., (2000). *Setting the Boundaries* [online]. Available at:
<http://lawbore.net/articles/setting-the-boundaries.pdf> [Accessed 28 April 2011]

Home Office., (2006). *Consent Campaign* [online]. Available at:
<http://www.homeoffice.gov.uk/documents/consent-campaign/?version=1> [Accessed 07 December 2008]

Howard, M., (1996a). In defence of prisons, *The Economist*, 339(7971), 56-57.

Howard, M., (1996b). Protecting the Public, *Criminal Justice Matters*, 26, 2-5.

Hudson, K., (2005). *Offending Identities*. Cullompton, Devon: Willan Publishing.

Hutchby, I., (2002). Resisting the incitement to talk in child counselling: Aspects of the utterance "I don't know", *Discourse Studies*, 4(2), 147-168.

Israel, J., and Tajfel, H., (1972). *The Context of Social Psychology: A Critical Assessment*, London: Academic Press.

Jefferson, G., (1974). Error connection as an interactional resource, *Language in Society*, 3(2), 181-199.

Jefferson, G., (1979). A Technique for Inviting Laughter and its Subsequent Acceptance/Declination. In: G. Psathas, ed., *Everyday Language: Studies in Ethnomethodology*, Irvington Publishers: New York, 1979, pp. 79-96.

Jefferson, G., (1984). On the organization of laughter in talk about troubles. In: J. Atkinson, and J. Heritage, eds., *Structures of Social Action: Studies in Conversation Analysis*, Cambridge University Press: Cambridge, pp. 346-369.

Jefferson, G., (1985). An exercise in the transcription and analysis of laughter. In: T. Van Dijk, ed., *Handbook of Discourse Analysis*, Academic Press: London, pp. 25-34.

Jefferson, G., (1990). List construction as a task and interactional resource. In G. Psathas, ed., *Interactional Competence*, Lawrence Erlbaum: New York, 1990, pp 63-92.

Jefferson, G., and Lee, J.R., (1981). The Rejection of Advice: Managing the Problematic Convergence of a 'Troubles-Telling' and a 'Service Encounter', *Journal of Pragmatics*, 5(5), 399-422.

Jewkes, Y., (2005). Men Behind Bars: "Doing" Masculinity as an Adaptation to Imprisonment, *Men and Masculinities*, 8(1), 44-63.

Jones, J.S., Alexander, C., Wynn, B.N., Rossman, L. and Dunnuck, C., (2009). Why Women Don't Report Sexual Assault to the Police: The Influence of Psychosocial Variables and Traumatic Injury, *Journal of Emergency Medicine*, 36(4), 417-424.

Karkkainen, E., (2007). The role of *I guess* in conversational stancetaking. In: R. Englebreton, ed., *Stancetaking in discourse: subjectivity, evaluation, interaction*. Amsterdam: John Benjamins Publishing Co, 2007, pp. 183-220.

Kitzinger, C., (1995). Social Constructionism: Implications for Lesbian and Gay Psychology. In: C.D. D'Augelli and A.R. Patterson, eds., *Lesbian, Gay and Bisexual Identities over the Lifespan*. Oxford: Oxford University Press, 1995, pp. 136-61.

Kitzinger, C., (2000). Doing Feminist Conversation Analysis. *Feminism and Psychology*, 10(2), 163-193.

Kitzinger, C., and Frith, H., (1999). Just Say No? The Use of Conversation Analysis in Developing a Feminist Perspective on Sexual Refusal, *Discourse and Society*, 10(3), 293-316.

- Kitzinger, C., and Gilligan, C., (1994). The Spoken Word: Listening to a Different voice: Celia Kitzinger Interviews Carol Gilligan, *Feminism and Psychology*, 4(3), 408-419.
- Kitzinger, J., (1995). Introducing Focus Groups, *British Medical Journal*, 311(29), 299-302.
- Lacombe, D., (2008). Consumed with Sex: the Treatment of Sex Offenders in Risk Society, *British Journal of Criminology*, 48(1), 55-74.
- Laville, S., (2009). *Rape investigations unit launched as Met aims to target serial attackers* [online]. Available at: <http://www.guardian.co.uk/uk/2009/dec/01/met-launches-rape-investigations-unit> [Accessed January 13th 2010]
- Laws, D.R., and Ward, T., (2011). *Desistance from sexual offending: Alternatives to throwing away the keys*. New York: Guilford Press.
- Lea, S., and Auburn, T., (2001). The Social Construction of Rape in the Talk of a Convicted Rapist, *Feminism and Psychology*, 11(1), 11-33.
- Lemert, E., (1951). *Social Pathology: Systematic Approaches to the Study of Sociopathic Behavior*, New York: McGraw-Hill.
- Lennon, P., (1990). Investigating Fluency in EFL: A Quantitative Approach, *Language Learning*, 40(3), 387-417.
- Levenson, J. S., Brannon, Y.N., Fortney, T and Barker, J., (2007). Public perceptions about sex offenders and community protection policies. *Analyses of Social Issues and Public Policy*, 7(1), 1-25.
- Liamputpong, P., (2007). *Researching the Vulnerable*. London: Sage Publications.
- Liebling, A., (2001). Whose Side Are We On? Theory, Practice and Allegiances in Prisons Research, *British Journal of Criminology*, 41(3), 472-484.
- Lonsway, K.A., and Fitzgerald, L.F., (1994). Rape Myths: In Review, *Psychology of Women Quarterly*, 18(2), 133-164.
- Lonsway, K.A., and Fitzgerald, L.F., (1995). Attitudinal Antecedents of Rape Myth Acceptance: A Theoretical and Empirical Reexamination, *Journal of Personality and Social Psychology*, 68(4), 704-711.

- MacKinnon, C.A., (1987). *Feminism Unmodified: Discourses on Life and Law*. Cambridge: Harvard University Press.
- Malamuth, N., (1981). Rape Proclivity among Males, *Journal of Social Issues*, 37(4), 138-157.
- Malamuth, N.M., and Briere, J., (1986). Sexual Violence in the Media: Indirect Effects on Aggression Against Women, *Journal of Social Issues*, 42(3), 75-92.
- Malamuth, N.M., and Check, J.V.P., (1981). The effects of mass media exposure on acceptance of violence against women: A field experiment, *Journal of Research and Personality*, 15(4), 436-446.
- Malamuth, N.M., and Check, J.V.P., (1985). The Effects of Aggressive Pornography on Beliefs in Rape Myths: Individual Differences, *Journal of Research in Personality*, 19(3), 299-320.
- Maletzky, B., (1991). *Treating the Sexual Offender*. Newbury Park, CA: Sage Publications.
- Mann, R., and Hollin, R., (2007). Sexual offenders' explanations for their offending, *Journal of Sexual Aggression*, 13(1), 3-9.
- Marshall, W., and Eccles, A., (1996). Cognitive-Behavioral Treatment of Sex Offenders. In: V.B.Van Hasselt and M.Hersen, eds., *Sourcebook of Psychological Treatment Manuals for Adult Disorders*. New York: Plenum Press.
- Martin, B., (1984). *Uprooting War*. London: Freedom Press.
- Martinson, R., (1974). What works? – questions and answers about prison reform, *Public Interest*, 35, 22-54.
- Maruna, S and Mann, R., (2006). A fundamental attribution error? Rethinking cognitive distortions, *British Psychological Society*, 11(2), 155-177.
- Mathie, N., and Wakeling, H.C., (2008). *The validation of a Rape Myths scale in sexual offenders*. Unpublished paper.
- Mathieson, T., (1990). *Prisons on Trial: A Critical Assessment*. London: Sage
- McGregor, J., (2005). *Is it Rape?* Aldershot: Ashgate Publishing Limited.

- McGuire, J., (2002). *Offender rehabilitation and treatment: Effective programmes and policies to reduce re-offending*. Chichester: Wiley.
- Melrose, M., (2002). Labour Pains: Some Considerations on the Difficulties of Researching Juvenile Prostitution, *International Journal of Social Research Methodology*, 5(4), 333-351.
- Miller, J.M., and Tewksbury, R., eds., (2001). *Extreme Methods: Innovative Approaches to Social Science Research*. Boston, MA: Allyn and Bacon.
- Millward, L.J., (2006). Focus Groups. In: G. Breakwell., et al., eds., *Research Methods in Psychology*. 3rd ed. London: Sage Publications, 2006, pp. 274-299.
- Ministry of Justice., (2010). *Deaths in Prison Custody 2009* [online]. Available at: <http://www.justice.gov.uk/news/newsrelease010110a.htm> [Accessed 17 June 2010]
- Moore, L.W., and Miller, M., (1999). Initiating Research with Doubly Vulnerable Populations, *Journal of Advanced Nursing*, 30(5), 1034-40.
- Motley, M.T., and Reeder, H.M., (1995). Unwanted Escalation of Sexual Intimacy: Male and Female Perceptions of Connotations and Relational Consequences of Resistance Messages, *Communication Monographs*, 62(4), 355-382.
- Muehlenhard, C., and Hollabaugh, L., (1988). Do Women Sometimes Say No When They Mean Yes? The Prevalence and Correlates of Women's Token Resistance to Sex, *Journal of Personality and Social Psychology*, 54 (5), pp. 872-879.
- Muehlenhard, C.L., Friedman, D.E., and Thomas, C.M., (1985). Is date rape justifiable: The effects of dating activity, who initiated, who paid, and men's attitudes toward women. *Psychology of Women Quarterly*, 9(3), 297-310.
- Mulholland, H., (2010). *Nick Clegg signals government may back down over anonymity for rape defendants* [online]. Available at: <http://www.guardian.co.uk/society/2010/jun/07/nick-clegg-rape-anonymity-back-down> [Accessed June 23 2010].
- Murray, C., (1997). *Does Prison Work?* London: The IEA Welfare Unit.

- Myhill, A., and Allen, J., (2002). Rape and sexual assault of women: findings from the British Crime Survey. London: Home Office.
- Nicolson, D., (2000). Criminal Law and Feminism. In: D. Nicolson and L. Bibbings, eds., *Feminist Perspectives on Criminal Law*. London: Cavendish Publishing, 2000, pp. 1-28.
- O'Byrne, R., Hansen, S., and Rapley, M., (2007). "If a Girl Doesn't Say 'no'...": Young Men, Rape and Claims of Insufficient Knowledge, *Journal of Community and Applied Social Psychology*, 18, 168-193.
- O'Byrne, R., Rapley, M., and Hansen, S., (2006). 'You Couldn't Say "No", Could You?': Young Men's Understandings of Sexual Refusal, *Feminism and Psychology*, 16(2), 133-154.
- O'Sullivan, T., Hartley, J., Saunders, D., and Fiske J., (1983). *Key Concepts in Communication and Cultural Studies*. London: Routledge
- Parker, I., (1989). *The crisis in modern social psychology, and how to end it*. London: Routledge.
- Payne, D.L., Lonsway, K.A., and Fitzgerald, L.F., (1999). Rape Myth Acceptance: Exploration of Its Structure and Its Measurement Using the Illinois Rape Myth Acceptance Scale, *Journal of Research in Personality*, 33(1), 27-68.
- Pomerantz, A., (1986). Extreme case formulations: A way of legitimizing claims, *Human Studies*, 9(2), pp. 219-230.
- Potter, J., (1996a). *Representing Reality*. London: Sage Publications.
- Potter, J., (1996b). Discourse Analysis and Constructionist Approaches: Theoretical Background. In: J.T. Richardson., ed., *Handbook of Qualitative Research Methods for Psychology and the Social Sciences*. Leicester: The British Psychological Society, 1996, pp. 124-141.
- Potter, J., and Hepburn, A., (2005). Qualitative interviews in psychology: problems and possibilities, *Qualitative Research in Psychology*, 2(4), 281-307.
- Potter, J., and Hepburn, A., (2006). *Transcription* [online]. Available at: <http://www-staff.lboro.ac.uk/~ssah2/transcription/transcription.htm> [Accessed on 27 September 2011]

Potter, J., and Hepburn, A., (2008). Discursive Constructionism. In: J.A. Holstein and J.F. Gubrium., eds., *Handbook of Constructionist Research*. New York: Guildford Publications.

Potter, J., and Wetherell, M., (1987). *Discourse and Social Psychology: Beyond Attitudes and Behaviour*. London: Sage Publications.

Potter, J., and Wetherell, M., (1995). Discourse Analysis. In: J.A. Smith., R. Harre., and L. Lagenhove Van., eds., *Rethinking Methods in Psychology*. London: Sage Publications, 1995, pp. 80-92.

Presser, L., (2004). Violent Offenders, Moral Selves: Constructing Identities and Accounts in the Research Interview, *Social Problems*, 51(1), 82-101.

Presser, L., (2008). *Been a Heavy Life: Stories of Violent Men*. Illinois: University of Illinois Press.

Prison Reform Trust., (1993). *Does Prison Work?* London: Prison Reform Trust.

Rape Crisis., (2007). *Rape Crisis - England and Wales: Myths* [online]. Available at: <http://www.rapecrisis.org.uk/myths.html> [Accessed 11 November 2007].

R v Bree [2007] EWCA 256

Ritchie, J., and Lewis, J., (2003). *Qualitative Research Practice*. London: Sage Publications.

Rose, D., (2002). *Evolution of Britain's Jail Revolution* [online]. Available at: <http://www.guardian.co.uk/politics/2002/may/05/ukcrime.prisonsandprobation1> [Accessed 07 June 2010].

Russell, C., (1999). Interviewing Vulnerable Old People: Ethical and Methodological Implications of Imagining Our Subjects, *Journal of Aging Studies*, 13(4), 403-17.

Sachs, A., (1978). The myth of male protectiveness and the legal subordination of women: An historical analysis. In: C. Smart and B. Smart., eds., *Women, Sexuality and Social Control*, Routledge and Kegan Paul: London, 1978, pp. 27-41.

Sacks, H., (1984). On doing "being ordinary." In: J. Maxwell Atkinson and John Heritage., eds., *Structures of Social Action: Studies in Conversation Analysis*, Cambridge: Cambridge University Press, 1984, pp. 413-429.

- Sacks, H., (1995). *Lectures in Conversation: Volume One and Two*. Edited by G. Jefferson with an introduction by E.A. Schegloff. Oxford: Basil Blackwell.
- Salter, A.C., (2004). *Predators: Pedophiles, Rapists and Other Sex Offenders* New York: Basic Books
- Sampson, R.J., and Laub, J.H. (1993). *Crime in the Making: Pathways and Turning Points Through Life*. Cambridge, MA: Harvard Univ. Press
- Schegloff, E.A., (1997). Whose Text? Whose Context? *Discourse and Society*, 8(2), 165-187.
- Schegloff, E.A., Jefferson, G., and Sacks, H., (1977). The preference for self-correction in the organization of repair in conversation. In G. Psathas, ed., *Interactional Competence*, Lawrence Erlbaum: New York, 1990, pp. 31-61.
- Scranton, P., Sim, J and Skidmore, P., (1991). *Prisons Under Protest*. Buckingham: Open University Press.
- Scully, D., and Marolla, J., (1984). Convicted Rapists' Vocabulary of Motive: Excuses and Justifications. *Social Problems*, 31(5), 530-544.
- Scully, D., and Marolla, J., (1985). Riding the Bull at Gilleys: Convicted rapists describe the rewards of rape. *Social Problems*, 32(3), 251-263.
- Segal, Z., and Stermac, L., (1984). A Measure of Rapists' Attitudes Towards Women, *International Journal of Law and Psychiatry*, 7(3-4), 437-440.
- Sexual Offences Act 2003 [online]., (2003). Available at:
http://www.legislation.gov.uk/ukpga/2003/42/pdfs/ukpga_20030042_en.pdf [Accessed 25 October 2007]
- Seymour-Smith, S., (2008). 'Blokes Don't Like That Sort of Thing' Men's Negotiation of a 'Troubled' Self-help Group Identity', *Journal of Health Psychology*, 13(6), 785-796.
- Sim, J., (1994). Tougher than the rest? In: T. Newburn and EA Stanko, eds., *Just Boys Doing Business? Men Masculinities and Crime*. London: Routledge, 1994, pp. 100-117.
- Simon , J., (1998). Managing the Monstrous: Sex Offenders and the New Penology. *Psychology, Public Policy and Law*, 4 (1/2), 452-467.

- Simons, D., Wurtele, S.K., and Heil, P., (2002). Childhood Victimization and Lack of Empathy as Predictors of Sexual Offending Against Women and Children, *Journal of Interpersonal Violence*, 17(12), 1291-1307.
- Sneijder, P., and te Molder, H., (2005). Moral logic and logical morality: Attributions of responsibility and blame in online discourse on veganism, *Discourse and Society*, 16(5), 675–696.
- Solomon, E., (2008). *Investing in incarceration makes no economic sense* [online]. Available at:
<http://www.guardian.co.uk/society/2008/may/07/prisonsandprobation.socialprogrammes> [Accessed 07 June 2010].
- Speer, S.A., (2001). Reconsidering the Concept of Hegemonic Masculinity: Discursive Psychology, Conversation Analysis, and Participants' Orientations', *Feminism and Psychology*, 11(1), 107-135.
- Speer, S.A., (2005). *Gender Talk: Feminism, Discourse and Conversation Analysis*. East Sussex: Routledge.
- Speer S.A., and Hutchby, I., (2008). From ethics to analytics: Aspects of participants orientations to the presence and relevance of recording devices. In: I. Hutchby (ed) *Methods in Language and Social Interaction Vol. 4, Embodiment, Modality and Mediation. SAGE Benchmarks in Social Research Methods [Reprinted from Sociology 37(2)]*. London: Sage.
- Spencer, A., (1999). *Working with Sex Offenders in Prisons and through Release to the Community*. London: Jessica Kingsley Publishers Ltd.
- Stanko, E.A., (1996). *Warnings to Women: Police Advice and Women's Safety in Britain, Violence Against Women*, 2(1), 5-24.
- Stokoe, E., and Edwards, D., (2008). 'Did you have permission to smash your neighbour's door?' Silly questions and their answers in police/suspect interrogations, *Discourse Studies*, 10(1), 89-111.

Stone, T.H., (2003). The Invisible Vulnerable: The economically and educationally disadvantaged subjects of clinical research, *The Journal of Law, Medicine and Ethics*, 31(1), 149-53.

Straw, J., (1998). *Making Prisons Work: Prison Reform Trust Annual Lecture*. London: Prison Reform Trust.

Sykes, G.M. and Matza, D., (1957). Techniques of Neutralization: A Theory of Delinquency, *American Sociological Review*, 22(6), 664-670.

Tadros, V., (2006). Rape Without Consent, *Oxford Journal of Legal Studies*, 26(3), 515-543.

Tannen, D., (1992). Response to Senta Troemel-Ploetz's 'Selling the Apolitical'. *Discourse and Society*, 3(2), 249-254.

Taylor, S., (2001a). Locating and Conducting Analytic Research. In: M. Wetherell, S. Taylor and S.J. Yates, eds., *Discourse as Data*. London: Sage Publications Ltd, 2001, pp. 5-48.

Taylor, S., (2001b). Evaluating and Applying Discourse Analytic Research. In: M. Wetherell, S. Taylor and S.J. Yates, eds., *Discourse as Data*. London: Sage Publications Ltd, 2001, pp. 311-330.

The Lilith Project, (2008). *Just Representation? Press reporting and the reality of rape* [online]. Available at:
http://www.eaves4women.co.uk/Resources/Reports_And_Consultations.php [Accessed 01 June 2010]

The Scottish Government, 2008. *Domestic Abuse 2007/08: Post-Campaign Evaluation Report* [online]. Available at: <http://www.scotland.gov.uk/Publications/2008/07/18113459/7> [Accessed 31 August 2010].

The Zero Tolerance Trust., (1998). *Young People's Attitudes Towards Violence, Sex and Relationships: A Survey and Focus Group Study* [online]. Available at:
www.zerotolerance.org.uk/upfiles/young%20peoples%20attitude%2085.pdf [Accessed 31 August 2010].

- Travis, A., (2010). *Penal reform a key policy flashpoint for Lib-Con coalition* [online]. Available at: <http://www.guardian.co.uk/politics/2010/may/19/coalition-government-prison-building-programme> [Accessed 07 June 2010].
- Trevethick, K., (2007). *Post-Traumatic Stress Disorder (PTSD) amongst offenders: A study into the impact of offence type on the development of PTSD symptoms.* A research report submitted in fulfilment of Key Role 2 Exemplar A for the Diploma in Forensic Psychology, The British Psychological Society.
- Van Dijk, T., (1997). Analysing Discourse Analysis, *Discourse and Society*, 8(1), 5-6.
- Walby, S., and Allen, J., (2004). *Domestic violence, sexual assault and stalking: Findings from the British Crime Survey.* London: Home Office.
- Walby, S., Hay, A., and Soothill, K., (1983). The Social Construction of Rape, *Theory, Culture and Society*, 2(1), 86-98.
- Waldrum, J., (2007). Everybody Has a Story: Listening to Imprisoned Sexual Offenders, *Qualitative Health Research*, 17(7), 963-970.
- Ware, J., and Mann, R., (2010). Do sexual offenders need to take responsibility for their offending? (*Unpublished Paper*)
- Warburton, D., (2007). Rape: Consent and Capacity, *The Journal of Criminal Law*, 71(4), 394-396
- Weatherall, A., (2000). Gender relevance in talk-in-interaction and discourse, *Discourse and Society*, 11(2), 286-288.
- Westmarland, N., (2004). Rape Law Reform in England and Wales. *School for Policy Studies Working Paper Series*, 7, 1-17.
- West Mercia Police., (2009). *Rape – Short Word, Long Sentence* [online]. Available at: <http://www.westmercia.police.uk/news/campaigns-and-initiatives/rape-short-word-long-sentence.html> [Accessed 29 June 2010].
- Wetherell, M., (1998). Positioning and Interpretative Repertoires: Conversation Analysis and Post-Structuralism in Dialogue, *Discourse and Society*, 9(3), 387-412.

Wetherell, M., (2004). Racism and the Analysis of Cultural Resources in Interviews. In: H. Van den Berg, M. Wetherell, and H. Houtkoop-Steenstra, eds., *Analyzing Race Talk: Multidisciplinary Perspectives on the Research Interview*, Cambridge: Cambridge University Press, 2004, pp. 11-30.

Wetherell, M., and Edley, N., (1999). Negotiating Hegemonic Masculinity: Imaginary Positions and Psycho-Discursive Practices, *Feminism and Psychology*, 9(3), 335-356.

Wetherell, M., and Potter, J., (1992). *Mapping the Language of Racism: Discourse and the Legitimation of Exploitation*. Hertfordshire: Harvester Wheatsheaf.

Widdicombe, S., and Wooffitt, R., (1995). *The Language of Youth Subcultures*. Hertfordshire: Harvester Wheatsheaf.

Williams, R., (2008). 'I did my bit in reporting a rapist, the authorities didn't do theirs' [online]. Available at: <http://www.guardian.co.uk/uk/2008/aug/16/rape.police> [Accessed February 1st 2010].

Williams, R., and Hirsch, A., (2008). *Court ruling hailed as refuting 'rape myth'* [online]. Available at: <http://www.guardian.co.uk/uk/2008/oct/25/rape-trials-ruling/print> [Accessed December 7th 2008].

Willig, C., (2008). Discourse Analysis. In: J.A. Smith., ed., *Qualitative Research: A Practical Guide to Research Methods*. 2nd ed. London: Sage Publications, 2008, pp. 160-185.

Wilkinson, S., (1997). Prioritizing the Political: Feminist Psychology. In: T. Ibanez and L. Iniguez eds., *Critical Social Psychology*. London: Sage Publications, 1997, pp. 178-94.

Wilkinson, S., (2008). Focus Groups. In: J.A. Smith, ed., *Qualitative Research: A Practical Guide to Research Methods*. 2nd ed. London: Sage Publications, 2008, pp. 186-206.

Winder, B., and Blagden, N., (2008). Reflections on the Ethics of Interviewing Convicted Sex Offenders, *Social Psychological Review*, 10 (1), 25-30.

- Willott, S., (1998). An Outsider Within: A Feminist Doing Research with Men. In: K. Henwood., C. Griffith., and A. Phoenix., eds., *Standpoints and Differences: Essays in the Practice of Feminist Psychology*. London: Sage Publications, 1998, pp. 174-190.
- Wooffitt, R., (1992). *Telling Tales of the Unexpected*. Hemel Hempstead: Harvester Wheatsheaf.
- Wooffitt, R., (2005). *Conversation Analysis and Discourse Analysis*. London: Sage Publications.
- Wooffitt, R., Fraser, N. M., Gilbert, N., and McGlashan, S., (1997). *Humans, Computers and Wizards, Analysing human (simulated) computer interaction*. London: Routledge.
- World Health Organisation., (2002). *Sexual Violence* [online]. Available at: http://www.who.int/violence_injury_prevention/violence/world_report/factsheets/en/index.html [Accessed January 13th 2010].
- Young, J., (1999). *The Exclusive Society*. London: Sage Publications.
- Zellman, G. L., Johnson, P.B., Giarrusso, R., and Goodchilds, J.D., (1979). *Adolescent expectations for dating relationships: Consensus and Conflict between the sexes*, Paper presented at the meeting of the American Psychological Association: New York

Appendix One: Participant Information Sheet and Consent Form

Participant Information Sheet

Dear Participant,

This research will be conducted by Sarah Pemberton, a PhD researcher working with Nottingham Trent University and HMP Whatton. The research project is interested in finding about your attitudes and opinions towards sexual consent and refusal and wants to hear about your views and experiences surrounding your offence. It is hoped that this research will add to knowledge around this subject but also inform policy within the prison.

The data will be collected through a semi-structured interview. The interview will last approximately 90 minutes depending on the level of detail in which you answer and will be recorded onto a digital recorder. The researcher may require to carry out a second interview with you in order to follow up in greater detail discussions from the first interview and there also may be a possibility that the researcher would like to set up a group discussion (this would depend on how many other people would be interested in taking part) between yourself and other willing prisoners in order to discuss some of the questions relevant to the research within a group setting.

All recordings made will be transcribed fully and all data will be anonymised, in other words, your name will be taken out of all transcripts and replaced with a fictitious one. To protect your anonymity further all names, places and organisations that you mention will also be changed. This data will be kept in a locked filing cabinet for the duration of the PhD and for up to five years or until it has ceased being actively used within research.

The research data will be accessible only to myself, the principal and senior psychologist at HMP Whatton and Nottingham Trent supervisory academic staff. Please note that although your interview data will be shared with the principal psychologist any views or comments made during the interview *cannot* be used for parole assessments.

Anonymised data may also be used for future publications, data sessions and teaching. It is therefore important to note that it will be seen by a wider audience but to stress that it will be **anonymous**. It is also important to note that any disclosure of offences for

which you have not been previously convicted will have to be reported to the prison; along with any risk or harm to yourself or others and any information that would be considered a breach of prisoners security.

Participation in any aspect of this study is completely voluntary and data can be withdrawn. If you decided to withdraw your data from the project, anonymised things that you have said would still appear in the PhD thesis and anything that has been published at that point but would then be withdrawn from any future publications or learning and teaching sessions (including data sessions). To withdraw your data, you would simply contact a prison officer on your wing or contact any member of staff from the psychology department. You can also contact me directly on the details below. Withdrawal from the study must be received in writing and signed by the participant.

Participation is greatly appreciated. If you are happy to take part in this research please sign and date below. If you have any questions or concerns before, during or after your participation in this research my contact details are below.

Sarah Pemberton

College of Business, Law & Social Sciences,

Room 508, Victoria House

Nottingham Trent University, Burton Street,

Nottingham, NG1 4BU

Sarah.Pemberton@ntu.ac.uk

Consent Form

Title of project: **Investigating attitudes and opinions towards sexual consent and refusal**

Name of Researcher: Sarah Pemberton

1. I confirm that I have read and understood the Information sheet for the above study and have been given the opportunity to ask questions about it.

Yes No

2. I agree to do an interview (and possible second interview if appropriate) and I am happy for these to be audio recorded by the researcher.

Yes No

3. I would be interested in participating in a group discussion with other prisoners.

Yes No

4. I give the researcher permission to access any information that the prison may hold on myself or my offence

Yes No

5. I know that I am taking part voluntarily, all data will be kept confidentially and that I am free to withdraw from the research without having to say why. I agree to take part in the study

Yes No

6. I know that things I say may be published and also used for teaching and learning purposes but that my confidentiality will be protected and my name and any other details which might identify me will be changed. However, I am happy for HMP Whatton to be identified.

Yes No

Name of Participant.....Date.....Signature

Name of Researcher..... Date.....Signature.....

Participant to sign and date two copies, which should also be counter signed and dated by one of the research team. One copy should be retained by the participant, and one retained in the project's records.

Appendix Two: Interview Schedule (Semi-Structured Interviews)

Interview Schedule

- *Introduction to research*

Initial Questions

How long you have been at Whatton? And how long do you have left?

What do you think of Whatton? What is life like living in Whatton prison?

How do you feel you are treated by fellow prisoners?

Do you have any particular friends amongst the prisoners?

Do you feel that they relate to you differently than the others?

How do you get on with staff at Whatton? Are there any staff that you particularly like/dislike? Why?

Do you feel that there are particular places in the prison that you feel more comfortable?
Prompts....

Do you share a cell with anybody? If so, how do you get on with them?

Did you transfer from another prison? How long were you there for? Was it a mains prison? Were you on a VP wing? What was that like? What was the prison like in comparison to Whatton?

- **Introduce next section**

Sex Offender Label

Could you tell me what the term sex offender mean to you? How would you define it?

How do you think society views sex offenders? Do you think sex offenders are demonised?

Do you think the way you define it would be the same for all sex offences? How do you feel about being in a sex offenders prison?

- **Introduce next section – I am really interested in your offence, would you mind talking to me about it?**

Offence

Is this your first offence? Explore other offences.

Describe your life to me before your offence?

Could we talk about your offence? What happened?

Was there any other violence involved? Physical? Verbal threats?

What was the age of your *victim* (substitute name if appropriate)? What was the relationship with your *victim*? Why do you think it was that person who was your victim?

Had either of you been drinking and/or taking drugs – what role did this play in the assault?

How was the victim dressed? What role did this play in the assault?

Did you know much about your victim before hand? (Trying to ascertain if sexual reputation was considered by the offender) Was she a virgin? Did she have many sexual partners?

Friendly vs. flirting...was the victim friendly towards you in the lead up to the assault?

Explore the verbal and non-verbal actions that equate to friendliness. How did this make you feel? Was the victim flirting with you in the lead up to the assault? How did this make you feel? Explore the verbal and non-verbal actions that equate to flirting.

How can you tell the difference between friendliness and flirting?

Did you plan to have non-consensual sex with this person? Why did you plan this?

What did you plan? Why her?

How did the actual act make you feel – explore at the time and after.

How did it make your victim feel do you think? At the time and on reflection.

Did you think the person who you raped was in part responsible for anything that happened? Now and then (wording of this is difficult as always positions the person not to be at fault, for example if you mention victim or rape)

Would you describe the act as sex or rape? Now and then

How do you feel about their victim? Now and then

- **Introduce next section**

Consent

What does consent mean to you? How does this apply when we consider your offence?

Prompt

Was there anything that made you think that "sex was on the cards?"

Were there ways in which this was demonstrated verbally? How was this done?

Were there ways in which this was demonstrated non-verbally? How was this done?

In hindsight, do you think that there were any signs that she did not want to have sex with you?

Were there ways in which this was demonstrated verbally? How was this done?

Were there ways in which this was demonstrated non-verbally? How was this done?

- **Introduce next section**

Accounts used to explain offence to different people

Before the involvement of the police, did you tell anyone (ascertain who this was) about what had happened? Can you remember what you said and how you explained what happened?

How did the police become involved? Did you ever deny what happened? Who was the first person that you told?

How was the offence explained to;

- Partner, children, parents (what point were these people informed?) How was it telling the female members of your family?
- Friends (what point were these people informed?)

How did your family react to your offence and you being convicted? How did their reaction make you feel?

- **Introduce next section**

Treatment

What programmes have you taken part in?

Why did you decide to participate in treatment?

What were/are your expectations of treatment?

For those who have not received treatment - Do you think it will change attitudes? If so, how? If not, why not? Are there attitudes already changing? In what ways?

For those who have been through treatment - What can you remember from each programme? What did you learn? What would you say you gained from the experience? Was there anything negative about the experience?

How did it challenge your thinking? Before and after

How do/did you find discussing your offence amongst fellow prisoners?

How do/did you find discussing your offence with staff?

- **Introduce next section**

Relationships now

Explore sensitively (as these may have now ceased) current relationships with parents, partner, children, friends. Do they all know what has happened? Are you still in contact? How do you maintain relationships with people on the outside? Who visits and how often? What is that like? What do you talk about? Do you talk about the offence, future, past?

- **Introduce next section**

Attitudes towards women

Women –male dominated environment – what is that like? How does that impact on your attitudes towards women? How often do you have contact with women (perhaps through psychology, female prison officers, healthcare?) How does this make you feel?

- **Introduce next section**

Linking general with specific

Why do you think men rape? Why do you think the offence that you were charged with occurred? How is this explanation different from now to when you were first charged?

- *Debrief*

Appendix Three: Interview Schedule (Focus Group)

- **Examining non-sexual refusals**

Question 1

(Overhead of scenario 1)

A friend rings you up and they ask you if you want to go out this Saturday night... for whatever reason, you really don't want to go with them...How do you let them know?

- **Examining sexual refusals (male/female)**

Question 2

(Overhead of scenario 2)

You're back at your house with someone... it's looking like sex could be on the cards... for whatever reason you really don't want to have sex with her tonight...How do you let her know?

Question 3

In this scenario it says that "it's looking like sex might be on the cards" - how do you think the guy knows this?

Question 4

And equally, are there ways of knowing when it's **not** on the cards? How do you know when someone does not want to have sex at that point in time?

Question 5

We have just talked about how you would let someone know that you didn't want to have sex with them. Could you now give me some ways in which a woman might let you know that they don't want to have sex with you at that point in time?

Question 6

Do you think that there are differences between how men and women communicate with one another?

Question 7

What might happen if someone ignores/misunderstands the verbal and non verbal communication?

Question 8

(Overhead of Tannen's (1990) 'miscommunication' theory)

"...rape is often the result of miscommunication [between the sexes]: he misinterprets their verbal and non-verbal communication, falsely believing that they want sex; they fail to say 'no' clearly and effectively."

(Tannen's 'miscommunication' theory as described by Kitzinger and Frith, 1999)

What do you think of this?

Question 9

Do you think it is necessary for a woman to say 'no' clearly and effectively for her to be understood as not wanting to have sex or are there other ways of knowing that she doesn't want to?

Question 10

The next question is about a 'date rape' situation - when I say 'date rape,' I am not necessarily referring to when women are drugged but where the victim is known – so perhaps you are out on a date with someone you met earlier that day, a female friend or someone you work with.

Do you think that people who are accused of rape in a 'date rape' situation have misunderstood those verbal and non-verbal we have previously discussed, or do you think that they simply ignore them? In other words, why do you think date rape occurs?

Question 11

Do you think that 'no', or 'I'm not having sex with you' are phrases that are typically spoken by women to refuse sex?

Question 12

Why might a woman find it difficult to say 'no' to unwanted sex?

Question 13

So do you think in the lead up to sex is a situation where there is much discussion?

RAPE MYTH SCENARIOS – (Overhead Scenarios)

We are now going to look at five fictional scenarios and I will ask you some questions after each one. Again, this is not a test but about gauging your opinions.

All the girls/women described in these scenarios are over the age of 16

Scenario One

You are out on a Friday night and you meet a girl you like and spend time talking to her at the bar. As she leans over the bar, you can see down her top and she isn't wearing a bra. She catches you looking and smiles as she walks off to the toilet.

You follow her into the toilets and have sex with her. She tells staff that she has just been raped by you.

Questions

What is going on in this scenario?

What is the man's role in this scenario?

What is the woman's role in this scenario?

Is it sex or is it rape?

If it is rape, what was the woman's role in this, what was the mans?

If post treatment - Old me/new me?

Scenario Two

You are in a club and you start talking to a girl who is clearly wasted, as people push past to get on the dance floor she keeps falling onto you. She loses her friends and you offer to help her get home as she is clearly not capable of doing this alone.

You help her into her house and start kissing, she passes out on the sofa and you continue by having sex with her. Next day she reports to the police that she has been raped by you...

Questions

What is going on in this scenario?

What is the man's role in this scenario?

What is the woman's role in this scenario?

Is it sex or is it rape?

If it is rape, what was the woman's role in this, what was the mans?

If post treatment - Old me/new me?

Scenario Three

There is a young woman at work (aged 17), you have liked her for a while. You offer to drop her off one night after work as it is raining. She invites you in for a cup of tea to say thank you and to show you round the new flat that she has just moved into with her mate (who is still at work).

You start kissing her whilst in the kitchen, she makes it quite clear that she does not want to kiss you and neither have sex with you, but you say you will tell her boyfriend that she has had sex with you if she doesn't. You start having sex with her and she goes along with it.

Questions

What is going on in this scenario?

What is the man's role in this scenario?

What is the woman's role in this scenario?

Is it sex or is it rape?

If it is rape, what was the woman's role in this, what was the mans?

If post treatment - Old me/new me?

Scenario Four

You have been married to your wife for five years. You have had sex together countless times. You are in bed one night, kissing and you suggest that you have sex, she is not interested and says she is tired, you continue and have sex with her anyway.

Questions

What is going on in this scenario?

What is the man's role in this scenario?

What is the woman's role in this scenario?

Is it sex or is it rape?

If it is rape, what was the woman's role in this, what was the mans?

If post treatment - Old me/new me?

Scenario Five

You are at a house party and there is a girl there who has slept with most of your mates. You want to have sex with her and in your mind she is a sure bet. She seems interested in you – you have spent most of the evening talking and start kissing, you lead her to the bedroom but she begins to lose interest in you, telling you she doesn't want to have sex with you but you don't listen as she has had sex with all your mates, why wouldn't she want to with you?

Questions

What is going on in this scenario?

What is the man's role in this scenario?

What is the woman's role in this scenario?

Is it sex or is it rape?

If it is rape, what was the woman's role in this, what was the man's?

If post treatment - Old me/new me?

In some cases these could be consensual scenarios in others they could be described as rape, how do we tell the difference?

Appendix Four: Transcription Symbols

Taken from Potter and Hepburn 2006

The Jefferson Transcription System

The transcription system uses standard punctuation marks (comma, stop, question mark); however, in the system they mark intonation rather than syntax. Arrows are used for more extreme intonational contours and should be used sparingly. The system marks noticeable emphasis, volume shifts, and so on. A generally loud speaker should not be rendered in capitals throughout.

[]	Square brackets mark the start and end of overlapping speech. They are aligned to mark the precise position of overlap as in the example below.
↑↓	Vertical arrows precede marked pitch movement, over and above normal rhythms of speech. They are used for notable changes in pitch beyond those represented by stops, commas and question marks.
→	Side arrows are used to draw attention to features of talk that are relevant to the current analysis.
<u>Underlining</u>	indicates emphasis; the extent of underlining within individual words locates emphasis and also indicates how heavy it is.
CAPITALS	mark speech that is hearably louder than surrounding speech. This is beyond the increase in volume that comes as a by product of emphasis.

[°]I know it[°] ‘degree’ signs enclose hearably quieter speech.

that's r*ight. Asterisks precede a ‘squeaky’ vocal delivery.

(0.4) Numbers in round brackets measure pauses in seconds (in this case, 4 tenths of a second). If they are not part of a particular speaker’s talk they should be on a new line. If in doubt use a new line.

(.) A micropause, hearable but too short to measure.

((stoccato)) Additional comments from the transcriber, e.g. about features of context or delivery.

she wa::nted Colons show degrees of elongation of the prior sound; the more colons, the more elongation.

hhh Aspiration (out-breaths); proportionally as for colons.

.hhh Inspiration (in-breaths); proportionally as for colons.

Yeh, ‘Continuation’ marker, speaker has not finished; marked by fall-rise or weak rising intonation, as when delivering a list.

y'know?

Question marks signal stronger, 'questioning' intonation, irrespective of grammar.

Yeh.

Full stops mark falling, stopping intonation ('final contour'), irrespective of grammar, and not necessarily followed by a pause.

bu-u-

hyphens mark a cut-off of the preceding sound.

>he said<

'greater than' and 'lesser than' signs enclose speeded-up talk. Occasionally they are used the other way round for slower talk.

solid.= =We had

'Equals' signs mark the immediate 'latching' of successive talk, whether of one or more speakers, with no interval.

heh heh

Voiced laughter. Can have other symbols added, such as underlinings, pitch movement, extra aspiration, etc.

sto(h)p i(h)t

Laughter within speech is signalled by h's in round brackets.