

“What is raping somebody?” Exploring Individualised Meaning, Understanding, and Application of Non-consensual Penetrative Sex Terminology, a Lay Theories Approach.

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If you do what you love, you'll never work a day in your life

- Francis Conway

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*Tadgh Tobin,
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Abstract

The Sexual Offences Act (2003) has been in effect for 21 years and in these years a number of cultural and social shifts have taken place around how people think and talk about sexual offences. Celebrity scandals, #metoo, and high-profile cases have brought sexual violence into the forefront of academic and public conversation. That being said, there is a wealth of evidence that suggests there may be a disconnect between legal definitions of sexual offence terminology and how people define and use these terms. This evidence spans a range of contexts, but focuses on victimisation acknowledgement, appraisal, and stereotyping. Acknowledgement research has shown victims do not always apply legal labels accurately to their own experiences. Appraisal research has shown participants are not always accurate in their judgements. Finally, stereotyping research shows that there are additional factors that are considered when deciding if an experience is truly a sexual offence, beyond the legal definitions/criteria.

The work of Harbridge and Furnham (1991), Peterson and Meuhlenhard (2004, 2007, 2011) and Haugen et al., (2018), has suggested that the variations in appraisal, acknowledgement, and to some extent myths and stereotypes can be explained through the presence of an individualised construction of the offence. These researchers suggest that individual constructions are being applied to real scenarios, rather than legal definitions, leading to variable and contextual perceptions. The works cited above, however, focus entirely on the offence of rape. Following academic discussions of the law, this thesis presents a discussion of non-consensual penetrative sex, a new term used to define any penetrative sexual acts covered within the offences of *rape*, *assault by penetration*, and *causing a person to engage in sexual activity without consent*. As such, the study aims to explore constructions of non-consensual penetrative sex, how these constructions develop, and how these constructions can be explained using theoretical models. The findings and perspectives of prior research and legal commentators are discussed in Chapters 1 and 2 of this thesis, as well as the definition and justification for using non-consensual penetrative sex as an aggregated label.

Chapter 3 summarises the philosophical, ethical, and methodological approaches contained in Chapters 4-7. Chapter 4 presents a large-scale ($N = 1532$) investigation into victimisation acknowledgement of non-consensual penetrative sex, exploring prevalence differences between question-types, and between sex and sexuality groups. This shows that descriptive questions of victimisation elicit a higher prevalence rate than label-based questions, but that male and female participants are just as likely to acknowledge penetrative offences. This provides evidence for a general misunderstanding of sexual offence terminology. Building on this, Chapters 5 and 6 present qualitative evidence from public ($N = 20$) and professional ($N = 15$) samples exploring how they conceptualise non-consensual penetrative sex, and how this construct has changed over time. Both studies found that a majority of participants believed rape should encapsulate all forms of non-consensual penetration, including object penetration and forced-to-penetrate. These constructs also changed for most participants, adapting in response to new information and experiences. Finally, Chapter 7 presents an experimental study exploring the definition of rape and categorisation of sexual offences. Of the sample ($N = 312$), the majority of participants ($n = 298$, 95.51%) presented a definition that

was inaccurate to the legal definition and included all forms of penetrative sex. Conversely, a significant minority ($n = 10$, 3.21%) held a legally accurate definition of rape. The majority (>59%) also categorised any vignette involving penetration as rape, and exactly half (50%) categorised female-female oral sex as rape. After the task, ~40% of participants had changed their construction of rape. Chapter 8 collates all evidence from the empirical chapters and previous literature and explores the findings. Chapter 8 also discusses the methodological, theoretical, and practical implications of the research, as well as the strengths and limitations of the research and future directions for possible investigation.

Based on all findings, the majority of participants across this thesis provided inaccurate definitions of offences and usually adopted definitions of rape that included all forms of penetration. It is likely that lay theories are the best explanation of how non-consensual penetrative sex is constructed at an individual level. Through gaining new insights and experiences, participants are reviewing and evaluating extant and new information and reshaping or consolidating their existing perceptions. This presence and process of constructions in non-consensual penetrative sex have a number of implications for research and practice. Most notably, it is suggested that research adopts a label of non-consensual penetrative sex in research concerning the phenomena, rather than using rape, and that a concerted effort is made to provide operational definitions of offences in research methodologies and outputs.

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List of Outputs

Thesis Presentations:

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Slade, K., **Tobin, T.**, and Woodward, E. (2024). Suicide and Cluster Response Toolkit. [Toolkit designed for HMPPS, demonstrable on request, not shareable]

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1 Introduction

The research within this thesis focuses on understanding and explaining individual-level differences in conceptualisation and perception of non-consensual penetrative sex and exploring models that would aid in this. The thesis first summarises current literature evidence surrounding general understanding of sexual violence, then uses empirical research to explore prevalence, acknowledgement, and definitions of non-consensual penetrative sex terms. This leads to an experimental study that explores definitions of rape and their application to realistic scenarios. Implications and applications of these findings are then addressed in an overall discussion. This introduction sets out the academic and legal context of this thesis, as well as the scope of the research. This chapter outlines the pertinent sexual offences, per the Sexual Offences Act (2003) and the operational definition and justification of non-consensual penetrative sex, a new term for use within this thesis. Core language use and the chapters comprising the thesis are also outlined.

1.1 Research Context

The Sexual Offences Act (2003) has been in effect across England and Wales since 2004 and has received no pertinent amendments or additions during this time. Following the ratification and implementation, 21 years' worth of conversation, research, and jurisprudence has amassed, and recently sexual violence has been brought into the forefront of public discourse through various means. The publicity of social media movements (e.g., #metoo), celebrity scandals (e.g., Phillip Schofield, Kevin Spacey and Jimmy Savile¹), and high-profile non-celebrity cases (e.g., Brock Turner and Reynhard Sinaga) have brought sexual violence into public discourse (Askanius & Hartley, 2019; Harper & Hogue, 2017; Palmer et al., 2021; PettyJohn et al., 2019).

At the beginning of this research programme, the England and Wales Crime Survey had recorded ~200 000 sexual offences in the 12 months leading to September 2022; of these ~70 000 were rape offences² (Office for National Statistics, 2023a, 2023b). This reflects an overall rise of 22% since March 2022, and rape offences specifically have risen by 20% in the same period (Office for National Statistics, 2023a, 2023b). The Office for National Statistics (2023b) propose that this rise in recorded offences is less likely to be an increase in cases overall, and more likely to represent an increase in cases being reported to the police/crime survey. The apparent rise in reporting is credited to social media campaigns, general public awareness, and high-profile cases (Office for National Statistics, 2023b). It is recognised that there is still likely an actual increase of sexual offences, however it is unlikely that this increase is proportional to the rise seen in these statistics (Office for National Statistics, 2023b).

It is imperative to discuss, research, and understand current social understanding and public attitudes to sexual violence, its legislation and offences, due to the social, legal, and academic discourse surrounding

¹ Although these individuals have not been convicted of any sexual offences, the alleged incidents were still a key point of discussion regarding sexual victimisation by celebrities, and specifically male-on-male sexual violence.

² In the Crime Survey for England and Wales 'rape offences' is used to refer to both *rape* and *assault by penetration* within this survey.

it. This thesis focuses on the array of offences that can include non-consensual penetrative sex between adults: *rape*, *assault by penetration*, and *causing a person to engage in sexual activity without consent* (hereafter, *causing sexual activity*). This thesis aims to explore how people understand and conceptualise these sexual offences, and how they form attitudes towards sexual offences through both explicit and implicit methods. The findings herein will likely hold implications for sexual violence education and prevention, interpretation of research, as well as victim outcomes, reporting and disclosure.

1.2 Non-consensual Penetrative Sex in the Law

In its inception, the Sexual Offences Act (2003) represented a series of major changes in societal attitudes and views of sexual violence. Offence titles, definitions, and specificity have changed vastly over past iterations of sexual offence legislation, as well as the addition and removal of various offences. Given its age, however, some would argue that the Sexual Offences Act (2003) is now outdated, and more changes should be considered (R. E. Anderson et al., 2020; Bates & Weare, 2020; McGlynn & Munro, 2010). This section will cover the definitions and brief legal history of the relevant offences, considering changes that were made to previous legislation.

1.2.1 Rape

Rape is the oldest sexual offence still present within the Sexual Offences Act (2003). Having been through many changes throughout history, rape has always required penile penetration, but the inclusion of anal and oral penetration and consideration for male victims were later additions. In the direct predecessor to the Sexual Offences Act (2003), rape was defined as: “*A man commits rape if he has sexual intercourse with a person (whether vaginal or anal) who at the time of the intercourse does not consent to it,*” (Criminal Justice and Public Order Act, 1994, Section 142). Regardless of modernisation and adaptations, both historical and modern definitions of *rape* have always considered that only men (or rather people with penises) can commit the offence³. The significant updates to the legislation – and corresponding commentary (Home Office, 2000) – show a slowly but surely changing view and understanding of rape and consent as concepts.

Presently, *rape* is defined as follows (Sexual Offences Act, 2003, Section 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.*

The present Act covers a broader range of actions than previous iterations, such as including oral rape for the first time, and encompassing male-victim rape (first added in the Criminal Justice and Public Order Act, 1994), while concatenating various other offences into a single definition (e.g., varying methods of breaching consent that were previously separate offences). In the White Paper (Home Office, 2000)

³ In England and Wales, a handful of women have been convicted of rape throughout history, though this is usually attributable to exceptional cases of aiding and abetting *rape* (*Crown v Bevan*, 2022)

associated with the Sexual Offences Act (2003), the new legislation was geared towards a non-discriminatory philosophy, and adhered to the proposition that perpetrators and victims alike could be of either sex (even if the neutrality of perpetrator was not practicably codified into law). These changes in inclusivity were an effort to reflect perceived changes in public opinion (Home Office, 2000). This shows that the language of sexual violence is not only fluid, but also changes with changing public attitudes, to maintain alignment with public attitudes.

1.2.2 Assault by Penetration

Unlike *rape*, *assault by penetration* was first added as an offence in the Sexual Offences Act (2003). Previous offences have shared similar qualities, and accounted for similar actions, but none are directly comparable to the current Act. For example, *indecentcy between men* implied a lack of valid consent during sexual acts, but was also used to outlaw sex between men generally, and does not account for the use of objects (Criminal Justice and Public Order Act, 1994; The Equality Act, 2010). Similarly, *indecent assault of a man/woman* was too broad and vague in its definition to be comparable to the current offence, again due to not accounting for the use of objects (Criminal Justice and Public Order Act, 1994; Sexual Offences (Amendment) Act, 1976; The Equality Act, 2010).

Assault by penetration is defined as follows (Sexual Offences Act, 2003, Section 2):

A person (A) commits an offence if—

- (a) he intentionally causes another person (B) to engage in an activity,*
- (b) the activity is sexual,*
- (c) B does not consent to engaging in the activity, and*
- (d) A does not reasonably believe that B consents.*

This again aligns with the progressive notion of sexual violence being gender neutral in its commission and victimisation (Home Office, 2000). *Assault by penetration* does not discriminate against any sex or gender through its commission, either as victim or perpetrator. Similarly, this accounts for less traditional forms of sex, such as the use of sex toys, vibrators, or other implements that may be used in lieu of a penis in traditional penis-in-vagina sexual intercourse. Though it is more progressive than previous Acts, some still would argue the actions within this section should be considered *rape*, and this will be explored later in this chapter.

1.2.3 Causing a Person to Engage in Sexual Activity without Consent

Causing sexual activity is also a new addition, first appearing in the Sexual Offences Act (2003). *Causing sexual activity* accounts for a wide range of actions previously not considered either criminal in nature or prevalent in the general population. *Causing sexual activity* was again a result of pushing to provide a more holistic and inclusive perspective on sex in the law, accounting for cases of forced-to-penetrate, forced masturbation, and other non-contact sexual activities. The law is separated into two different offences, firstly a non-penetrative offence:

Causing sexual activity is defined as follows (Sexual Offences Act, 2003, Section 4):

A person (A) commits an offence if—

- (a) he intentionally causes another person (B) to engage in an activity,*
- (b) the activity is sexual,*
- (c) B does not consent to engaging in the activity, and*
- (d) A does not reasonably believe that B consents.*

And secondly a penetrative offence which carries a more severe punishment:

A person guilty of an offence under this section, if the activity caused involved—

- (a) penetration of B's anus or vagina,*
- (b) penetration of B's mouth with a person's penis,*
- (c) penetration of a person's anus or vagina with a part of B's body or by*
- (d) B with anything else, or*
- (e) penetration of a person's mouth with B's penis,*

is liable, on conviction on indictment, to imprisonment for life.

As stated, this includes acts such as a person being a non-consenting witness to a sexual act they are not involved in, non-consensual (mutual-) masturbation, or non-consensual penetration wherein the person penetrating is the victim, and the recipient of the penetration is the perpetrator – most commonly referred to as forced-to-penetrate cases (R. E. Anderson et al., 2020; Bates & Weare, 2020; Weare, 2018b). Most of these behaviours were not covered by specific legislation prior to the Sexual Offences Act (2003) or fell under broader or more vague legislation such as *indecent assault* (Sexual Offences Act, 1956). Including more specific legislation allows for more streamlined and to-the-point criminal trials, as the case becomes whether or not the offence occurred, rather than whether the events were a crime. As *causing a person to engage in sexual activity without consent* contains many different behaviours, it is noted that the definition of non-consensual penetrative sex definition used within this thesis refers exclusively to behaviours involving a single perpetrator and victim. Similarly, in all future chapters, forced-to-penetrate will be used when discussing the penetrative behaviours, and *causing a person to engage in sexual activity without consent* will be used to refer to the offence as it is defined in law (Sexual Offences Act, 2003).

1.3 Defining Non-consensual Penetrative Sex

The focal point of this thesis is sexual offences that involve non-consensual penetration occurring between adults who have the freedom and capacity to give consent⁴. This forms the basis of non-consensual penetrative sex, a new term for use in this research defined as:

⁴Although technically sexual offences against adults includes victims who are 14 years old and over, children under 16 years old cannot consent to sex, and are therefore excluded from consideration per this study's guidelines. This study considers *bona fide* adults, meaning 16 years old and over.

Any sexual act involving the non-consensual penetration of an adult's anus, vagina, or mouth with another adult's body part or object.

This definition encompasses criminal acts referred to within §1, *rape*; §2, *assault by penetration*; and forced-to-penetrate, as defined within §4, *causing sexual activity* (Sexual Offences Act, 2003). Despite some differences, there are prominent similarities between the behaviours (penetration of some form) and the emotional and physical harm inflicted on the victim, and they all carry a maximum sentence of up to life imprisonment (R. E. Anderson et al., 2020; Sexual Offences Act, 2003; S. G. Smith et al., 2022; Weare, 2021b). There are a number of arguments surrounding the Sexual Offences Act (2003) that informed the decision to use non-consensual penetrative sex as an umbrella label for the offences in question, and the operational definition thereof.

1.3.1 Adopting a Broader Definition of Rape and Penetrative Offences

There are many arguments on whether *rape*, *assault by penetration*, and forced-to-penetrate are homogenous enough to be considered a single offence. In current thinking, the *prima facie* wrong of non-consensual penetrative sex is not the moral harm to the victim on which rape was founded, but causing significant emotional, psychological, and physical harm through infringing on one's right to sexual autonomy (DiMarco et al., 2022; McGlynn & Munro, 2010). In this way, *rape*, *assault by penetration*, and forced-to-penetrate are roughly comparable acts, as all of these acts would reasonably be considered sex, and meet the legal definition of sex, sexual, and penetrative (Anand, 2022; DiMarco et al., 2022; Powlesland, 2005; Rumney & Morgan-Taylor, 1997a, 1997b). Some argue that because the acts are very similar and the punishments are theoretically the same (albeit rarely in practice), then the acts should all be considered under a single title: rape (Agnes, 2002; Arora, 2011; Powlesland, 2005). However, counter arguments suggest that being raped by a penis is a significantly more psychologically damaging experience due to the personal nature of the invasion and loss of sexual autonomy, and a man raping a woman is more damaging on a societal level than instances of male-victim *rape*, *assault by penetration*, or forced-to-penetrate (McGlynn & Munro, 2010; Novotny, 2002; Warburton, 2004). Therefore, they argue that *rape* should remain separated from other forms of non-consensual penetrative sex. This assumption is based on the stereotyping of rapes as being more violent than other offences, and that *rape* is inherently more emotionally and morally harmful than other offences (A. Johnson, 2015).

There is also a second consideration that, building on behavioural similarity, all three offences (*rape*, *assault by penetration*, and forced-to-penetrate) are equally damaging to the victims, arguing that they should be aggregated into a single offence. When considering the individual-level impacts, the argument is that the forcible penetration of someone's vagina, anus, or mouth with one's penis is generally more violent than an object or another body part, and the risk of adverse effects (pregnancy, STIs) is much higher than in other forms of non-consensual penetrative sex (Agnes, 2002; Arora, 2011; Morgan & Long, 2018; S. G. Smith et al., 2022). It is also stated that sexual violence is often used in cases of intimate partner violence as another form of abuse (Bagwell-Gray et al., 2015; Hester & Lilley, 2017). However, in the instance of assault by penetration and forced-to-penetrate, these arguments have limited evidence to support them. The

potential physical harm caused by being penetrated by an object that is not supposed to be in one's body (by both its size, shape, material, and texture) is actually much greater than a penis (Agnes, 2002; Arora, 2011). Further, in the case of forced-to-penetrate, the risk of STIs and pregnancy are maintained – male victims are just as likely to catch STIs as female victims of rape, and their perpetrators may be trying to get pregnant to 'trap' them in a relationship (Agnes, 2002; Arora, 2011; Grace & Anderson, 2018; Morgan & Long, 2018; S. G. Smith et al., 2022). This therefore argues that if victim harm is the same in all three instances, they should be considered under the same act. Arora (2011) specifically argues that the similarity in harm across all major factors and the prioritisation of victim harm in the sentencing guidelines for all three sections should be enough to consider concatenating *rape*, *assault by penetration*, and forced-to-penetrate. While male victims and victims of forced-to-penetrate are now recognised, there is still an implied hierarchy of suffering from victims in these cases, given the severity ascribed to the word 'rape' (Berkland et al., 2022), which naturally minimises comparable offences within other titles – *assault by penetration, causing sexual activity* (Anand, 2022; R. E. Anderson et al., 2020; Weare, 2018b).

However, the unique threat of rape-related pregnancy, a distinct and extremely harmful outcome, must also be considered in offences involving a female victim and male perpetrator. As well as the sociological arguments about rape being more harmful for female than male victims, rape-related pregnancy is often used as an argument for disaggregating non-consensual penetrative sex into multiple offences (McGlynn & Munro, 2010; Temkin, 2002; Warburton, 2004). It is estimated that the prevalence of rape-related pregnancy is between 2.4% (Basile et al., 2018) and approximately 5% (D'Angelo et al., 2024; M. M. Holmes et al., 1996) of all rape cases, across stranger, acquaintance, partner, and familial rapes. While the number of rape-related pregnancies is significant, victims are far more likely to receive physical injuries, sexually transmitted diseases, and psychological harms, all of which are gender neutral (D'Angelo et al., 2024; Khadr et al., 2018; Morgan & Long, 2018; S. G. Smith et al., 2022). As such, there is an ongoing discussion about whether actual or potential harms should take priority when considering the boundaries of laws.

There are, therefore, legal arguments both in favour and opposition to combining non-consensual penetrative sexual offences into a single offence category, based on behavioural similarities and similarities in victim outcomes. On this, the present research is conducted with a neutral stance, and arguments for and against legal reform of non-consensual penetrative sex are based in the findings and evidence from the thesis and wider literature.

1.3.2 Naming Rape: Social, Historical, and Cross-cultural Legal Perspectives

While the definition of *rape* for England and Wales has adapted and changed to reflect moral and social attitudes towards the offence over time, rape is also uniquely defined across the world, and some legislatures have also moved away from using rape as a label for non-consensual sexual acts (Criminal Law Amendment Act, 2007; Florida Statutes, 2022; Penal Code of Turkey, 2016; Swedish Criminal Code, 2019). These variations in both definition and nomenclature are backed by arguments about what 'rape' means, and whether it should hold fast as a label for non-consensual sex. Proponents of keeping the term rape within UK

law argue that it is a well-known, serious, and impactful word, and replacing *rape* with sexual assault, for example, would minimise and discount the experiences of rape victims, by implying their experiences are not serious enough to be *rape* (Anand, 2022; Maher, 2022; Powlesland, 2005; Warburton, 2004). As *rape* has been in legislation for many years, it has built a reputation for being among the most serious crimes overall, and the most serious sexual offence (Anand, 2022; Maher, 2022; Powlesland, 2005; Rumney & Morgan-Taylor, 1997a, 1997b; Warburton, 2004), and, if law were to be reformed, changing the title of *rape* would work to remove the extant and significant connotations of rape as a word, again, working to minimise the experiences of *rape* victims, and others who use the rape victim label (Ahmad et al., 2022; Powlesland, 2005).

In contrast, some feel the existing renown and severity of rape as a term is an overall negative and would argue the word rape should be removed from future legislation. It is argued that, because *rape* was founded in moral damage adopting a term such as sexual assault or battery would convey the more violent aspects of non-consensual penetrative sex and allow a broader view of what sexual violence can be, making them more appropriate contemporary replacements for rape (A. Johnson, 2015; Maher, 2022). This justification was used for the change in Canadian law, and can also be seen in that of Türkiye and Florida, USA (Florida Statutes, 2022; Penal Code of Turkey, 2016; A. Johnson, 2015; Maher, 2022). Further, while rape connotes a significantly negative impact, the word also brings forth a very specific stereotype: a man forcing himself on a female victim, which is based on the old sexual scripts of men being active pursuers of sex, while women were passive gatekeepers of sex (Bows & Westmarland, 2017; Maher, 2022; Novotny, 2002; Waterhouse et al., 2016). This stereotype can be harmful to victims that do not conform to this stereotype, such as male victims and victims of female perpetrators (Bows & Westmarland, 2017; McKimmie et al., 2013; Waterhouse et al., 2016). As the term rape is founded in heterosexual sex scripts, it is noted that there can only be male perpetrators, as both the active party in said sex scripts and the aggressors in *rape*, the legal definitions of *rape* reinforce this by only allowing people with penises to be accused – and found guilty – of the most serious sexual offence as the principal offender (Anand, 2022; Maher, 2022).

Many victims of non-rape offences use rape to describe their experiences because of the severe connotations of the word itself, ascribing the severity of their experiences of *assault by penetration* and forced-to-penetrate to their understanding of rape (Anand, 2022; Maher, 2022; Rumney & Morgan-Taylor, 1997a, 1997b). Before potential long-term benefits are realised, it is argued that removing the term ‘rape’ from legislation may reduce reporting and help seeking, causing an increase in victim self-blame, anger, and shame (Anand, 2022; Rumney & Morgan-Taylor, 1997a, 1997a). This is expected as victims will perceive their experiences as being less severe, due to the significance of the term rape in legislation presently (Anand, 2022; Holland et al., 2021; Rumney & Morgan-Taylor, 1997a, 1997b). Victims who identify as rape victims, but are not legally *rape victims* (most commonly victims of *assault by penetration* and forced-to-penetrate) may then also be disincentivised from reporting their experiences to the police or seeking help, which will in turn create a justice gap similar to what we are currently seeing in *rape* and *sexual assault*

(Ahmad et al., 2022; Temkin & Krahé, 2008). That said, if these victims who use rape to identify their experiences were to report this to the police as a *rape*, only to be told their experience is *assault by penetration* or another offence, the language correction may be seen as the police minimising their experience (R. Brown & Hobbs, 2023; Murphy-Oikonen et al., 2022). This perceived, though perhaps not actual, minimisation can stimulate feelings of guilt or shame, lead to the retraction of charges/accusations, and contribute to a general distrust of the police handling of sexual violence (R. Brown & Hobbs, 2023; Murphy-Oikonen et al., 2022). As such, despite being a (mostly) nominal difference, the separation of non-consensual penetrative sex may lead to fewer charges and convictions, even when charges would still be appropriate for the case and beneficial for the victim. This would be avoided if there were a single title for all penetrative offences but keeping *sexual assault* as it is (non-consensual sexual touching), as this nuance would be easier for the public to understand, and for the police to portray and action.

Due to the prominence of arguments on inclusion of other penetrative behaviours in rape and the use of rape as a label, as well as the potential for foreign differences in definition to cause confusion, there may be a misalignment between the general public's understanding and conceptualisation of penetrative sex and the legal definitions. Aware of this, the research will use the operational definition of non-consensual penetrative sex inclusive of the offences of *rape*, *assault by penetration*, and forced-to-penetrate. This is done with the intention of giving the research a less limited scope to explore and comment on definitions and conceptualisation from a broad spectrum of criminal behaviours involving sexual penetration. While there are other offences within the Sexual Offences Act (2003) that include or account for non-consensual or penetrative sex, the three named offences concern only adults who have the freedom and capacity to consent to penetrative sex beyond the content of the legislation, where other offences do not. For example, §5-8 (*offences against children under 13*) have been omitted as children do not have the capacity to give valid consent, and *sexual assault* has been omitted as it does not involve penetrative acts (Sexual Offences Act, 2003). Contrastingly, §64 and 65 (*sex with an adult relative*) have been omitted as these do not require consent to be coerced, ignored, or foregone to be considered an offence (Sexual Offences Act, 2003).

1.3.3 Perspective of the Present Research

Given the arguments on both sides of the discussion of legal reform, this thesis, and the contingent research within, has taken a neutral stance on reform and is conducted without a bias towards one side of this debate. The choice to utilise non-consensual penetrative sex as a definition for *rape*, *assault by penetration* and forced-to-penetrate is derived from a need to capture all of these behaviours within a single concept and provide a descriptive and clear title to this group of behaviours. Non-consensual penetrative sex is descriptive enough to also not require contextual information that may cause misinterpretation or misapplication of the findings, which may be present in other research (Dworkin et al., 2021; Haugen et al., 2018; Stephens & Eaton, 2014). This is because research that explores *rape* or *sexual assault* requires a knowledge of what those words mean within the research context (Dworkin et al., 2021; Stephens & Eaton, 2014). For example, research into rape done in the context of Sweden, South Africa, or the US would have a different meaning to findings of *rape* research from England and Wales, due to the differences in the

legislation and the legal definitions and therefore the implications and applications of the findings (Criminal Law Amendment Act, 2007; Florida Statutes, 2022; Swedish Criminal Code, 2019; West Virginia Code, 2006; Dworkin et al., 2021; Stephens & Eaton, 2014). As such, for the purposes of this thesis, by providing a novel and descriptive label for the behaviours being captured, the possibility for cross-cultural confusion is minimised, and the research becomes more transparent and applicable in a range of legal, cultural and psychological contexts. Similarly, non-consensual penetrative sex is clearly defined within this chapter, without reference to the law of England and Wales, to further minimise this and ensure that, if used in international contexts, researchers, policymakers, and educators can be certain the findings are closely applicable to their legislation.

1.4 Research Aims and Questions

The aims of this thesis are exploratory, as little research has begun to understand the process and influences of conceptualising non-consensual penetrative sex. Similarly, no research thus far has grouped the offences contained within non-consensual penetrative sex together for the purpose of comparing understanding and perspectives on sexual violence as this thesis does. Similarly, there is no evidence of whether the UK general public know, understand, or support the current legal definitions within the Sexual Offences Act (2003). Consequently, there is also little evidence on whether there is support for legal reform, such as aggregating sexual offences into singular labels, as discussed earlier. As such, the thesis aims to provide insights into how knowledge and understanding of non-consensual penetrative sex is constructed, and what these constructs are; explore the process of construction and what factors may guide or influence it; and identify potential implications for variance in individualised construction. The thesis also aims to identify and outline future directions for research, education, and legislation. The following questions underly all of the research within this thesis:

- a. How do individuals define and understand non-consensual penetrative sex offences?
- b. What is the process of conceptualising non-consensual penetrative sex?
- c. How are sexual offence labels used and applied in the context of acknowledgement and appraisal?
- d. What models can be used to understand and explore this process of conceptualisation?

The aims and research questions for individual studies will be discussed in their respective chapters.

1.5 Thesis Outline

Chapter 1 has provided an outline of the legal and academic context within which the research has been conducted and the thesis written. Chapter 2 provides an outline of the psychological literature and theory pertinent to the topics being discussed within this thesis. It discusses general literature surrounding sexual violence, as well as literature concerning attitude development, language development, and sex. Chapter 3 describes the broad methods used throughout the thesis, providing explanations and justifications for the methodologies used in the empirical chapters, including data collection, participant recruitment, and

data analysis. It also discusses the philosophical underpinnings of this thesis, and the ethical considerations accounted for in the design and implementation of research.

Chapters 4-7 comprise the empirical research conducted within this thesis. Each of these chapters aims to understand the use of sexual violence terminology through implicit and explicit methods. Chapter 4 investigated the prevalence of sexual violence across the offences of *rape*, *assault by penetration*, *sexual assault*, *causing sexual activity*, and *sexual harassment*. Through the use of dual-questioning methods, the prevalence of unacknowledged and mislabelled incidents of sexual violence were also estimated. This was used to estimate whether participants understood relevant labels and how these were applied to experiences. Chapter 5 adopted a qualitative approach to discover participants' definitions of terms such as 'rape' and 'consent' to provide an understanding of how these words are understood and used by members of the public. Secondly, how this understanding and attitude developed, and how/why they differ from legal definitions were also explored. Chapter 6 continued the work of Chapter 5, but rather than exploring the views and definitions within members of the public, it instead focused on people with a degree of experience and expertise in the field of sexual violence (e.g., academics, solicitors, psychotherapists). Chapter 7 provides the first explicit investigation into the presence of lay theories and utilised an experimental design to see whether personal definitions of 'rape' (as the *de facto* form of non-consensual penetrative sexual offending in the public's consciousness; based on findings from Chapters 5 and 6) are affected by the presentation of various penetrative and non-penetrative sexual offence exemplars.

Chapter 8 provides a discussion of findings throughout the thesis and collates them into a final set of conclusions and overall findings, reflecting the methodological and theoretical contributions of this research, and exploring possible directions for future research.

2 Literature Review

Non-consensual penetrative sex is a pervasive and varied phenomenon situated within a complex social, historical, and legal context. Between legislatures, there is a wide range of unique legal terms and definitions that refer to non-consensual penetrative sex (Dworkin et al., 2021; Dworkin & Weaver, 2021; A. Johnson, 2015; Maher, 2022; McGlynn & Munro, 2010; Penal Code of Turkey, 2016; Sexual Offences Act, 2003; Swedish Criminal Code, 2019; Temkin & Krahé, 2008). Given the range of language and definitions for similar behaviours, it is evident that legislatures have used a myriad of moral, legal, and pragmatic influences and justifications to construct non-consensual penetrative sex at the group level with many people contributing to their construction (A. Johnson, 2015; Maher, 2022). The thesis will develop new evidence for this discussion by exploring the notion that non-consensual penetrative sex is constructed at an individual level, and what factors may be influencing these constructions. Exploring sexual violence as an individually developed construct relative to an objective legal definition (hereafter referred to as ‘a construct’) allows for the exploration of discrepancies between legal definitions and individual perceptions, in turn gaining an understanding of justice gaps, case inconsistencies, and social attitudes to sexual violence.

This literature review provides an overarching perspective on the research into perceptions and understanding of sexual violence. Evidence is presented that suggests non-consensual penetrative sex is an individualised construct and explores potential mechanisms in the construction process. Firstly, the general principle that language and legislation are constructs, and the mechanisms through which these constructs update and change over time are introduced. Secondly, there is a discussion of the extant research evidence that individuals construct an understanding of non-consensual penetrative sex by reviewing acknowledgement, appraisal, and stereotyping literature. This is followed by a discussion of the potential issues arising from individual-level differences in the construction of non-consensual penetrative sex definitions, the novelty and contribution of the research. Finally, constructionist approaches are introduced and explored in relation to non-consensual penetrative sex.

2.1 Non-consensual Penetrative Sex as a Construct

2.1.1 *The Constructs of Language and Law*

Legislation and language are inconsistent concepts, evolving in both practice and principle (Home Office, 2000; McGlynn & Munro, 2010; Steinmetz, 2008; Temkin, 2002; Xu et al., 2021). Legislation changes to reflect sustained shifts in public opinion and attitude, and societal moral changes; it also changes for pragmatic reasons, updating with new technological and scientific knowledge, and to make it more practicable, representative, and accessible (Arora, 2011; Home Office, 2000; Morgan & Long, 2018; Powlesland, 2005; Rab, 2022). Language, however, changes with use: more often updating and shifting to fit current usage, rather than for pragmatic or moral reasons (Figuerola, 2014; Steinmetz, 2008; Vatvedt Fjeld et al., 2019; Xu et al., 2021). Words within any lexicon can shift in meaning; words fall out of use, new words are added, and alternative uses of words become more common (Pickering & Garrod, 2004; Steinmetz, 2008; Xu et al., 2021; Zhou & Fan, 2013). For example, Pickering and Garrod’s interactional alignment theory

(2004) found that the meanings and intentions of words and phrases can change within a single dialogue. The theory explores how the use of terms changes, adapting to intended, received, and shared relative meaning, which at times strays far from objective definitions (Pickering & Garrod, 2004). This emphasises the position that language only has meaning through mutual agreement of said meaning, and that this is subject to change. On a larger scale, this process is also cyclical: changes in lay-use can influence changes in official definitions, which can then influence lay-use further (Cutler & Condon, 2023; Kulik et al., 1971; Pickering & Garrod, 2004; Xu et al., 2021; Zhou & Fan, 2013). Over time, these inaccuracies, new meanings, and developing definitions become widely acknowledged, accepted, and understood, but may not yet be an officially recognised definition (Cutler & Condon, 2023; Kulik et al., 1971; Zhou & Fan, 2013).

Legislation follows a somewhat comparable evolution pathway, whereby offence titles are subject to a social/lay definition that misrepresents or dilutes the legal meaning of the offence, yet is widely understood and recognised (Burnstein, 2003; Wood, 2008; Wood & Gannon, 2013). For example, ‘robbery’ is often used socially to denote any form of property theft; however, in law, robbery requires the use of force against the victim, making it distinct from burglary or theft (Brookman et al., 2010; Mawby, 2013; Theft Act, 1968). Despite legal differences, there would be a common understanding of any of these legal terms being used interchangeably, suggesting a social understanding that is separate from the legal definition (Brookman et al., 2010; Mawby, 2013). This social definition may derive from a changing understanding of *robbery*, or a misunderstanding or lack of awareness of the nuance across property theft legislation. This phenomenon of social definition may also be present among sexual violence legislation, specifically concerning offences under the non-consensual penetrative sex umbrella. As will be discussed, there is some evidence that social understanding of non-consensual penetrative sex is misaligned with legislative definitions of offences such as *rape* (Haugen et al., 2018; Peterson & Muehlenhard, 2004). However, there is also evidence that these social definitions may be individualised constructs, borne from a lack of understanding or insight into the complexities and meanings of the law (Haugen et al., 2018; Larcombe et al., 2016; Peterson & Muehlenhard, 2004, 2011).

The changing and variable nature of both language and legislation provide evidence for both being seen as psychological or social constructs, as each only has meaning due to a collective agreement of said meaning (Bloor, 2001; Bruffee, 1986; Murray, 2014; P. Richardson, 1991). Within a language, the meaning of words can change rapidly or gradually, through misuse and the purposeful creation of new definitions (e.g., slang or codes), and this may also apply to use and understanding of legal terms. This thesis aims to understand how people define legal terminology associated with non-consensual penetrative sex, how these definitions are constructed, and how they are applied to scenarios. This with a view to advance the discussion of whether non-consensual penetrative sex is a construct, or rather a widely understood and agreed-upon concept.

2.1.2 Organising Evidence of Sexual Violence Constructions

There are a range of means through which research has observed variance in individuals’ definitions and understanding of non-consensual penetrative sex, and how these definitions are applied to experiences

and scenarios. The research discussed covered acknowledgement, appraisal, and stereotyping, which all grant unique insights into how participants construct and conceptualise non-consensual penetrative sex (Boyle & Clay-Warner, 2018; McDaniel & Rodriguez, 2021; Ollen et al., 2017; Orchowski et al., 2013; Sanguinetti, 2014; Sasson & Paul, 2014).

Acknowledgement research asks participants to consider their own experiences and explores the choice of labels and perceptions of criminality. This research often requires participants to recount or describe an instance of sexual intimacy and indicate whether or not they had experienced sexual violence; those who indicate they have not experienced sexual violence but have provided evidence to the contrary would be ‘unacknowledged victims’ (Arttime & Peterson, 2015; Cleere & Lynn, 2013; A. C. Graham et al., 2021; Layman et al., 1996; LeMaire et al., 2016; L. C. Wilson & Newins, 2019). Aside from conceptual research like Haugen et al. (2018) and Peterson and Meuhlenhard (2004), research into acknowledgement gives the most direct and insightful understanding of how individuals conceptualise non-consensual penetrative sex. Exploring how participants categorise and label their own experiences (criminal or otherwise) gives a deep insight into how they define certain labels and their underlying concept of what these labels mean. Acknowledgement research also helps to develop an understanding of motivational factors that can influence categorisation, as well as psychosocial and demographic factors (Peterson & Muehlenhard, 2011; Stubbs, 2013).

Appraisal research refers to studies in which participants evaluate a scenario – usually through vignettes or trial/case notes (mock jury trials) – and provide judgement on the criminality, severity, and labelling of the event. An example of such appraisal research is Sarmiento (2011) wherein participants were asked to review vignettes involving clear accounts of either stranger or acquaintance rape and provide judgement on which sexual offence label they would apply to it, how serious it was, and whether they felt it should be tried in court (Abrams et al., 2003; Goodman-Delahunty & Martschuk, 2020; Hills et al., 2020). In exploring how participants perceive sexually violent events, researchers can begin to understand what elements of the offence or case are important to participants when making decisions of guilt, labelling, and severity. This, in turn, can indicate which behaviours are included and excluded from specific labels such as rape, and also indicate whether the offensive behaviours are the centre of the decision-making process, or if other factors take precedent.

Finally, research on rape myths also help to understand underlying concepts of non-consensual penetrative sex. As stereotypes and myths are commonly held, but do not accurately represent the social or legal reality of sexual violence cases, they demonstrate variance and individualisation between the legal definitions and personal concepts of non-consensual penetrative sex (Burt, 1980; Davies et al., 2012; Deming et al., 2013; Waterhouse et al., 2016). Pertinent research into these rape myths explores the correlates and predictors of rape myths that facilitate or mitigate their prevalence or strength. Rape myths are typically seen as being a negative, stereotyped version of sexual violence founded on the prototypical understanding of non-consensual penetrative sex, and rape myths are seen to minimise the harm to the victim, pass blame to the victim, or excuse the perpetrator’s behaviour (Burt, 1980; Deming et al., 2013; Hockett et al., 2016;

Ryan, 2011). While rape myths broadly affect all instances of sexual violence, modern research has found that sexual violence involving male victims has some unique and myths and stereotypes referred to as male rape myths (Davies et al., 2012; Patterson et al., 2022; Walfield, 2021; Willmott & Widanaralalage, 2024).

The prevalence of unacknowledged victimisation, the variance in perceptions and appraisals of non-consensual sex, and the endorsement of sexual violence myths and stereotypes indicate that there are individual-level differences in the definition and application of legal terminology, that mirror legislature-level differences in definition and terminology (Bhattacharya & Stockdale, 2016; Dworkin et al., 2021; Johnstone, 2016; Temkin & Krahé, 2008; L. C. Wilson & Miller, 2016). Both acknowledgement and appraisal research provide evidence that perceptions and understanding of non-consensual penetrative sex are individualised and do not necessarily align with the legal definitions. There are, however, certain consistencies that are noteworthy, primarily concerning *rape*. In both acknowledgement and appraisal research, events that more closely match the prototypical⁵ rape are more likely to be acknowledged and accurately appraised (Abrams et al., 2003; Canter et al., 2003; Goh et al., 2021; Miller et al., 2012; Sasson & Paul, 2014). This is likely because the prototypical rape is what myths and stereotypes are founded on, and therefore are less likely to be discounted due to a familiarity and common awareness of rapes that meet these criteria (I. Anderson, 2007; Farrell, 2017; Foucault, 2002; Goh et al., 2021; A. Johnson, 2015; Maher, 2022). Additionally, stereotyping research can also be seen as evidence towards variable construction of non-consensual penetrative sex, as stereotypes are commonly held but are not evidence-based and do not accurately reflect or represent the realities of sexual violence (Burt, 1980; Davies et al., 2012; Deming et al., 2013; Waterhouse et al., 2016).

To summarise, it is proposed that research in victimisation acknowledgement, sexual violence appraisal and rape myths and stereotypes shows that people have a range of definitions of non-consensual penetrative sex offences by demonstrating that participants do not evaluate all scenarios of sexual violence similarly as can be seen in appraisal and acknowledgement research. The variances in participant perceptions, evaluations, and labels mean that there is a disconnect about what is and is not included in certain offence titles, or what qualifies as an offence. As such, a range of findings will be explored in the following section that explains how and why certain variables and factors can be included or excluded from an individual construct. These influences further support the notion that non-consensual penetrative sex may be a construct.

2.2 Non-consensual Penetrative Sex: Definitions, Perceptions, Applications

Exploring how labels and concepts are applied in various contexts is pivotal in aiming to understand how people define non-consensual penetrative sex and the process of this construction. This application of the underlying concept grants insight into the defining characteristics of their construct of non-consensual

⁵ The prototypical rape refers to the first rendition of what rape was in common law: Carnal knowledge of a woman against her will. After rape was substantiated as a statute, rape could only be of a virgin woman, or a married woman (but not by her husband) (Offences Against the Person Act, 1861; The Equality Act, 2010; Waterhouse et al., 2016).

penetrative sex, the construction process, and potential influences over this process. This section outlines a summary of the factors that are understood to influence perceptions of non-consensual penetrative sex, and how these can vary depending on factors within individual scenarios. Each of these factors have been observed to have a consistent impact across acknowledgement, appraisal, and rape myths research. While some of the research presented focuses on non-penetrative sexual violence, the purpose is to craft a wider narrative around how these factors contribute to perceptions and understanding of sexual violence more broadly, and non-penetrative sexual violence research is used sparingly or included where the operational definition is unclear (usually when ‘sexual assault’ is used).

When approaching this section, the terms broad and narrow are used when referring to individual constructs of non-consensual penetrative sex terms. In this context, broad refers to holding a construct of non-consensual penetrative sex that includes more behaviours or has fewer criteria or a lower threshold for criminality than the legal definition would allow, for example defining rape as “*any non-consensual penetration*,” this would be broader as *rape* specifically applies to penile penetration. Alternatively, narrow in this context refers to a stricter definition that would exclude behaviours normally included within the legal definition, for example defining rape as “*a man forcibly penetrating a woman with his penis*,” which is narrow due to the lack of consideration for male victims. In both cases, the definition is inaccurate to the legal definition, and therefore indicates a unique construction based on inaccurate information, stereotype or motivation (I. Anderson, 2007; Haugen et al., 2018; Peterson & Muehlenhard, 2011). Note that while the majority of the factors below are discussed in relation to either a broad or narrow construct, it is implied that the inverse findings represent opposing constructions.

2.2.1 Myth Acceptance and Constructions of Sexual Violence

Rape myth research explores the development, maintenance and application of erroneous cultural messaging around sexual violence. Rape myths represent a series of ideas around rape and sexual violence that are inaccurate to the majority of sexual violence experiences or work to dismiss, minimise, or excuse the behaviours of perpetrators (Burt, 1980; Davies et al., 2012; Deming et al., 2013; Hockett et al., 2016). Rape myth acceptance, therefore, explores correlates and predictors of these beliefs and their strength and prominence within participants attitudes and responses. Rape myths often represent a narrow concept of sexual violence by adding additional criteria that must be met in order for a behaviour to count as *rape*. For example, “*if they didn’t resist, they must have wanted it*,” imparts an additional consideration (physical resistance from the victim) which is not present in law.

Demographic Differences in Rape Myth Acceptance. Across both general and male rape myths, male and heterosexual participants are typically found to score higher on measures of rape myth acceptance compared to female and LGBTQ+ participants (Bhattacharya & Stockdale, 2016; Blayney et al., 2021; Davies et al., 2012; Jozkowski et al., 2014; Ollen et al., 2017; Ryan, 2011; Walfield, 2021; L. C. Wilson & Newins, 2019). This is typically explained from a presumption that male participants may be less familiar with the realities of sexual violence because they do not receive as much formal or social education about *rape* and *sexual assault* as female participants might (Gangal et al., 2024; Jerman, 2019; Kassing et al., 2005;

McMahon & Baker, 2011; Schneider & Hirsch, 2020). As such, it may be that male participants are relying more on media representations of rape to construct their understanding, which then become rife with myths and stereotypes as media representations often are (O'Boyle & Li, 2019; Sacks et al., 2018; Sarmiento, 2011; Seabrook et al., 2019; Sprankle et al., 2012). Similarly, male victims were originally thought to be less common and therefore were less likely to understand the associated harms from perpetuating rape myths, however recent evidence suggests that male victims are much more common than previously thought (Dworkin et al., 2021; Luetke et al., 2021). The explanation of heterosexual endorsement of rape myths follows much the same story. As the legal definitions of rape have historically centred a heterosexual rape script involving a male perpetrator and female victim, heterosexual participants are thought to be less likely to consider same sex perpetrator-victim dyads (Canan et al., 2021; Hockett et al., 2016; Ollen et al., 2017; Ryan, 2011; L. C. Wilson & Newins, 2019). This also goes for myths that oppose male victimisation and female perpetration, as this flips the typical heterosexual sex scripts of dominant, initiating men and submissive, accepting women (Kassing et al., 2005; Walfield, 2021; Weare, 2018b; Willmott & Widanaralalage, 2024). As rape myth acceptance and endorsement could represent a narrow construct of rape, this therefore implies that male and heterosexual individuals are more likely to hold a narrow concept of non-consensual penetrative sex compared to female or LGBTQ+ individuals.

Beyond observer sex, the sex of the victim can also influence rape myth acceptance in some instances. Rape myths are more strongly endorsed in situations involving male victims compared to female victims, and male-victim rape also has some unique myths not otherwise present for female-victim rape (I. Anderson, 2007; Davies et al., 2012; Grubb & Turner, 2012). The rape myth that if victims did not attempt to physically resist it was not a 'real rape', for example, is applied more strongly for male victims, as male victims are seen as being more physically capable of fighting off an attacker, especially in instances of female-perpetrated violence (Davies et al., 2008; Walfield, 2021; Weare, 2018b). This is a myth because it is naïve to the presence of a range of other coercive techniques that do not involve any physical force/strength and presents a narrow concept of non-consensual penetrative sex. This also contributes to other male-specific rape myths, such as male rape victims being gay, as a heterosexual man would not allow himself to get raped (Davies et al., 2008; Depraetere et al., 2020; Whatley & Riggio, 1993). As discussed above, acceptance of these myths is likely founded on heterosexual sex scripts before they are founded in rape scripts. With men being seen as the dominant instigator of consensual sex, they are therefore seen as the aggressor of rape. This does not then allow for a concept of rape in which a man can be victimised.

Psychosocial Predictors of Rape Myth Acceptance. A range of personality, psychological and social factors have also been found to be associated with rape myth acceptance. High rape myth acceptance has been found to be associated with high scores on measures of social dominance orientation, gender norm conformity, sexism, rape proclivity, right wing authoritarianism, and dark tetrad traits (Abrams et al., 2003; Bhattacharya & Stockdale, 2016; Canto et al., 2021; Costa et al., 2023; Grubb & Turner, 2012; Kassing et al., 2005; Long & Herr, 2022, 2022; O'Connor, 2021; Sanchez-Ruiz et al., 2021). Participants high in these traits have been found to be more likely to excuse, minimise, normalise, or accept sexually violent

behaviour, or rate scenarios as less severe or non-criminal (Belyea & Blais, 2023; Beshers & DiVita, 2021; Canto et al., 2021; Costa et al., 2023; Davies et al., 2012; Eyssel et al., 2006; Hockett et al., 2016; Kassing & Prieto, 2003; Sanchez-Ruiz et al., 2021; Walfield, 2021). In most research, these findings are thought to imply that stronger indications of these traits reflect a belief that victims generally deserved, encouraged, or are to blame for their assault (Canto et al., 2021; Costa et al., 2023; Davies et al., 2012; Hafer & Bègue, 2005; Hockett et al., 2016, 2016; Sanchez-Ruiz et al., 2021; Whatley & Riggio, 1993). Alternatively, the findings could suggest that people high in these traits believe that perpetrators are entitled to or deserve sex, and are free to procure it by any (“reasonable”) means (Burt, 1980; Larcombe et al., 2016; Ryan, 2011). This interpretation, however, generally assumes the male-perpetrator, female-victim dyad, where men are entitled to sex by any means, and women should provide this. An alternative interpretation, however, is that these participants believe that victims have generally made themselves vulnerable, and therefore cannot be truly victimised, as they are partly responsible for their actions (Abrams et al., 2003; Grubb & Turner, 2012). This rhetoric normally refers to victims who were intoxicated or otherwise incapable of resisting the attack, but can also extend to victims who may have shown interest in the perpetrator, flirted, or previously consented to other sexual activities (Deming et al., 2013; Grubb & Turner, 2012; Layman et al., 1996; Storer et al., 2020).

Alternatively, low rape myth acceptance been found to be associated with high scores on measures of cognitive and affective empathy, rape victim empathy, and feminist attitudes (Bhattacharya & Stockdale, 2016; Jerman, 2019; Leone et al., 2021; Long & Herr, 2022; López-Pérez et al., 2017). Participants scoring highly on these traits are less likely to normalise, minimise, or excuse sexually violent behaviour, endorse myths of sexual violence, and place blame on the victim (Bhattacharya & Stockdale, 2016; Jerman, 2019; Long & Herr, 2022; Osman, 2016; Patterson et al., 2022; C. A. Smith & Frieze, 2003; O. Smith & Skinner, 2012; Willmott & Widanaralalage, 2024). This is interpreted as a representation of observers being able to sympathise with the victims in the scenario and being able to understand the feelings of being violated and how they would want to be treated if they were in the situation. People lower in empathy, alternatively, would be less able to view the situation from the perspective of the victim, and are therefore more likely to take a more critical, dismissive stance (Bhattacharya & Stockdale, 2016; Osman, 2016).

These traits, therefore, work individually and collectively to support/mitigate the development of rape myths, which are representative of a narrow and stereotyped construct of non-consensual penetrative sex.

2.2.2 Understanding Sexual Violence Acknowledgement

Research into victimisation acknowledgement explores factors that influence how victims process and understand their experiences, from victim and perpetrator demographics to contextual characteristics of the assault. This section explores these factors and how they relate to a constructionist understanding of non-consensual penetrative sex. The Match-and-Motivation model (Peterson & Muehlenhard, 2011) explains that in order to acknowledge sexual victimisation, a victim must first recognise their experience as rape (or another sexual offence) and secondly want to see themselves as a victim, for whatever reason, they could alternatively be motivated by perceptions of the perpetrator as well. In this way, the Match-and-Motivation

model does not reveal an underlying concept of how victims are defining rape but does provide an explanation of how acknowledgement applies to constructing definitions of rape. If a victim's construction of rape is narrow, they are unlikely to match their experience to their definition unless very strict criteria are met, and vice versa (Peterson & Muehlenhard, 2004, 2007, 2011; Stubbs, 2013).

Victim Demographics and Acknowledgement. A range of demographic factors have been found to be associated with an increased likelihood of being an unacknowledged victim of sexual violence. Participants who are older, male, and heterosexual have all been found to be less likely to acknowledge sexual victimisation, with interaction effects between age, sex, and sexuality also being found, such that victims who are simultaneously older, heterosexual, and male are least likely to acknowledge sexual victimisation (R. E. Anderson et al., 2017; Bows & Westmarland, 2017; Griswold et al., 2020; Grubb & Turner, 2012; Luetke et al., 2021; Mackelprang & Becker, 2017; Ollen et al., 2017; L. C. Wilson & Newins, 2019).

Across age, sex, and sexuality, the difference in acknowledgement likelihood is predominantly attributed to the associated differences in rape myth acceptance discussed above. As victims who are older, male, and heterosexual are more likely to endorse stronger rape myths, they are therefore more likely to hold a narrow construction of non-consensual penetrative sex which potentially excludes themselves from being considered victims (Davies et al., 2012; Grubb & Turner, 2012; Walfield, 2021). There are, however, alternative explanations that could be considered. Older and male victims are often excluded from stereotypical rape scripts, and sex role stereotypes encourage a perception that older people cannot or do not engage in sex (consensually or otherwise) and that men are always willing to engage in sex and are the dominant/aggressive sexual partner (Bows & Westmarland, 2017; Edwards et al., 2015; Turchik & Edwards, 2012; Waterhouse et al., 2016). Similarly, older and male victims are much less likely to report their victimisation to police or in surveys/research, leading to reduced visibility of these victims (Bows & Westmarland, 2017; Edwards et al., 2015; Morgan & Long, 2018; Waterhouse et al., 2016). These sexual stereotypes and lack of victim visibility discourage a construct of non-consensual penetrative sex in which these demographics can be victims, and increase scepticism when presented with these victims (Bows & Westmarland, 2017; Edwards et al., 2015; Javaid, 2015b; Waterhouse et al., 2016). For male victims, the sexual scripts surrounding sexual dominance and physical strength mean that sexual victimisation can cause a questioning of their masculinity, given that they did not want sex and could not physically resist the attack (Arttime et al., 2014; Lapsey et al., 2022; Stephens & Eaton, 2014; Turchik & Edwards, 2012; Willmott & Widanaralalage, 2024). This can lead to a reduced acknowledgement through not wanting to accept oneself as a victim, as well as representing a narrow construct of rape that excludes male victims.

Older individuals' variance in understanding is not as clear, but generational differences have been found in a range of psychosocial factors that reflect narrow constructions; this may mediate the effect of age in acknowledgement (Beshers & DiVita, 2021; Luddy & Thompson, 1997; Walfield, 2021). There is also the consideration that the stereotypical rape script involves a young person being attacked by a stranger, where in older participants partner or acquaintance rape is more common (Bows & Westmarland, 2017;

Waterhouse et al., 2016). As such, older victims are being distanced from the stereotype in two capacities, making it harder for people to align older victims of non-consensual penetrative sex with their constructs, if they are founded on rape scripts and stereotype.

Psychosocial Influences on Acknowledgement. Psychosocial factors have also been found to be associated with acknowledgement outcomes. Higher scores on measures of post-victimisation shame/guilt, self-blame, gender norm conformity, sexism, and tolerance for sexual harassment have all been found to be associated with an reduced likelihood of acknowledging victimisation, alongside rape myth acceptance, discussed above (LeMaire et al., 2016; Orchowski et al., 2013; Reed et al., 2020; Sarmiento, 2011; Sasson & Paul, 2014; L. C. Wilson et al., 2017; L. C. Wilson & Miller, 2016; L. C. Wilson & Newins, 2019).

Having a more negative view of victims, or endorsing gender and sex roles and sexual violence stereotypes and myths, are more likely to result in non-acknowledgement and minimisation, as these victims have a narrow concept of non-consensual penetrative sex, and therefore do not class themselves as victims despite meeting legal criteria (Barbara et al., 2017; Grubb & Turner, 2012; Reed et al., 2020; Sasson & Paul, 2014; L. C. Wilson & Miller, 2016). Similarly, gender norm conformity and sexism work to encourage a narrow/exclusive definition of sexual violence as it is more likely these victims believe statements such as “*men can’t help themselves*” or “*it’s not a real rape*,” which mean it is less likely that victims will perceive their assault to fit the criteria of their own concept (Burt, 1980; Davies et al., 2012; Javaid, 2015a; Seabrook et al., 2018; Willmott & Widanaralalage, 2024).

While these factors are explored as being associated with, and indicative of, a narrow concept of sexual violence, it is not clear from the literature whether the relationship is directional or even directly related. That is, it is unclear how a participant’s construction of non-consensual penetrative sex is related to these psychosocial factors (does one influence the other), and if the construction and factors are simply coexisting but are not related.

Perpetrator-Victim Relationships, Contextual Factors and Acknowledgement. Finally, a number of contextual and situational factors are also associated with changes in likelihood of victimisation acknowledgement. Participants who were victimised in private locations, by someone they know, or by a female perpetrator, and those who do not physically resist the assault or experience pleasure during their assault are less likely to acknowledge the experience as sexually violent (Abrams et al., 2003; Adams-Clark & Chrisler, 2018; Artime & Peterson, 2015; Davies et al., 2008; Hills et al., 2020; Layman et al., 1996; Orchowski et al., 2013; Sarmiento, 2011; Storer et al., 2020).

The general finding across this research is that the more detached an individual instance of rape/sexual assault is from the general stereotype, the less likely it is that the victim will acknowledge their victimisation (Adams-Clark & Chrisler, 2018; Artime & Peterson, 2015; Bows & Westmarland, 2017; McKimmie et al., 2013). As the ‘real rape’ stereotype depicts an attack taking place in public at night, by a male stranger against a victim who physically resists the attack, the listed factors represent departures from the stereotype and as such reduce the likelihood of acknowledgement (Bows & Westmarland, 2017;

Waterhouse et al., 2016). This non-acknowledgement is therefore derived from a narrow understanding of what non-consensual penetrative sex is, a belief that only offences that meet all of the stereotypical criteria truly count as rape. This is also true as many non-consensual penetrative sex offences that occur within private spaces are partner, spousal, or acquaintance offences, which are also more likely to be perceived as non-offences or lesser offences in both appraisal and acknowledgement research (Abrams et al., 2003; Adams-Clark & Chrisler, 2018; Lofgreen et al., 2021).

There may, however, be a motivational element to this, where victims are less likely to acknowledge offences perpetrated by a partner or friend to protect their ideals of them being a good person, or not wanting to disrupt social peace (Peterson & Muehlenhard, 2004, 2007). Also, stranger rape is the prominent stereotype, reinforced by legislation, policy, and societal assumptions for many years, and as such, concepts of non-consensual penetrative sex among older individuals are likely to be founded on this, and enforce it when applying understanding (Bates et al., 2019; Farrell, 2017; McKimmie et al., 2013; Weare, 2021a). Finally, perpetrator behaviours and actions can also be salient within non-consensual penetrative sex constructions and applications. Perpetrators who use little physical force or who are intoxicated at the time of the offence are less likely to be blamed, and these scenarios are more likely to be minimised, mislabelled, or unacknowledged (Belyea & Blais, 2023; Gunby et al., 2010; Henry et al., 2021; Hipp et al., 2017; Storer et al., 2020).

There is also a consideration for how a victim processes the attack, and how this is interpreted. Victims who perceived themselves to have not communicated their lack of consent effectively, experienced pleasure/orgasm during the attack, or felt/expressed desire to have sex with the perpetrators despite not consenting in that moment are also less likely to acknowledge their victimisation (Arttime & Peterson, 2015; Dardis et al., 2021; Hills et al., 2020; Lofgreen et al., 2021). The listed factors are associated with an increase in victim self-blame, guilt, and shame, and as such work to discount the victims negative feelings or interpretations of the event, and work to shift blame from the perpetrator to the victim, or to normalise and minimise the experience to be non-criminal (Arttime & Peterson, 2015; Dardis et al., 2021; Lofgreen et al., 2021; Sigurvinsdottir et al., 2020). Specifically, male victims experience similar effects if they become erect before or during an assault, as this can frequently be seen as either consent or enjoyment by the victim and perpetrator (Bates et al., 2019; Bates & Carthy, 2020; Bates & Weare, 2020; Depraetere et al., 2020). As the law does not exclude instances where pleasure is achieved, necessitate physical resistance, nor describe how communication of consent must be to be considered reasonable (Sexual Offences Act, 2003), these beliefs are borne from stereotypes and rape myths, and therefore represent a narrow concept of non-consensual penetrative sex (Depraetere et al., 2020; Reed et al., 2020; Sarmiento, 2011; Storer et al., 2020).

2.2.3 Judgements of Sexual Violence

The final key area of insight into constructions of non-consensual penetrative sex is that of appraisal and judgement research. These studies ask participants to read case details or vignettes, or answer questions on hypothetical scenarios to understand how people categorise different offences or where they draw the boundary between acceptable and criminal behaviour. Rather than acknowledgement, which explores how

victims interpret their own experiences, these explore how participants make judgements about scenarios they are not involved in directly.

Perpetrator and Victim Characteristics and Sexual Violence Judgements. One of the more prominent features of appraisal research explores the demographics and characteristics of the victim and perpetrator and how this is associated with judgements and perceptions of sexual violence. Typically, vignettes involving victims who are young, attractive, and white are more likely to be appraised as sexually violent compared to vignettes involving victims who are older, unattractive, or minoritised ethnic backgrounds (R. E. Anderson et al., 2017; Bates et al., 2019; Bows & Westmarland, 2017; Mackelprang & Becker, 2017; McKimmie et al., 2013; Wayne et al., 2001; Wuensch et al., 2002). Similarly, participants are more likely to attribute blame to the perpetrator, acknowledge the assault, and believe the victim if the perpetrator is described as non-white, strong, young, male, or unattractive (Bows & Westmarland, 2017; Franklin, 2010, 2010; Mackelprang & Becker, 2017; McCracken & Stevenson, 2017; McKimmie et al., 2013; St. George & Spohn, 2018; Wuensch et al., 2002). Offences committed by perpetrators with these traits are also more likely to be seen as more serious and harmful, and less likely to be minimised (Bows & Westmarland, 2017; Franklin, 2010; Mackelprang & Becker, 2017; McCracken & Stevenson, 2017; Wuensch et al., 2002). Further, regardless of accuracy, scenarios of sexual violence are more likely to be labelled as criminal or given more severe titles if the perpetrator fits the (local) ethnic stereotype (i.e. black in the UK, Hispanic/Latino in the US); however, this effect is moderated by own race bias (Franklin, 2010; Wuensch et al., 2002). Alternatively, vignettes/cases involving perpetrators who are female, weak/disabled, older, or attractive are more likely to be minimised, dismissed, or have blame placed on the victim due to the prevailing stereotype that the victim could or should have resisted the attack if they really were not consenting (Holland et al., 2021; Mackelprang & Becker, 2017; McCracken & Stevenson, 2017).

This is because victims and perpetrators who meet these criteria adhere closely to sexual violence stereotypes, and, consequently, are the most likely to meet even the most narrow definitions of sexual violence (Bows & Westmarland, 2017; Mackelprang & Becker, 2017; Yamawaki et al., 2018). Participants are primed by stereotypical representations of non-consensual penetrative sex in the media to accept scenarios involving young, attractive women, and may use these stereotypes to formulate and test concepts of sexual violence (Bernard et al., 2018; Seabrook et al., 2019). In this way, the reduced acceptance or recognition of victimisation indicates that these demographics have a narrow concept of sexual violence that can not only exclude others but also exclude themselves and deny their experiences. As such, it is clear that constructions of non-consensual penetrative sex are not only focused on behaviour (as the law is), but also on a wider context of who is involved (in this instance, the perpetrator) and what characteristics and traits they display (Sexual Offences Act, 2003).

Complementary to the demographic factors, a perpetrator's perceived socioeconomic status can also function within a wider construct when appraising or judging non-consensual penetrative sex. Non-consensual penetrative sex is more likely to be minimised, normalised, or mislabelled if the perpetrator is described as being employed, in a respectable job role, or having a high income (Canto et al., 2021; Henry et

al., 2021; McKimmie et al., 2013). This is understood to be a representation of the bias against low-income, unemployed, or blue-collar workers, portraying these individuals as being less moral and more likely to engage in crime (Canto et al., 2021; Henry et al., 2021). Although these findings have been contested with some older research finding no significant difference in appraisal based on perpetrator occupation (Duff & Tostevin, 2015). Although contested, the majority of literature supports the notion that socioeconomic factors can influence perceptions of non-consensual penetrative sex. This, therefore, reflects a belief that non-consensual penetrative sex (and sexual violence more generally) is something that is only committed by people of low social or economic status and cannot be committed by people who are more 'respectable'. As such, exhibiting a narrow concept of non-consensual penetrative sex, where only certain social or economic classes can be perpetrators.

Contextual Factors and Sexual Violence Appraisal. The contextual factors for appraisal and judgement research, and their findings, mirror those of acknowledgement presented above. That is, offences occurring within private spaces, perpetrated by partners or acquaintances, and involve little physical forced or resistance are less likely to be perceived as criminal or serious by observers (Abrams et al., 2003; Adams-Clark & Chrisler, 2018; Canter et al., 2003; Clay-Warner & McMahon-Howard, 2009; Holland et al., 2021; Krulewitz, 1982; Lofgreen et al., 2021; M. Madan & Nalla, 2016; S. Madan et al., 2022; Storer et al., 2020).

Firstly, the offences and scenarios occurring in private spaces, especially the victim or perpetrator's home, or any private location known to the victim, are less likely to be perceived as a criminal offence (M. Madan & Nalla, 2016; Pain, 1997). This is likely due to stereotypes and rape myths influencing perceptions of sexual violence, in that some participants believe non-consensual penetrative sex occurs exclusively in public and exclude 'safe' places such as homes (Clay-Warner & McMahon-Howard, 2009; Krulewitz, 1982; Waterhouse et al., 2016). Similarly, spousal/partner, acquaintance, and stranger rapes, respectively, are increasingly likely to be perceived as an offence, and spousal/partner offences are seen as the least severe, with stranger offences being the most severe (Abrams et al., 2003; Adams-Clark & Chrisler, 2018; Canter et al., 2003; Holland et al., 2021; Lofgreen et al., 2021; Storer et al., 2020). This is understood to be a reflection of prevailing stereotypes or beliefs that partner rape is not real rape or a cultural-legal hangover from the long historical context in which married partners could not rape their wives (McKimmie et al., 2013; Waterhouse et al., 2016). Therefore, the underlying concept, founded on stereotype, precludes offences that happen in private areas, especially in cases of rape, where the 'real-rape' stereotype is prevalent and influential (I. Anderson, 2007; Clay-Warner & McMahon-Howard, 2009; Farrell, 2017; Waterhouse et al., 2016).

Finally, perpetrator behaviours and actions can also be salient within non-consensual penetrative sex constructions and applications. Perpetrators who use little physical force or who are intoxicated at the time of the offence are less likely to be blamed, and these scenarios are more likely to be minimised, mislabelled, or unacknowledged (Belyea & Blais, 2023; Gunby et al., 2010; Henry et al., 2021; Hipp et al., 2017; Storer et al., 2020). If the actions are labelled as criminal, they are likely to be given a less serious offence title, such as sexual assault rather than rape, regardless of the form of sexual assault (e.g., touching vs penetration;

Abrams et al., 2003; Henry et al., 2021). In instances where the perpetrator is drunk, reduced accuracy in appraisal and labelling is likely explained through general myths that intoxicated people are less responsible for their actions, but also the myths that men, once aroused, ‘*cannot help themselves*’ or get ‘*carried away*,’ thus diminishing the criminal responsibility (Burt, 1980; Gunby et al., 2010; Henry et al., 2021; Ryan, 2011). In these instances, these factors seen to mitigate blame could also be indicative of a soft boundary between offence and non-offence, representing additional factors that could be considered within their construction of non-consensual penetrative sex, as represented in some rape myths, e.g., mutual intoxication discounts rape allegations (Hockett et al., 2016; James-Hawkins & Lamarche, 2023). As such, by applying additional thresholds for what counts as an offence, compared to the legal definition, and the close adherence to stereotypical offence presentations, a narrow concept of non-consensual penetrative sex is demonstrated.

Psychosocial, Attitudinal, and Experiential Factors. Finally, many works into appraisals and judgements of sexual violence factor in psychological, attitudinal, and social variables, as well as exploring previous experiences of sexual violence, considering how these might influence perceptions of sexual violence. Research has shown that participants who score highly on rape myth acceptance, social dominance orientation, sexism, gender norm conformity victim blaming attitudes, and right-wing authoritarianism measures are more likely to excuse, minimise or normalise sexual violence (Belyea & Blais, 2023; Beshers & DiVita, 2021; Canto et al., 2021; Davies et al., 2008; Eyssel et al., 2006; Hockett et al., 2016; Kassing et al., 2005; Walfield, 2021). This is generally thought to reflect a belief that victims deserved or encouraged the assault, that no harm was done by the attack, or that only very specific instances of sexual violence can be categorised as true sexual violence (Canto et al., 2021; Davies et al., 2008; Hafer & Bègue, 2005; Hockett et al., 2016; Waterhouse et al., 2016; Whatley & Riggio, 1993). Alternatively, some argue that these psychometric factors represent a belief that the perpetrator was justified or that the perpetrator was entitled to sex, either because of an extant relationship or because the victim was flirting or already engaged in sexual activity (Burt, 1980; Larcombe, 2011; Larcombe et al., 2016; Ryan, 2011). Both instances, however, reflect a narrow concept of sexual violence in which certain behaviours are deemed acceptable in some circumstances, based on the attitudes of the observer, as their construct demonstrates additional criteria that need to be met that are not reflected in law – such as the perpetrator and victim not being married. This would also work to exclude certain behaviours or victims that would be reflected in law, such as high rape myth acceptance excluding male victims or high sexism minimising offences committed by women.

Conversely, participants who score highly on empathy scales (including rape victim empathy) and feminist attitudes are less likely to normalise or minimise sexually violent behaviour or endorse myths about sexual violence (Bhattacharya & Stockdale, 2016; Jerman, 2019; Long & Herr, 2022; Osman, 2016; Patterson et al., 2022; C. A. Smith & Frieze, 2003; O. Smith & Skinner, 2012; Willmott & Widanaralalage, 2024). This demonstrates a broad concept of non-consensual penetrative sex which is inclusive of a range of behaviours and that is tough on perpetrators. This stems from an ability to empathise and identify with the victims of non-consensual penetrative sex and understand the harm that has been committed (Bhattacharya & Stockdale, 2016; Jerman, 2019; Osman, 2016). For example, including a wider range of behaviours (such as

forced-to-penetrate or object penetration) within their construct of rape, due to avoid excluding people from the rape victim label, which can be powerful for some victims (Berkland et al., 2022; Haugen et al., 2018; Kilimnik et al., 2024; I. Levy & Eckhaus, 2020). In this way, their understanding is still inaccurate to the legal definition but opposed to those who have narrow concepts who use more strict and additional criteria to classify offences, these participants utilise fewer criteria to appraise and categorise instances of sexual violence or non-consensual penetrative sex.

Finally, a participant's personal experience of sexual violence has also been found to influence perceptions and appraisal of non-consensual penetrative sex. Participants who have been sexually victimised are less likely to endorse rape myths, blame victims, and minimise or normalise non-consensual penetrative sex, and are more likely to score highly on victim empathy measures (Grandgenett et al., 2020; Hockett et al., 2016; Krulewitz, 1982; Osman, 2016; Peterson et al., 2019). As such, they are more likely to have a broad concept of non-consensual penetrative sex as they are motivated to show compassion and empathise with other victims, and are more aware of the realities of sexual violence and how it occurs, reducing belief in stereotypes and myths (Grandgenett et al., 2020; Hammond et al., 2017; Osman, 2016, 2023a). As such, the research suggests that victims of sexual violence may have a different concept of sexual violence from others, as their perceptions of sexual violence adapt and change in response to their own experiences. Although, their victimisation can either broaden or narrow their concepts, depending on the circumstances and how they respond (Hockett et al., 2016; Peterson et al., 2011; Peterson & Muehlenhard, 2004, 2007; Stubbs, 2013).

Alternatively, previous experience of, or a proclivity for, perpetration can influence a narrow concept of non-consensual penetrative sex. Specifically, past perpetration and high scores on sexual violence proclivity measures predict a greater level of rape myth acceptance, offence minimisation, and offence normalisation (Garrido-Macías et al., 2021; L. G. Johnson & Beech, 2017; O'Connor, 2021; Peterson et al., 2019; Sleath & Bull, 2010). This is likely a reflection of the motivational model of construction, which outlines that participants' concept of sexual violence may actively or passively adapt to either fit their narrative or to be perceived more favourably (Eyssel et al., 2006; Garrido-Macías et al., 2021; O'Connor, 2021; Peterson et al., 2019). In this instance, perpetrators are motivated to minimise and normalise cases of sexual violence in order to present their own experiences/proclivities as acceptable (Eyssel et al., 2006; Peterson et al., 2019; Peterson & Muehlenhard, 2007). An alternative explanation however may be that offence supportive beliefs (proclivity, rape myths, or rape perpetrator empathy, for example) may proactively facilitate engaging in sexual violence as these make the act of perpetration more acceptable (Garrido-Macías et al., 2021; Hipp et al., 2017; Peterson et al., 2019; Seto, 2019; C. A. Smith & Frieze, 2003). There is evidence to support both the proactive function of these factors in permitting perpetration, and as retroactive justifications for why perpetration was acceptable in their case, meaning these factors are clearly related to construction, but it is unclear about how this relationship works (Brennan et al., 2018; Garrido-Macías et al., 2021; Hipp et al., 2017; Peterson et al., 2019; Seto, 2019; C. A. Smith & Frieze, 2003).

2.2.4 Section Summary

This section has attended to the range of research evidence that suggests conceptualisation of non-consensual penetrative sex, language and meanings are individualised, supporting a constructionist interpretation of understanding and construction of non-consensual penetrative sex. A general trend noted within both this section, and the broader literature, is that the further an offensive act is from the perceived stereotype, the less likely it is to be categorised as an offence or labelled correctly (Bows & Westmarland, 2017; Cleere & Lynn, 2013; Sarmiento, 2011; Waterhouse et al., 2016). Similarly, offences that go against or contradict sexual violence myths experience the same reduced perception of sexual violence (I. Anderson, 2007; Sarmiento, 2011; Storer et al., 2020). This has been shown to be true for victim traits, perpetrator traits, and offence characteristics. This explanation, however, does not account for differences in the observers in instances of appraisal research. Rather, in this instance, it is generally understood that differences are explained through the strength with which the participant endorses or agrees with stereotypes and myths (Sprinkle et al., 2012; Turchik & Edwards, 2012). Further, the influence of the motivational model of offence definition may influence what people do and do not include in their practical definitions of sexual violence (i.e., how they apply their understanding; Peterson & Muehlenhard, 2011; Stubbs, 2013; A. E. Wilson & English, 2017). As discussed, individuals may be situationally broadening or narrowing their definitions to include or exclude specific characteristics they have experienced as either a victim, witness, or perpetrator (Peterson & Muehlenhard, 2004, 2007; H. E. Randall & Byers, 2003).

The research discussed presents evidence for an argument that non-consensual penetrative sex is individually constructed in ways that can be misaligned with legal definitions. The fact that not all victims acknowledge, or accurately label their experiences indicate that they either do not know the legislation, disagree with it, or are biased in applying definitions to their own experiences (Littleton et al., 2019; Littleton & DiLillo, 2021; Reed et al., 2020; L. C. Wilson & Miller, 2016). The same can be applied to participant variations in their appraisals of sexual violence, in vignette and mock jury studies (Belyea & Blais, 2023; Lofgreen et al., 2021; Wayne et al., 2001; Wuensch et al., 2002). The variability between (and at times, within) the understanding of individualised constructions has been observed in many studies across a number of years. As such, a number of questions arise from this review of literature. It is unclear whether the perceived differences in construction are truly differences in construction, constructions are variable in their application, what these constructions are, and whether different groups develop concepts of non-consensual penetrative sex in different ways.

2.3 Impact of Individualisation in Non-consensual Penetrative Sex Constructions

Having considered the evidence that non-consensual penetrative sex is constructed at an individual and group level, this section considers the prospective impacts of this individualised construction to demonstrate the importance of conducting this research. Various studies into appraisal, acknowledgement, and stereotyping have shown that variances in understanding of non-consensual penetrative sex are associated with a range of negative outcomes. While findings generally show that inaccurate and misaligned constructions have negative impacts on victim wellbeing, justice practices, and reporting behaviours, some

positives have been found. However, the majority of research has explored the indirect effect of how conceptual definitions are applied in the context of legal practice, acknowledgement, and responding to disclosure. At present, very little research (Haugen et al., 2018 being the exception) has investigated constructions in sexual violence directly and fewer have explored the impact thereof.

2.3.1 Reporting and Disclosure of Sexual Victimization

Acknowledgement is a key barrier to reporting and disclosure of victimisation; consequently, this raises concerns for individualised constructions influencing decision-making in these areas (Gueta & Shlichove, 2022; James & Lee, 2015; O'Callaghan et al., 2022; Reed et al., 2020). Researchers have proposed that non-acknowledgement is a direct result of a disconnect between legal/operational definitions and the victim's personal construction (Barbara et al., 2017; Depraetere et al., 2020; Peterson & Muehlenhard, 2011; Sarmiento, 2011; Weare, 2021a). That said, some have countered that non-acknowledgement may also be because they assault did not meet an arbitrary threshold of harm, not wanting to be labelled a victim, or being motivated to not categorise the assault as such (Harned, 2004; McMullin, 2007; McMullin & White, 2006; Peterson & Muehlenhard, 2007, 2011; Stubbs, 2013).

Because of this disconnect or misalignment of personal and legal constructions, unacknowledged victims are less likely report their assault to law enforcement; disclose to a friend, family member or therapist; and seek professional, medical, or psychological support (Fawcett & Shrestha, 2016; Fleming & Muscari, 2021; Hammond et al., 2017; Harber et al., 2015). Unacknowledged or minimising victims may misidentify their experiences due to their assault not fitting the narrow construct they have, and therefore exclude themselves from the 'victim' label, consistent with the Match-and-Motivation model (Peterson & Muehlenhard, 2011; see also A. C. Graham et al., 2021; Griswold et al., 2020; Osman, 2016; Stephens & Eaton, 2014). That is, if they do not see themselves as a victim (or their assault as criminal), there is nothing to report or disclose, and they would not be motivated to report if they do not feel they will benefit from reporting (Fleming et al., 2021; Lorenz et al., 2021; R. M. Walsh & Bruce, 2014a). Victims may also decide to not report their experiences if they minimise the attack or the harm they have experienced, as they may not want to feel like a burden on a system, taking up time for 'more deserving' victims (Holland et al., 2021; Lorenz et al., 2021; Sigurvinsdottir et al., 2020).

It is also possible that victims who acknowledge their victimisation could have their perspective, acknowledgement status and understanding changed if their experience is minimised, normalised, or dismissed by a person with an overly specific definition of non-consensual penetrative sex (Bogen et al., 2019; Grandgenett et al., 2020; Harber et al., 2015; Sorsoli et al., 2008). Evidence shows that individuals whose understanding of non-consensual penetrative sex are narrow, or are heavily influenced by myths and stereotypes are more likely to respond negatively to disclosures of sexual victimisation (Fleming & Muscari, 2021; Holland et al., 2021; Palmer et al., 2021). Negative responses to disclosure (typified as disbelief, minimisation, dismissal/normalisation, or victim blaming) can have a severe impact on a victim, increasing self-blame, shame, and guilt (Fleming et al., 2021; Fleming & Muscari, 2021; Grandgenett et al., 2020; Loney-Howes, 2018; Palmer et al., 2021; Sorsoli et al., 2008). Experiencing a negative response to a

disclosure can also reduce the likelihood of further disclosures or by that victim, compounding the reduced likelihood of acknowledgement, and lead to the outcomes discussed above. It is not only lay people that are negative in response to disclosures, these behaviours have also been found among support services, police officers, judges, and jurors (Barber, 1974; Carbone-Lopez et al., 2016; Donnelly & Kenyon, 1996; Hammond et al., 2017; James & Lee, 2015; Javaid, 2017b; Moore & Baker, 2018; Schuller & Hastings, 2002).

2.3.2 *Definition Issues and Police Handling of Reports*

There is evidence that through the processes of taking statements and investigating sexual violence, the police, prosecutors, judges, and support workers can apply their own understanding and opinions of non-consensual penetrative sex which can manifest as sexual violence myths, stereotyping, and victim-blaming (Barber, 1974; Carbone-Lopez et al., 2016; Donnelly & Kenyon, 1996; Javaid, 2015b, 2017b; O'Neal & Hayes, 2020a, 2020b; Sleath & Bull, 2017; St. George & Spohn, 2018). As well as the outcomes already discussed, this may also cause extant victims to discourage reporting/help-seeking by other victims (Moore & Baker, 2018; Pickett et al., 2015). In cases where an acknowledging victim has felt pleasure or orgasmed, and reports to the police, sentiments from rape myths around pleasure and wantedness may influence decisions to not pursue the case, and may compound feelings of guilt, shame, self-blame, dejection, and being disbelieved (Artine & Peterson, 2015; Cook et al., 2011; Deming et al., 2013; Hackman et al., 2020; Hester & Lilley, 2017; Hills et al., 2020; Javaid, 2017b; Lorenz et al., 2021; Sleath & Bull, 2017). These issues represent an inexhaustive list of problems that may present themselves to victims (and wider society) as they report their victimisation or seek help with negative outcomes, in part because of an inconsistent construction of non-consensual penetrative sex and the application of such constructs.

In a broader sense, conversations, reports, or discussions of non-consensual penetrative sex that are founded in incorrect understanding, stereotypes or misconceptions can also lead to issues for wider understanding, reporting/recording of crime, and research (Diesen, 2013; Dworkin et al., 2021; McGlynn & Munro, 2010). Discussions within social circles, fiction media, or new reports that present non-consensual sex in a stereotypical way, or that group offences generically as 'rape' or 'sexual assault' can lead to public misunderstanding of what these offences are (Dardis et al., 2021; Hackman et al., 2020; Holland et al., 2021; Pickering & Garrod, 2004; Pickett et al., 2015; Seabrook et al., 2019; Steinmetz, 2008; Xu et al., 2021). Thus, creating a cycle of misunderstanding and miscommunication and contributing to group-level misunderstanding, which overall may contribute to the wider issues discussed above, such as reduced acknowledgement, reporting, and help-seeking, and increased normalisation.

2.3.3 *Victim Help-seeking*

Victims with a narrow construction of non-consensual penetrative sex are generally overly conservative in their application of labels, and are therefore less likely to acknowledge their victimisation, and are more likely to minimise and discount their experiences (Barbara et al., 2017; Cleere & Lynn, 2013; Harned, 2004; Holland et al., 2021; LeMaire et al., 2016; McMullin, 2007; Sasson & Paul, 2014; Williamson & Serna, 2018; L. C. Wilson et al., 2017; L. C. Wilson & Newins, 2019). Non-acknowledgement or

minimisation of one's victimisation are both associated with increased self-blame and guilt, poorer mental wellbeing, and reduced likelihood of experiencing post-traumatic growth compared to acknowledged victims (Arttime & Peterson, 2015; Hills et al., 2020; Loney-Howes, 2018; Sigurvinsdottir et al., 2020). As with reporting and disclosure, unacknowledged victims are less likely to seek help for physical or psychological trauma sustained during the assault, for if they did not experience enough harm to class themselves as a victim, they would not consider that they need support (Fleming et al., 2021; Gueta & Shlichove, 2022; Holland, 2020; O'Callaghan et al., 2022). However, it may be the case that victims who minimise their experiences may also not see themselves as deserving of support, especially if there is high self-blame and guilt (Arttime & Peterson, 2015; Fleming et al., 2021; Hills et al., 2020; Holland et al., 2021; Loney-Howes, 2018; Sigurvinsdottir et al., 2020). Minimising victims may wish to avoid support to not be a burden on the system, and may see others as more deserving of the service's time and efforts (Fleming et al., 2021; Holland et al., 2021; Sigurvinsdottir et al., 2020).

In contrast, people with broad constructs are more likely to acknowledge their victimisation and its impact on them (A. C. Graham et al., 2021; McMullin, 2007; McMullin & White, 2006; Osman, 2016, 2023a). Although this group are more likely to experience post-traumatic growth and better post-victimisation mental wellbeing, some evidence also suggests they are more likely to develop post-victimisation psychopathologies (post-traumatic stress disorder, depression, etc.), though the evidence is less recent and inconclusive (Harned, 2004; Layman et al., 1996; McMullin & White, 2006). Given that the positive and neutral outcomes for unacknowledged victims are founded on inconsistent evidence, and the positive outcomes for acknowledgement are more robust and consistent, it is widely recognised that acknowledging one's victimisation leads to more positive outcomes, as help-seeking is most common among acknowledged victims, and is generally the desired outcome (Cleere & Lynn, 2013; Fleming et al., 2021; Johnstone, 2016; O'Callaghan et al., 2022; Williamson & Serna, 2018; L. C. Wilson et al., 2017; L. C. Wilson & Miller, 2016).

Given that acknowledgement requires both the knowledge and understanding of the law to identify a criminal behaviour, any variances or discrepancies between personal understanding and legal definition are driving non-acknowledgement of non-consensual penetrative sex, and by extension the negative outcomes discussed here (Kilimnik et al., 2024; I. Levy & Eckhaus, 2020; McMullin, 2007; Peterson et al., 2011; Stubbs, 2013). Understanding acknowledgement and its relation to construction of non-consensual penetrative sex will help contextualise wider research into improving awareness of sexual violence and acknowledgement rates.

2.3.4 Legal Processes and Juror Decision-making

Within the judicial system, there have been a number of negative impacts shown from individuals having individualised concepts of non-consensual penetrative sex. Predominantly, jurors have been found to employ myths of sexual violence, personal biases, and stereotypes when approaching a verdicts in non-consensual penetrative sex cases (Belyea & Blais, 2023; McKimmie et al., 2013; Schuller & Hastings, 2002; Wayne et al., 2001; Wuensch et al., 2002). Similarly, the disparity in sentencing between male and female

defendants and the treatment of male and female complainants show influence of sexual violence myths (Bates et al., 2019; Christensen, 2021; Kuijpers et al., 2021; McCracken & Stevenson, 2017). This shows that even informed individuals (judges and jurors) can have their perspectives skewed, and that their applications of constructions can be inconsistent, which causes a range of negative outcomes for victims and society broadly (Hamby, 2017; O. Smith & Skinner, 2012). The individualisation of non-consensual penetrative sex constructs, in this instance, means sentencing and judgements of guilt are inconsistent, due to the influence of factors discussed previously. The application of misconceptions in non-consensual penetrative sex law to real-world cases creates inconsistencies within the justice system and investigative processes, which in turn reduces trust in the police and CPS, making reporting more traumatic than beneficial, reducing reporting and disclosures overall (Elliott et al., 2014; Hester & Lilley, 2018; Konradi, 1996; Lorenz et al., 2021; Murphy et al., 2014). As such, errors and misconceptions within individual concepts of non-consensual penetrative sex may not only have personal and social ramifications, but also legal consequences.

2.3.5 Section Summary

There is evidence that individualised constructions of non-consensual penetrative sex are associated with negative impacts at the individual, group, and societal levels through acknowledgement, reporting/disclosure, support/help-seeking, and legal processes. As demonstrated, these impacts have practical implications throughout the criminal justice system. The misuse of terminology through individualised constructions of sexual violence may also be contributing to stereotyping or normalisation of offences. The process of these constructions and influential factors needs to be understood as a means-to-the-end of protecting victims, preventing sexual violence, and prosecuting perpetrators.

2.4 Constructionist Approaches to Non-consensual Penetrative Sex

Given the evidence discussed above that conceptualisation and understanding of non-consensual penetrative sex is variable, individualised, and contextual, the research will explore lay theories and concept creep as potential explanations for this observation. Both approaches are constructionist, but present unique elements of the underlying approach of constructionism in how these constructs develop and change over time.

2.4.1 Lay Theories

Lay theories are a constructionist concept that explore how individuals make sense of the world around them using logic and inference, rather than evidence and experimentation (Hong et al., 2001; S. R. Levy et al., 2006; Pham & Borton, 2022). Lay theories usually build from seemingly reasonable or logical inferences – such as criminal behaviour being genetic (Meyer et al., 2022) or men being more rational leaders (Z. Liu et al., 2023) – but often are not supported by evidence or critical evaluation. Lay theories can also refer to common (mis)understandings of phenomena, concepts, or theories, that are also based on inference and experience, rather than evidence (Foucault, 2002; Haugen et al., 2018; Kelly, 1991; Krahé, 1991; Krijnen et al., 2022). For example, a common lay theory is that individuals who are prejudiced against

one minoritized group are more likely to be prejudiced against all minoritized groups, where this is not necessarily true (Pham & Borton, 2022). Similarly, evidence also supports a lay theory that lower levels of masculine behaviour cause men to become homosexual, and higher expressions of masculine behaviours cause a person to become misogynistic and homophobic, where these two assumptions are not supported by evidence (Kilianski, 2003). Although lay theories do exhibit trends, each individual has a unique lay theory, built on their context and a meshing of a range of experiences and influences (Haugen et al., 2018; Hong et al., 2001; S. R. Levy et al., 2006). Similarly, manifestations of lay theories can be contextual, even within an individual, often representing emotion- or situation-driven responses, rather than rational or long-held beliefs and values (Hong et al., 2001; S. R. Levy et al., 2006; S. Madan et al., 2022; Peterson & Muchlenhard, 2007).

A range of researchers have already proposed the notion that sexual violence is a social construct, and these constructs do not always align with legal definitions (Bourque, 1989; Freetly, 1991; Haugen et al., 2018; Ryan, 2011). The evidence presented earlier in the chapter however may indicate that non-consensual penetrative sex is individualised and rooted in inference and experience, and therefore subject to lay theoretical interpretations (Bourque, 1989; Haugen et al., 2018; Krahé, 1991). Research has shown that individuals can hold different definitions of terms such as sexual assault and rape, and individuals will inconsistently apply these terms to similar situations depending on context and various factors (Annitto, 2011; Artime & Peterson, 2015; Brooks, 2020; Griswold et al., 2020; Haugen et al., 2018; Hills et al., 2020). As with most lay theories, is it understood that these varying definitions are founded in an individual's knowledge and understanding of the law as well as first-hand (direct) and second-hand (being a witness or hearing about someone else's experience) experience, among other psychological, social, and demographic factors (Adams-Clark & Chrisler, 2018; Goudsmit, 2021; Haugen et al., 2018; Larcombe et al., 2016; Sanguinetti, 2014; Sasson & Paul, 2014). For example, in a qualitative survey Haugen et al. (2018) found that definitions of rape varied substantially across participants, with many using vague or ambiguous descriptors, and only some specifying penetration was necessary, which reflects findings from other researchers such as Adams-Clark and Chrisler (2018) and Siegel et al. (2021), finding that not everyone can accurately define or identify rape, per their local laws. Beyond consideration of just non-consensual penetrative sex behaviours, some research has found that consent can be constructed as a lay theory, with individuals including a range of factors in their definitions and their applications, with very few accurately reflecting the relevant legislation (Artime & Peterson, 2015; Hills et al., 2020; Larcombe et al., 2016; Lofgreen et al., 2021). Jaffe et al. (2021) also propose that, similar to other lay theories, underlying constructions of non-consensual penetration may alter in response to exposure to non-consensual penetrative sex, either through victimisation, disclosure, or media. Researchers have specifically proposed that the *#metoo* movement caused a significant change in lay theories of common people, as the large number of disclosures have affected how people conceptualise and categorise experiences of sexual violence (Jaffe et al., 2021; Palmer et al., 2021; Strauss Swanson & Szymanski, 2020).

As well as the number of factors identified, lay theories can also be adapted to a range of contexts and situations. Peterson and Muehlenhard (2007) suggested that when considering the definitions of sex, and non-consensual sex, participants would be motivated to adapt their definitions to make their behaviours more acceptable. In this specific example, participants would narrow their definition of sex when it was applied to extra-relational affairs, but had a broad definition when it was applied to with their partner (Peterson & Muehlenhard, 2007; H. E. Randall & Byers, 2003). This was also found earlier in victims of sexual assault, in that victims typically classified their assaults as rape only if it met their definition of sex, which was somewhat motivated by their willingness to be seen as a rape victim (Peterson & Muehlenhard, 2004; H. E. Randall & Byers, 2003). It is argued that this motivational aspect of lay theories may also be at play when considering one's own experiences as both a victim, perpetrator, and observer. Motivations in this instance may include narrowing definitions to excuse perpetration or broadening definitions to apply more severe labels to match internal feelings.

2.4.2 *Concept Creep*

Concept creep is a constructionist approach to understanding how meanings and definitions change over time to adapt to newer interpretations and functions (Furedi, 2016; Haslam, 2016). Specifically, concept creep explains how and why both informed and uninformed populations 'dilute' psychological (most often negative) concepts, becoming broader over time (Furedi, 2016; Haslam, 2016). The creep of these negative concepts can be explained in a number of ways, including increased salience/awareness of the concept in both public and professional lives, new technological and scientific contributions in the area, and increased sensitivity to nuance within the core concept (Haslam, 2016). In the seminal work by Haslam (2016), the process of concept creep is related to the terms bullying and prejudice to explain how these changes manifest.

Bullying, in the original research context, was defined as repetitive child-child aggression within the context of a power imbalance (Haslam, 2016; Olweus, 1994, 2013). Over time, this concept became broader and began to include behaviours observed between adults, in workplaces, and also cyberbullying (Boudrias et al., 2021; Farley et al., 2023; Haslam, 2016). This occurred through researchers in the spheres of bullying and general peer-peer aggression drawing conceptual similarities between child-child bullying and other forms of harassment, such as seclusion and verbal aggression. The cyberbullying element came later, following research that noted distinct similarities in the patterns of traditional bullying and internet-mediated peer aggression and harassment (Haslam, 2016). In this way, the concept developed over time to include a wider range of behaviours in response to changing understanding and perceptions of the core concept, and in response to emerging technologies and social media (Haslam, 2016).

Prejudice was originally conceptualised as an overt negative or hostile perception of outgroup members based, and demonstrated through harassment, verbal assault, or active discrimination against outgroup members (Dixon et al., 2012; Haslam, 2016). Dixon et al. (2012) then opened a conversation on whether this conceptualisation of active antipathy was nuanced enough to capture the range of behaviours that can be considered harmful to outgroup members based on protected characteristics, such as micro-

aggressions and social exclusion. As such, modern interpretations of prejudice have changed to include implicit as well as explicit behaviours. Concept creep would argue that this has evolved for one of two reasons (or a combination of the two). As wider public attitudes towards outgroups (e.g. minoritised ethnic groups) became more positive, it became less socially acceptable to be openly or overtly prejudiced against certain groups (Dixon et al., 2012; Haslam, 2016). Consequently, definitions and understanding of prejudice had to become broader to encompass more modern forms of discrimination. Alternatively, as more nuanced and minoritised groups became more salient across communities, there was a wider range of outgroups to be prejudiced against, i.e. increasing Black populations following Windrush, and the increasing salience of transgender populations (Haslam, 2016; Price et al., 2024; Reddie, 2020). As such, like with bullying, definitions had to adapt to encompass new and emerging identities and forms of prejudice.

Concept creep is noted to mainly be observed in negative or harmful phenomena, and while Haslam (2016) and others focussed on the potential harm of concept creep, as diluting the overall impact of the phenomena through over use and trivialising or over pathologizing terminology, there is some argument that creep can also be beneficial and meaningful (Cascardi & Brown, 2016; Dakin et al., 2023). For example, Cascardi and Brown (2016) argue that recognising a wider range of behaviours and experiences under labels that hold social and emotional power (like bullying or trauma) work to validate the negative emotions of the victims. This is very similar to arguments for and against recognising non-consensual penetrative sex as rape, as discussed in Chapter 1. Indeed, there is already some indication that the concepts of rape and sexual violence are subject to some degree of creep. This exemplified by labelling of certain kink content as sexual violence on adult websites, showing a broader concept of sexual violence to include consensual, but visibly violent sex (Webber & Franco, 2024), and the significant changes in law in the UK and around the world where definitions of rape have crept to encompass male victims as well as anal and oral penetration (Criminal Justice and Public Order Act, 1994; Sexual Offences Act, 2003; Sexual Offences (Amendment) Act, 1976; Swedish Criminal Code, 2019; McGlynn & Munro, 2010; Temkin, 2002).

In these cases, there is a changing social attitude in how rape is defined, and how it has changed from the prototypical rape (male perpetrator, female victim) founded on the moral harm to a married woman (or more accurately her husband), towards a recognition that *rape* can harm any woman (married or otherwise), towards recognising male victims, *sexual assault*, and *sexual harassment* (Ahmad et al., 2022; Anand, 2022; Warburton, 2004). In this instance, some legislatures have allowed social definitions to creep and then codified this into law, in response to public attitudes. As such, if this creep is observed on such a large scale around the world, it is reasonable to question whether this can be happening in the UK currently, and whether it is occurring on a more individual level, making concept creep a pertinent consideration of this thesis.

2.5 Novelty and Problem Statement

As discussed, the literature on sexual violence, and specifically non-consensual penetrative sex, uses quantitative research practices to understand appraisal, acknowledgement, and stereotyping behaviours and

patterns. While qualitative research has been used, it has been predominantly used to explore the experiences of victims and decision making in observers, rather than understanding the core concept of sexual violence (e.g., Dardis et al., 2021; Larcombe et al., 2016; Weare, 2018b). Little research has attempted to understand how people construct non-consensual penetrative sex, or how these variances develop. Further, only research into the Match-and-Motivation model (Peterson & Muehlenhard, 2011; Stubbs, 2013) has begun to explore the potential impact of these varying constructions in relation to actual sexual violence cases specifically in terms of acknowledgement. Most research similar to that contained within this thesis remains theoretical (Haugen et al., 2018) or pertains to sex, rather than sexual offending (Byers et al., 2009; Peterson & Muehlenhard, 2007; Sanders & Reinisch, 1999; Schick et al., 2016).

This thesis aims to provide a comprehensive investigation into the notion that non-consensual penetrative sex may be an individualised construct, the content and application of these constructs, and the possible benefits or issues associated with these constructs. The present research will also begin to understand the process of and influences for constructing these ideas; and explore whether these lay theories can be manipulated at the point of application. The employment of a mixed-methods approach (outlined in Chapter 3) across four studies will grant insight into how people are using sexual offence terminology, what informs their definitions and use of the terms, and finally, if these constructions can be manipulated by a selection of factors discussed in previously in the chapter. These findings will help to elucidate findings on individual constructions of non-consensual penetrative sex that will grant insights into how individuals respond to and appraise offences that stray far from the established stereotype for non-consensual penetrative sex offences.

The thesis provides an early perspective on the notion that non-consensual penetrative sex is an individualised construct, and that understanding of non-consensual penetrative sex are based on more than legal understanding and awareness. The findings from these studies, taken together, will grant insights into a range of processes, including reporting, help-seeking, acknowledgement, and response to disclosures. The findings could potentially be applied in education, legal practice, and research.

2.6 Chapter Summary

This chapter has explored the evidence for considering non-consensual penetrative sex as a construct that varies on an individual level. Various research findings have been presented demonstrating a difference in the content and application of non-consensual penetrative sex constructions through appraisal, acknowledgement, and stereotyping/myth research. These constructions may be contributing to a range of issues in non-consensual penetrative sex, including help-seeking, juror decision-making, and victim outcomes. The evidence of individualised constructions and the associated problems have been used to justify a series of research studies that would investigate these constructions directly, aiding to enrich understanding of sexual violence from a range of perspectives. While some previous research has explored constructions of specific offences within the non-consensual penetrative sex umbrella, these are either focused on a single offence or are not directly measuring constructions (i.e. observing differences but not

exploring them). The present research will explore the presence and content of individualised constructions of non-consensual penetrative sex, the ongoing process of constructing associated-terms, and factors that may influence the construction process or the application of definitions. The research expands current understanding by applying extant methods (dual-questioning for acknowledgement, semi-structured interviews) in novel ways to explore constructions of non-consensual penetrative sex. Novel methods of experimental-vignette studies are also applied to understanding initial definition and adaptation of constructions over a short-term intervention. All this within the context of the England and Wales legislature, and exploring a range of behaviourally similar offences, where previous literature has been conducted in the US context and focussed on rape exclusively.

3 Research Design

This chapter summarises and justifies methodological approaches and designs implemented throughout the empirical studies of the thesis. The chapter outlines the philosophical approach to the research before discussing the participant recruitment strategies, ethical considerations, and broad procedures utilised throughout the thesis. The empirical chapters (Chapters 4-7) contain more nuanced and specific information pertinent to their specific methods. The thesis aims to provide insights into how knowledge and understanding of non-consensual penetrative sex is constructed, and what these constructs are; explore the process of construction and what factors may guide or influence it; and identify potential implications for variance in individualised construction. The thesis also aims to identify and outline future directions for research, education, and legislation. The aims of this thesis are exploratory, as very little research has begun to understand the process and influences of conceptualising non-consensual penetrative sex. Similarly, no research thus far has grouped the offences contained within non-consensual penetrative sex together in a way such as this thesis does. The following research questions underly all of the research within this thesis:

- a) How do individuals define and understand non-consensual penetrative sex offences?
- b) What is the process of conceptualising non-consensual penetrative sex?
- c) How are sexual offence labels used and applied in the context of acknowledgement and appraisal?
- d) What models can be used to understand and explore this process of conceptualisation?

Each study has more unique and nuanced aims and research questions, which will be discussed within each relevant chapter.

3.1 Philosophical Stance

When approaching research design, it is imperative to adopt a philosophical stance that is aligned with both the methodology and data being used, else there is a risk of compromising the integrity of the findings (R. Walsh & Koelsch, 2012). Epistemology, how one understands knowledge, has two diametrically situated stances: positivism and constructivism, but there are a number of other perspectives between these that represent less decisive or more nuanced opinions of knowledge (Adorno, 1956; Allwood, 2019; Hwang, 2019). Through this research, a lens of relativist constructionism has been applied. This stance situates constructivist thinking within a broader positivist framework.

Broadly speaking, the positivist perspective is that there is one objective truth that can be observed, measured, and understood; it is seen as the objectification of phenomena (Frampton, 2013; Rayner, 2013; Sian, 2017). While positivism reports that there is one ‘correct’ explanation of a given phenomenon, this is realistically just the most accurate approximation of the objective truth that can currently be observed; this explanation can and does change with new evidence (Allwood, 2019; Frampton, 2013; Hwang, 2019; Rayner, 2013). In epistemology, positivism best accounts for *a priori* knowledge: that which can be justified without experience i.e. there is evidence and logic behind the experience (Baehr, 2003; Casullo & Thurow, 2013).

Conversely, constructivism proposes that knowledge is created and understood at an individual level, where people construct a personal reality allowing for a more open and subjective discussion of what is considered to be ‘true’ (Amineh & Asl, 2015; Sommers-Flanagan & Sommers-Flanagan, 2018; Vall Castelló, 2016). Constructivism argues that these interpretations or constructions are influenced by the unique experiences and qualities of the observer, and can change over time (Gopnik & Wellman, 2012; C. C. Liu & Chen, 2010). In epistemology, constructivism best accounts for *a posteriori* knowledge – that which is learned or known through experience, rather than evidence (Baehr, 2003; Casullo & Thurow, 2013).

The range of methods, analyses, and data used within the thesis required an epistemological stance that could be appropriately applied to the full span of research within it, considering both qualitative and quantitative approaches. As the methods used within the empirical research are not associated with a specific philosophical stance (Braun & Clarke, 2022; Cupchik, 2001; Elander & Cronje, 2016; Trainor & Bundon, 2021), a relativist constructionist approach was adopted. Relativist constructionism borrows ideas from positivism and constructivism, outlining that each person constructs a unique understanding of the world, but some constructions are more accepted and reliable than others, with some accepted enough to become ‘truths’ (Gillett, 1998; Harré & Krausz, 1995; Sommers-Flanagan & Sommers-Flanagan, 2018). Relativist constructionism explores and compares individual and accepted constructions to better understand individual and group experiences and how one interprets the world (Gillett, 1998; Raskin, 2001).

Similarly to constructivism, relativist constructionism is based on an understanding that each individual interprets the observable world as a product of their experiences, socialisation, and personal context. Yet these constructions are interpreted within the wider context of commonly accepted truths (called a ‘referent’), utilising a positivist approach of objectivity (Adorno, 1956; Gillett, 1998; Harré & Krausz, 1995; Laksov et al., 2017; Sommers-Flanagan & Sommers-Flanagan, 2018). In the context of this thesis, the individual-level definitions of non-consensual penetrative sex are presumed to be constructs as they may be unique and therefore based on experience or understanding, rather than knowledge. These conceptualisations, however, will be consistently compared to an objective referent (the legislation) to understand and explore accuracy and differences in participant knowledge. These ‘truths’ are considered constructs in themselves, as they are accepted representations of collective morality in England and Wales, a construct that varies over time and between legislatures. Simply, each participant involved in this project will have a uniquely nuanced perspective of non-consensual penetrative sex, and this may have formed as a result of their unique experiences and circumstances. Yet, it is necessary to compare these constructions to an objective referent in order to comment on differences and explore how these differences develop (Dancy & Sosa, 1993; Laksov et al., 2017; Raskin, 2001).

Reflexive thematic analysis, the chosen qualitative approach (see following section) is not associated with a single epistemological stance, and can be broadly adapted to most epistemologies, though qualitative work has constructivist leanings, as quantitative research has positivist leanings (Appleton & King, 2002; Cupchik, 2001; MacLeod et al., 2022; Mann & MacLeod, 2015). Therefore, the relativist constructionism stance is appropriate to be applied within a mixed methods project, blending and complimenting the

quantitative and qualitative elements. A relativist constructionism approach accounts for the subjectivity of the human experience while maintaining a positivist referent to compare these constructions (Dancy & Sosa, 1993; Laksov et al., 2017; Raskin, 2001). This was achieved by recognising participants had constructions, understandings and attitudes that did not need to be correct or verified by empirical enquiry, but were still viewed in reference to more positivist ‘truths’ – or more accurately, accepted constructs – which, in this thesis means legislation and quantitative measures (Dancy & Sosa, 1993; Laksov et al., 2017). A relativist constructionist approach also allows a researcher to engage in their research and utilise their experience as a technique to address criticisms of constructionism and positivism, by engaging critically and objectively with qualitative data, and applying knowledge, experience, and understanding when exploring quantitative data (Adorno, 1956; Laksov et al., 2017). The quantitative studies also fit within a relativist constructionist framework, as participant answers to questions (indicative of their constructions) were compared to the legal definitions (referent) in terms of ‘correctness’ in order to build a picture of how constructions were defined, and how these related to extant established constructions. While quantitative work usually fits within a positivist paradigm, this particular application explores constructionism within the context of a known and understood phenomenon. As such, the work is not searching for or understanding an objective truth, but rather exploring the difference between individual and group constructions.

Current research into sexual violence takes a range of perspectives and adopts a variety of approaches. The majority of research within sexual violence tends to lean towards a constructionist perspective, typically viewing a range of phenomena including victimhood, perpetration, stereotyping, and masculinity/femininity and sex roles as (often social) constructs (Bates, 2020; Bates et al., 2019; Griswold et al., 2020; Hipp et al., 2017; Javaid, 2015a, 2015b, 2017a, 2017b, 2019a). However, other researchers consider that sexual violence is not strictly a construct, for example, Sorsoli et al. (2008) consider victim experience through a constructivist interpretivist lens, owing to their perception that victims can experience and interpret phenomena as both objective and subjective, with the experience often being objective, and their interpretation being subjective. Similarly, Quinn-Nilas et al. (2018) take a stance of critical realism, a stance that compares the subjective experiences and perspectives of individuals, and compares them to an observable phenomenon. This is similar to relativist constructionism, however, where critical realism interprets subjective understanding with reference to objective happenings, relativist constructivism allows for the comparison of subjective understanding and group constructions and understanding – legislation in this case – recognising that these are more substantiated than individual constructs but are not observable or objective either.

It is important to qualify that, when talking of ‘truth’ in a relativist sense, this refers not to objective facts, but to constructions of intangible concepts, such as experiences, as well as an interaction between beliefs and reality (Gillett, 1998; Harré & Krausz, 1995). An individual ‘truth’ is the product of one’s understanding of reality becoming coherent with our existing understanding of how the world works (Gillett, 1998; Harré & Krausz, 1995). This is unique to a common or group ‘truth’, which would be a more substantiated or accepted construction which many people can agree on, this refers to phenomena such as

scientific principles and, in this thesis, laws. This is most easily conceptualised as a group construction – where many individuals have contributed to developing an accepted construct. In the context of this thesis, for example, an individual’s ‘truth’ of what they believe sexual violence was is often a coherence of schemas (e.g., experienced and imagined sexual scripts), beliefs (e.g., only men commit rape), and experiences (e.g., seeing news reports), which often did not entirely align with the ‘facts’ (e.g., legislation realities).

3.2 Ethical Considerations

All research within this thesis was conducted in adherence with the ethical research guidelines outlined by the British Psychological Society (British Psychological Society, 2021a, 2021b). All ethical applications received favourable opinions from Nottingham Trent University’s College of Business, Law and Social Sciences Research Ethics Committee prior to data collection. These applications detailed the research methods, participant recruitment and safeguarding, and data handling and management practices for Chapters 4-7. Strict ethical guidelines were followed to ensure that researcher and participant wellbeing and safety were at the forefront of design and implementation. Further, a number of trauma-informed research practices were implemented across all studies to ensure the utmost safety and respect for participants, given the nature of the research topic (Alessi & Kahn, 2023; Isobel, 2021). This section accounts for core ethical considerations that were utilised throughout the thesis; where more nuanced and study-specific information is available, it will be provided in the respective chapter.

In all studies, participants were provided with information regarding the research design, content, and data handling/management, as well as their rights as participants and what would be expected of them. All participant information sheets, consent forms, and debriefs can be found in *Appendices B, C, D, and F*. Given the sensitive nature of topics within all studies, participants were informed that they could withdraw from participation at any time before or during participation, and for up to two weeks after participation. Providing participants with full and accurate information regarding the sensitive nature of the topics within the studies was critical to ensure the consent they provided was fully informed, and allowed them to decide whether or not to participate without external pressures or the compensation with full awareness of the risks involved (Fahie, 2014; Gillham, 2000; Silverio et al., 2022). Transparency between the researcher and participants was also essential in building trust and rapport with participants, thus improving the quality and quantity of data, especially in qualitative research (DiCicco-Bloom & Crabtree, 2006; Gillham, 2000; C. McGrath et al., 2019). In all studies contained within this thesis, the prospective participants were given sufficient information to be able to give fully informed consent and participate without risk of unforeseen harm or distress. For Chapters 4 and 7, participants were told the broad topics that would be researched but were not given the names of specific variables or measures being used (e.g., “sexual violence attitudes” rather than “rape myth acceptance”), to avoid biases in the data. For Chapters 5 and 6, this information included a general overview of the interview schedule and structure, and a summary of the topics that would be covered. Given qualitative research naturally breaches assumptions of confidentiality by including quotes as evidence, participants were pseudonymised to protect their anonymity. Participants were also assured that they would not be asked any direct questions regarding any personal experiences with sexual violence,

though some did share experiences to help explain and justify their opinions (Isobel, 2021). Participants were not given access to the full interview schedule before the interview took place to avoid the possibility that participants would research the legislation beforehand, which would impact the candour of responses about their current knowledge and understanding. Participants were also made aware of data recording and handling procedures, including the recording of audio but not video, the function of Open Broadcast Software as a recording software, and the storage of files in password protected and encrypted locations, such as NTU DataStore. Participants were also informed how their data would be pseudonymised as well as how quotes would be presented in the thesis and resulting outputs. After participating in any of the four studies, participants were provided with a debrief that reiterated core information from the information sheet, detailed how to claim compensation, and provided details for support services.

Research into sexual violence, no matter the specifics, always carries some risk of psychological harm, distress, or upset for both the participant and researcher (Fahie, 2014; Fahs, 2016; Silverio et al., 2022; Sipes et al., 2020). To reduce these risks, potential participants were encouraged not to participate if they felt they were vulnerable to distress or upset when considering sexual offences, and ensuring ample support was given throughout the research project to all participants (Alessi & Kahn, 2023; Isobel, 2021). The debrief provided appropriate services and charities that addressed a variety of potential sources of distress, including victimisation and troubling sexual thoughts. Participants were also encouraged to use the researcher as a resource to find more specific, localised, or appropriate guidance for support if necessary. To reduce the risk of distress, interview questions in Chapters 5 and 6 were worded with care to avoid inducing thoughts of first- or second-hand experiences of sexual violence. Both qualitative studies involved interviewing individuals about sensitive topics, and as such, there was a potential that a participant may begin discussing a topic that might make themselves or the researcher uncomfortable, for example, a detailed account of a non-consensual sexual encounter (Alessi & Kahn, 2023; Isobel, 2021). To mitigate this risk, the interview schedule was designed to avoid questions that may prompt disclosures, and contingencies were placed to allow questions to be redirected and for the interview to be paused, or in worst case scenarios, terminated to seek support and guidance from supervisors. That being said, participants were welcome to share personal experiences of sexual violence if they offered the information unprompted and it was helping to contextualise and explain their perspective or understanding of legislation (Alessi & Kahn, 2023; Isobel, 2021). Within the research, a number of protections were also provided to the researcher as well as the participant. Generally, the researcher held the same rights to terminate or disengage from the interview at any point in the instance there were any incidents of abuse from participants or if the researcher became upset or distressed by anything the participants were discussing. In such instances, the supervisory team acted as a primary source of support given their wealth of experience conducting qualitative research on similarly sensitive topics.

3.3 Participant Recruitment and Sampling

3.3.1 Inclusion Criteria

In all studies, participants were required to be over the age of 18, permanent or settled citizens of the United Kingdom, and fluent in English. Each study had additional inclusion and exclusion criteria which are explained in their respective chapters.

Participants were required to be over the age of 18, as this is the age at which a person can consent to participate in research without parental consent (British Psychological Society, 2021b). This is also the age at which potential participants can make informed decisions about participating in research, the data they provide, and how it is handled throughout the research process (British Psychological Society, 2021a, 2021b). This was especially pertinent given the risk of emotional or psychological distress, given the research topics, and the knowledge and experience necessary to understand and give nuanced and meaningful information in the qualitative research.

Similarly to the age criterion, participants being required to have citizenship or settled status from the United Kingdom ensured that the participants had sufficient opportunity to become familiar with the laws in order to comment – and have reasonably formed opinions – on the legislation, and the culture surrounding the Sexual Offences Act (2003). As this thesis is primarily concerned with gauging knowledge, understanding, and opinions of non-consensual penetrative sex it was not necessary for participants to have substantial familiarity with the nuances and intricacies of the legislation, and therefore experiential knowledge was sufficient for participation. Although the Sexual Offences Act (2003) only provides for England and Wales, Scottish and Northern Irish legislation is remarkably similar, therefore citizenship or settled status in the United Kingdom was sufficient for the studies for Chapters 4 and 7⁶, though residence in England or Wales was needed to participate in the studies for Chapters 5 and 6.

Finally, being fluent in English was a requirement of participation to ensure that no language barrier between the researcher and participant would impact the quality or accuracy of their data through data collection and analysis. This is especially pertinent in the qualitative elements, where a language barrier introduces the potential misrepresent or misinterpret the participants' answers, therefore biasing the data. Clarity of meaning was also important in indirect communications (e.g., survey scales, participant information sheets) to ensure consent was truly fully informed. Participants were not required to have English as a first language as many UK citizens, and those with settled status, will have English as a second or even third language (Office for National Statistics, 2022).

3.3.2 Participant Recruitment

Quantitative Recruitment. In Chapters 4 and 7 participants were recruited entirely through Prolific (<https://www.prolific.co/>). The studies were advertised to participants who met the inclusion criteria (per

⁶ This exception was only made as Prolific only allows participants to be filtered by United Kingdom, not specifically England and Wales.

their self-reported demographics in their Prolific profile). Participants were recruited to ensure a nationally representative sample across sex, age, and ethnicity, which is allowed through specific filtering on Prolific. Actual proportions of sex and ethnicity and descriptive statistics for age are reported in each chapter. The prolific listing linked to a Qualtrics survey, where information was delivered and the tasks completed. For their time, participants were compensated £2.25 in Chapter 4 and £1.30 in Chapter 7 following validation of their participation through Prolific. In order to validate their participation, participants had to make it to the end of the survey and succeed a number of clearly marked attention check questions (e.g. “this is an attention check, please select *strongly agree*.”). While it is standard practice to compensate participants for any participation, Prolific’s terms of service specify that failing attention checks or providing incomplete data are not grounds for receiving compensation. Participants are made aware of this and agree to these terms on signing up to the service and the studies.

Qualitative Recruitment. For Chapters 5 and 6, participants were recruited using volunteer sampling and snowball sampling. Advertisements were posted to the research team’s social media pages (Twitter [now X], LinkedIn) and disseminated through online mailing lists (<https://www.jiscmail.ac.uk/>). The advertisements contained a basic summary of the study information, the principal researcher and director of studies’ email addresses, and a link to complete an eligibility survey via MS Forms. The form provided a more complete summary of study information and collected data on the eligibility criteria (above). The form also requested dates and times the participant would be available to meet and a means of contact (usually email). The principal researcher then contacted the participant to deliver a full information sheet and consent form, answer any questions the participant may have, and finalise a date and time for the interview. After the interview, participants were sent a copy of the advertisements and asked if they would be willing to share it with anyone who may be interested in participating. For Chapter 5 participants were compensated with a £10 Amazon Voucher for their time. For Chapter 6, participants were entered into a random prize draw to win 1 of 2 £50 Amazon vouchers. Indirect compensation was selected in Chapter 6 as some professions (such as the police) do not allow staff to accept direct compensation for participating in research.

3.4 Qualitative Methods

3.4.1 *Semi-structured Interviews*

Semi-structured interviews were used to collect primary data relating to public (Chapter 5) or professional (Chapter 6) perspectives and definitions of non-consensual penetrative sex. Semi-structured interviews allow the interviewee to become a part of the research process, somewhat guiding the interviewer through the topic, while maintaining enough structure to ensure all necessary topics are discussed and the interviews are comparable (Belotto, 2017, 2018; DiCicco-Bloom & Crabtree, 2006; C. McGrath et al., 2019). Using the indicative interview schedule as a guide, rather than strict outline, allowed for questions that followed and built on participants’ answers and adapted the interview to fit their narratives and improve flow, while maintaining consistency in the questions being asked (Belotto, 2018; Gillham, 2000, 2005). This ensures each interview is unique, has rich and nuanced data, and has the necessary depth to complete reflexive thematic analysis (Braun & Clarke, 2019, 2021a).

The semi-structured interview was chosen over the structured or non-structured format due to its flexible but consistent nature. Where a structured interview does not allow for any flexibility and adaptation, a non-structured interview is not guaranteed to cover all necessary talking points and presents a risk that interviews may not be comparable. A semi-structured interview addresses both of these issues (Belotto, 2018; Brinkmann & Kvale, 2015; Gillham, 2000, 2005; C. McGrath et al., 2019). Structured interviews are better suited to collecting quantitative data, or data for content analysis, rather than qualitative data for reflexive thematic analysis and lend themselves to a top-down approach to analysis (DiCicco-Bloom & Crabtree, 2006; Gillham, 2000, 2005). Conversely, non-structured interviews do not follow an interview schedule, and instead rely solely on the participants to guide the interview and explore the topic (DiCicco-Bloom & Crabtree, 2006; Gillham, 2000, 2005). Non-structured interviews have an associated risk of the dataset not being sufficiently comparable due to the span of potential topics being discussed, making meaningful analysis (specifically theme development) more difficult or even impossible (Gillham, 2005). The semi-structured interview allowed the researcher to build upon and explore answers from the participants beyond the remit of the interview schedule or research, but may have held pertinent and relevant information, where this would not have been possible had a structured format been used, potentially limiting the range of insights gleaned (Gillham, 2000, 2005).

3.4.2 Reflexive Thematic Analysis

In Chapters 5 and 6 Reflexive Thematic Analysis was used to analyse data (RTA; Braun & Clarke, 2019, 2021a, 2021b, 2022). Thematic analysis, the underlying framework for RTA, focuses on identifying common threads and linking conceptually similar points within and across data, with a view to understand their significance to the data as a whole (Braun & Clarke, 2006, 2021c). RTA uses the same base principles as thematic analysis, but also recognises the researchers' biases and the impact these may have during the data collection and analyses, with the aim to reduce (but not remove) the impact of the researchers' experience and knowledge overall (Braun & Clarke, 2019; Byrne, 2022; Trainor & Bundon, 2021). The RTA paradigm recognises the researcher as a critical tool within analysis and one which cannot be removed from the process, and through awareness and reflexive practice, the position and biases of the researchers can become a positive function in the analysis, rather than negative (Braun & Clarke, 2021a; Gillham, 2000, 2005; Terry & Hayfield, 2020). RTA was chosen precisely for this utilisation and recognition of researcher bias and influence over data. The principal researcher was aware of a number of pre-existing stances held around the subject area and made conscious efforts throughout the project to maintain an objective perspective throughout data collection and analysis. RTA is also well-suited to projects which focus on analysing similarities and differences between multiple participants, in a sample that is heterogenous (Braun & Clarke, 2006, 2021a, 2021c, 2022). RTA was also a stronger option considering the data focussed on attitudes and opinions, rather than experiential data or language use and trends, which would have been better suited to interpretative phenomenological analysis (J. A. Smith & Shinebourne, 2012) and discourse analysis (Bhatia et al., 2007; van Dijk, 1983), respectively.

The analytical process is similar between RTA and thematic analysis and is comprised of six core stages that have been outlined in various writings on RTA (Braun & Clarke, 2021a, 2021c; Byrne, 2022; Terry & Hayfield, 2020). Familiarisation is the first step and refers to reading and understanding each individual transcript. In these studies, each audio file was listened to once and then transcribed. Once transcribed, transcripts were proof-read once with the audio file to check for inconsistencies and then once without the audio to check for clarity when isolated from the audio file. The second step is coding, which refers to the process of drawing inferences from the data and linking thoughts and answers of each participant to form more complex and structured interpretations and understanding of their answers, thoughts, and opinions. In these studies, coding was conducted using NVivo and consisted of annotating each transcript individually, drawing links between answers to triangulate a more complete understanding of the participants' conceptualisations, attitudes, and justifications. Next, initial themes were generated. This is the process of considering the codes, grouping conceptually similar lines of thought, topics, and similarities and differences in ideas that are present across different participants' transcripts. This took the form of going back through the coding of each transcript and drawing links between common codes, similarities in how people conceptualised sexual violence, and the foci and justifications of opinions and attitudes. The fourth step in the process is to review the codes and develop themes. The preliminary codes were grouped into rudimentary themes and reviewed to ensure all codes within a given group (theme) were actually similar and once firm code groups were developed; transcripts were reviewed to ensure no relevant codes were omitted. The penultimate step is to engage in refining, defining, and naming each theme. Here, the code groups – now themes – were summarised with a brief description of what would be considered within each theme in the writing stage and given names that summarised the topic discussed in each theme, but not the detail of what was actually discussed. These preliminary themes were then shared and discussed with the project team. Following this discussion, a number of themes and subthemes were refined and redefined to be broader, and limit repetition in the writing of the findings, and were given more conceptual names. The final step of RTA is to write and discuss your findings, theme by theme, and disseminate this. Throughout the project, the supervisory team provided oversight and guidance across the coding process, theme development, and writing. This also included coding sessions where the RL and TT coded transcripts from Chapter 6 together. This supervisory input in the process acted as a sense-check for the findings and ensured the findings, coding, and themes were appropriate, accurate, and were not subject to bias or prejudice from the PI.

In the writing of this thesis, the final two steps (refining and defining themes, and writing) were applied in a cyclical manner, as inputs from the supervisory teams in each stage influenced its counterpart. Specifically, after the initial drafting of Chapters 5 and 6, the entire project team engaged in a meeting to discuss the content and presentation of findings, and themes were restructured to improve flow, clarity, and impact.

Reflexivity Statements. A necessary component of reflexive thematic analysis is providing a series of reflexivity statements that present the positions and possible biases of the researchers involved in the project that may influence interpretation of the findings. This is to encourage researchers to reflect on their

interpretations of the findings, think more critically about the data, and invite more transparency into the research process. The following reflexivity statements were provided before this thesis had begun collecting data and comprise one part of the cyclical process of the reflexive process.

The principal researcher (TT, male researcher), who will conduct the interviews is a cisgender man. It may be the case that some participants may view the researcher as being in a position of privilege, as men are often viewed as the stereotypical perpetrator(s) of sexual violence, and this view may reduce participant openness. However, given the research questions focus on attitudes, opinions, and influences, the researcher doubts this will present a major issue. Also, it may be the case that the professionals interviewed view the researcher as a peer, given a shared interest/experience working with and around sexual offences, improving rapport and, in turn, providing richer data. Similarly, the researcher conducting the interviews and analysis is a theory-aware academic, this may influence the process of analysis and guide some questions during the interview process. The principal researcher is also aware of their own biases. The principal researcher recognises that their stance as a law reformist may influence their analysis of the data, they believe that the Sexual Offences Act (2003) is outdated, and needs updating, the researcher specifically believes that rape should be a broader term, encompassing all sexual intercourse that is non-consensual, including forced-to-penetrate cases. In this vein, the researcher may interpret vague or ambiguous answers as supporting this reformist belief. The principal researcher is also an Intersectional Feminist, believing that all genders should be considered equal in all aspects, but is also aware that some issues disproportionately affect certain groups, such as women, ethnic minorities and members of the LGBTQ+ community. This bias may influence interpretation of data in favour of the improvement of representation of male victims and female perpetrators. Braun and Clarke (2021c) indicate it is highly difficult to take on research without some knowledge of research, literature, and theory, and that as long as the researcher is aware of one's biases and position, there is little room for this knowledge to impact the data, interpretations, or conclusions.

The principal researcher was supported by a supervisory team of three experienced academics, who will co-author peer-reviewed outputs. As such, the a priori positionality of each researcher involved in the project is considered here too:

Supervisor 1 (CH; male researcher) and Supervisor 2 (RL; female researcher) both have a background in working in the area of sexual offending from research (CH; RL) and professional practice (RL) perspectives. Specifically in relation to the topic of study, both of these researchers acknowledge the potential for equivalence in terms of the harms caused by different penetrative sexual offences (e.g., rape, forced-to-penetrate offences, sexual assault by penetration), but come into the project believing that these issues reflect psychologically and behaviourally different phenomena. As such, they are not, at the outset, in agreement that a solitary label is applicable to each of these but remain open to this possibility if the data indicate that this is appropriate.

Supervisor 3 (JM; female researcher) has a research background related to women's perpetration of violence but has mostly worked in practitioner facing roles in secure settings with a broad range of

vulnerable service users. Although she has identified as a feminist in the past, she does not now and believes that gender is an important aspect that should inform work with individuals but should not dictate it. She comes to this project with the view that forced-to-penetrate cases should probably be considered as rape, in order that these offences carry the equivalent gravitas and acknowledgement of impact and harm that can be done to men by women, as men can do to women and men.

3.5 Quantitative Methods

3.5.1 Internet-mediated Research

Conducting research over the internet is fraught with concerns over the reliability and validity of data, as well as the legitimacy of participants (Douglas et al., 2023; Hewson, 2003; Speckmann & Wingen, 2023). These concerns, as well as the opportunities afforded by internet-enabled research are discussed, including a conversation on the prospective impacts for all four studies within this project.

Primarily, the Internet, and its various services, offers quick, easy access to a wide range of participants who can be contacted immediately and can participate in research without needing to travel or receive physical copies of materials (Hewson, 2003; A. Jones et al., 2022). Despite early concerns over the representativeness of Internet-recruited samples, the modern Internet is a much more accessible commodity, available to a wider range of people (Borodovsky, 2022; Hewson, 2003; Khazaal et al., 2014). As such, services such as Prolific (<https://prolific.com/>) now offer advanced recruitment that allows for representative samples based on census data and can ringfence participation to specific groups, who register their demographics when signing up to the service. There are also concerns that some ‘participants’ may be nefarious actors, automated services, or ‘bots’ that aim to complete as many studies as possible to receive compensation (Douglas et al., 2023; Thompson & Utz, 2024). In addressing this, Prolific screens participants to remove bad actors from the sample pool, and the survey used attention checks and data metrics to detect and remove illegitimate participants (Douglas et al., 2023; Nestler et al., 2015; Prolific Team, 2022).

While there are also concerns about the lack of a researcher presence with internet-mediated research, such as participants not being able to ask questions about instructions or tasks, the lack of researcher presence may improve data quality overall (García-Fernández et al., 2022; Harrap et al., 2023; Hewson, 2003; Speckmann & Wingen, 2023). The lack of researcher presence reduces the likelihood that participants will experience consistency or social desirability bias, and the increased sense of anonymity may increase honesty and accuracy of data (Borodovsky, 2022; Krumpal, 2013; Rossella et al., 2022; Schumann & Lück, 2023). Internet-mediated research also allows participants to take as much time as they need to complete the task either as quickly or slowly as they like, improving the validity of the data (Borodovsky, 2022; Krumpal, 2013; Rossella et al., 2022; Schumann & Lück, 2023). To mitigate concerns of participant comprehension, in all studies, information, instructions, scales, and vignettes were written in as simple language as possible to remain accessible to participants with a range of English-language proficiencies or learning difficulties.

Internet-mediated research is also criticised for having a high participant attrition rate compared to in-person research, however, this is ethically a positive, as it indicates participants are taking part willingly and consensually (Nestler et al., 2015). This helps protect against participation that is coerced through any means, including that of social etiquette (Nestler et al., 2015). While it is true that participants are more likely to withdraw their participation in the middle of an online survey than an in-person one, this is mitigated by the accessibility of Internet-mediated research and the ease with which new participants can be recruited (Harrap et al., 2023; Nestler et al., 2015). Within Chapters 4 and 7, the quotas for participants only accounted for participants who completed the research, and therefore, the recruitment platform (Prolific) continued to recruit participants until the quota was filled by participants who had completed the study.

Overall, concerns raised regarding internet-mediated research, its practicality, reliability, and effectiveness, have all been addressed in some way, though many of these complaints have been shown to be ill-founded in the face of modern software and methods. As a final note, internet-mediated research has been shown to be statistically similar to data gained from in-person means, showing similar findings across metrics of power, significance, and effect sizes, when like for like data was collected in person and online (Harrap et al., 2023; Rossella et al., 2022; Schumann & Lück, 2023; Speckmann & Wingen, 2023). The only exception to this is with data on sensitive research, where it is speculated that online participants give more accurate and honest data to in-person participants due to the added layers of anonymity and being more comfortable answering questions on distressing or embarrassing topics (Borodovsky, 2022; Speckmann & Wingen, 2023).

3.6 Open Science

Incorporating open science practices in psychology is becoming increasingly important, with some journals (e.g., *Psychology*, *Public Policy*, and *Law*) making some open science practices a mandatory criterion for publication (Bosma & Granger, 2022; Lamb et al., 2021). The core tenets of open science are making research accessible, transparent, replicable, and reproducible (Kirtley et al., 2022). Open science practices (such as pre-registration and providing preprints of articles) are designed to improve access to scientific research, reduce malpractice (e.g., ‘p-hacking’ or data fabrication), and facilitate researcher improvement and scientific conversation. Although open science was initially designed to help improve rigour in quantitative research, it can also be implemented to improve practice within qualitative research, through the use of ‘structured subjectivity’, as well as openness and reproducibility (Castille et al., 2022; Haven & Van Grootel, 2019; Prosser et al., 2021).

For each of the studies within this thesis, the principal researcher has completed a pre-registration form through the Open Science Framework (OSF) website (<https://OSF.io/>), links to which can be found in *Appendix A*. In Chapters 5 and 6, the interview schedule (*Appendix E*) was published as part of the pre-registration, to ensure the interviews could be replicated by other researchers if necessary. Audio recordings, transcripts, and coding have not been published in order to protect participant confidentiality and anonymity, and give participants more confidence in their anonymity, as there are general concerns around participants

being less likely to take part knowing their data being freely accessible through the OSF website, even in a pseudonymised format (Prosser et al., 2021). In Chapters 4 and 7, the preregistration included a list of measures and variables that were being investigated and analysis plans used throughout each chapter. Fully anonymised data sets and R scripts were uploaded to the OSF to allow for replication and validation by other researchers.

3.7 Summary

Engaging in mixed-methods research requires the consideration of a wide range potential strengths and issues, which need addressing. This chapter has outlined and justified my philosophical approach to data generation and analysis, while outlining and justifying a number of ethical, practical, and methodological decisions. The general ethos of the decision-making process was to maximise research quality and participant wellbeing, while minimising the impact of methodological, researcher, and participant bias. Each Chapter will have a shorter methodology section that outlines more nuanced and specific methodological features pertinent only within the respective chapter.

4 Study 1: Prevalence and Acknowledgement of Non-consensual Penetrative Sex: Understanding and Use of Labels.

4.1 Introduction

As the literature review has explained, there are a number of phenomena and behaviours that demonstrate there may be a difference between personal and legal constructions of non-consensual penetrative sex, and of the legal terms that constitute non-consensual penetrative sex. This has been shown most visibly within acknowledgement research, where constructions are more explicitly defined and explored compared to one another. For example, in Dardis et al., (2021), the authors found that many participants mislabel their victimisation using inaccurate legal terms or even non-criminal language such as describing the event as a “miscommunication.” This explicit comparison between legal and personal constructions of non-consensual penetrative sex make acknowledgement a strong medium for exploring whether these constructions do differ.

Victimisation acknowledgement (sometimes called labelling) is the act of a victim processing and identifying their experience as a criminal offence with an accurate and appropriate offence title, most often applied within the field of sexual violence (Canter et al., 2003; A. C. Graham et al., 2021; Miller et al., 2012; Sanguinetti, 2014; Sasson & Paul, 2014). Acknowledgement outcomes usually dichotomise victims as either acknowledged (accurately labelling one’s victimisation) or unacknowledged (not labelling one’s experience as an offence) with little nuance beyond or between these (Koss et al., 2006, 2024; LeMaire et al., 2016; Peterson & Muehlenhard, 2011; L. C. Wilson & Miller, 2016). Acknowledgement is typically assessed by asking participants behavioural questions about sexual experiences that include a simple but clear description of a sexual offence and then explicitly asking if they have ever experienced the offence using the legal label. Participants who respond affirmatively to both are acknowledged, and participants who respond affirmatively to the behaviour but not the label are unacknowledged. The cognitive process of acknowledging sexual victimisation is complex, as a victim must be able and willing to recognise the experience as sexually violent (Peterson & Muehlenhard, 2004, 2007, 2011).

Given that acknowledgement studies routinely find participants who have not acknowledged their victimisation, it may be the case that descriptive questions elicit different responses to label-based questions (Cook et al., 2011; Koss, 1992; Marchewka et al., 2022). This may be due to participants not understanding the questions or having varied or individualised understanding of how the offence is defined (Cook et al., 2011; Koss et al., 2006, 2024; Marchewka et al., 2022). This notion is explicitly supported by Haugen et al.’s (2018) work on rape lay theories and Peterson and Meuhlenhard’s (2004, 2007) research into rape definitions and acknowledgement. Within these, participants offered a range of definitions of rape, demonstrating a high level of variance in their understanding of rape law (Haugen et al., 2018; Peterson & Muehlenhard, 2004). As this high variance in understanding of legal terminology may influence response rates, descriptive questions may bypass this by explaining the question, rather than relying on participants understanding the

terminology in the label-based questions (Cook et al., 2011; Koss et al., 2024; Marchewka et al., 2022). Although the process of acknowledgement is likely more complex than a question of understanding.

The Match-and-Motivation model (Peterson & Muehlenhard, 2011) suggests that for a victim to accurately acknowledge and label their sexual victimisation, their experience must first correlate with (i.e., match) their understanding of the offence and second, they must be motivated to view the experience as criminal (Arttime et al., 2014; Blayney et al., 2021; Marchewka et al., 2022; Peterson & Muehlenhard, 2011; Stubbs, 2013; L. C. Wilson & Miller, 2016). Within the ‘match’ element, one of the core factors in explaining non-acknowledgement is a lack of understanding of the terminology of rape (Cook et al., 2011; Marchewka et al., 2022; Peterson & Muehlenhard, 2011). If one’s individualised concept of rape – for example – does not align with the legal definition (or a researcher’s operational definition), they are unlikely to report having experienced rape in response to the label (Cook et al., 2011; Koss et al., 2024; Marchewka et al., 2022; Peterson & Muehlenhard, 2011; L. C. Wilson & Miller, 2016). However, a range of other factors may influence the process of acknowledgement. Research has shown that endorsement of offence stereotypes, myth acceptance, gender norms, sexism, and characteristics of the offence are associated with the likelihood of acknowledging victimisation (Bows & Westmarland, 2017; Farrell, 2017; Goh et al., 2021; H. Johnson, 2017; Waterhouse et al., 2016; for a detailed discussion, see [Chapter 2](#)). For example, a participant who demonstrates a strong belief in rape stereotypes or rape myths; is higher on measures of sexism and endorsement of traditional gender norms; and who shows less empathy to victims is less likely to acknowledge an experience of sexual violence (Arttime et al., 2014; LeMaire et al., 2016; Orchowski et al., 2013; Peterson & Muehlenhard, 2004; Sasson & Paul, 2014; L. C. Wilson & Newins, 2019). This is also true for heterosexual male victims, who, in prior research, have been found to be less likely to acknowledge experiences of sexual victimisation than their female counterparts (Arttime et al., 2014; Osman, 2023; Reed et al., 2020). Peterson and Muehlenhard (2011) explain that stereotyped or misled ideas of what behaviours do and do not count as rape, as well as the circumstances surrounding the rape can cause individuals to misattribute blame or miscategorise the offence, leading eventually to unacknowledged victimisation.

Most acknowledgement research to date has focussed on acknowledgement for a single offence (e.g., rape; Blayney et al., 2021; L. C. Wilson & Miller, 2016), with some exceptions looking at sexual violence more broadly (Arttime et al., 2014). This research typically involves asking participants to respond to behavioural questions or describe experiences of sexual violence, before asking if they would or would not categorise this as rape (or another sexual offence in question). This lack of ability for participants to add nuance to their answers (i.e. labelling it as sexual assault, but not rape) means that minimisation and mislabelling behaviours cannot be captured. Minimisation, a relatively new concept in the acknowledgement corpus, is the process of victims downgrading their experience of a generally more serious offence to a less serious offence or non-offence, for example describing it as ‘miscommunication’ or attributing some blame to themselves (Dardis et al., 2021; Holland et al., 2021). Although, the Revised Sexual Experiences Survey (Koss et al., 2024), allows participants to describe a recent/significant experience of sexual violence with a list of labelling options to describe it, research has only recently begun to consider minimisation and

mislabelling within the acknowledgement umbrella/spectrum (Dardis et al., 2021; Holland et al., 2021). The present study expands this research by exploring multiple offences within a single study and tracking multiple acknowledgement outcomes for each. This allows participants to answer more freely and precisely and allows for inferences to be drawn regarding mislabelling, minimisation, and conflation of offence titles. It is hoped that this will provide a more sensitive and nuanced understanding of acknowledgement outcomes and a preliminary understanding of how people define and apply offence titles. Being a recent development, there is also a more general need to expand knowledge of acknowledgement outcomes as a dimensional, rather than binary, construct.

Using acknowledgement also allows for commentary on the possible impact of labelling and differing constructions to impact prevalence rates of sexual violence as detected by different styles of questioning. Despite the knowledge that sexual violence, and non-consensual penetrative sex specifically, is a prevailing issue in society, many cases are never reported to the police or other services (Fleming & Muscari, 2021; Palmer et al., 2021; Sorsoli et al., 2008). This has led to a discrepancy between the prevalence (the number of cases we know of) and incidence (the number of cases that occur) of sexual violence (Cleere & Lynn, 2013; Koss et al., 1987; Marchewka et al., 2022). A range of factors have been implicated in explaining this gap between actual and reported cases of non-consensual penetrative sex, including the questions used, acknowledgement, and attitudes towards sexual violence (S. Holmes & Deckard, 2019; Lorenz et al., 2021; R. M. Walsh & Bruce, 2014a). Regardless, despite researchers' growing understanding of sexual violence victimisation, measuring the true prevalence rates of sexual violence remains a consistent methodological challenge (Cook et al., 2011; Koss, 1992; Marchewka et al., 2022; L. C. Wilson & Miller, 2016).

Research into sexual violence prevalence will commonly use a single (often 'yes/no') question per offence to assess how many participants have been victimised. For example, the Crime Survey for England and Wales describes the offence in question, rather than using the title: "*Since you were 16, has anyone ever touched you in a sexual way (e.g. touching, grabbing, kissing or fondling), when you did not want it?*" (Office for National Statistics, 2018, p. 247). The United States' equivalent follows the same formula, along with most research that does not investigate acknowledgement (Cook et al., 2011; Koss et al., 2006, 2024). While some research does exclusively use label-based questions (e.g., "*have you been raped?*"), this is now much less common (Kilpatrick, 2004; Koss, 1992), yet research using victim-only samples still requires victims to self-identify as such, i.e. be acknowledged victims. This former approach of describing the behaviour being investigated is generally preferred by modern research because it is likely more accurate to the true incident rate, as it does not rely on a participant understanding the terminology or acknowledging their victimisation (Cook et al., 2011; Koss, 1992; Koss et al., 2024; Marchewka et al., 2022).

The present research is a quantitative investigation of the prevalence and acknowledgement of sexual victimisation in a large, representative national sample. Exploring prevalence and acknowledgement will help provide insight into how sexual violence terminology is being used and how participants conceptualise it. The study presents victimisation data, investigating differences in recorded prevalence rates between

label-based and behaviour-based questions, and sex and sexuality group differences in likelihood of experiencing or acknowledging sexual offences. While the research focuses on the outcomes for penetrative sexual offences (i.e., non-consensual penetrative sex), *sexual assault* and *sexual harassment* are included here to provide a more holistic overview of prevalence and allow for a wider array of potential labels participants may apply to their experiences. Given the minimal or conflicting evidence, the following exploratory research questions are presented without hypothesised directions:

- a) What is the prevalence of non-consensual penetrative sex, *sexual assault* and *sexual harassment* in the UK?
- b) Do questions that label an offence with legal terminology elicit different prevalence rates to questions that describe the offence?
- c) Are there differences in victimisation and acknowledgement rates between demographic groups?
- d) Can sex, sexuality, age, social class, and political leaning predict acknowledgement outcomes for sexual offences?

The present study utilises behaviour-based and label-based dual-questioning for a range of offences concurrently and therefore will be able to detect acknowledgement, non-acknowledgement, and mislabelling of victimisation experiences(s). At the individual and sample level, inconsistency between answers to behaviour-based and label-based questions would indicate inaccurate knowledge or construction of the offences. On a broader scale, wide ranging differences between behaviour-based and label-based questioning will add to current literature on methods used to assess and understand prevalence and acknowledgement of sexual violence, as well as expanding current literature on the construction and application of definitions of non-consensual penetrative sex.

4.2 Methods

4.2.1 Design

The study was conducted in three parts. Firstly, a within-subjects observational design manipulated the styles of question used and measured the number of responses using a 2×3 (question type: label-based, behaviour based \times response: yes, no, not sure) chi-squared analysis for each offence. Secondly, between-subjects observational designs were used to explore whether sex and sexuality groups were more likely to experience and acknowledge sexual victimisation using chi-squared analyses from 2×2 (experience: yes, no \times sex: male, female) to 3×3 (acknowledgement: acknowledged, unacknowledged, mislabelled \times sexuality: heterosexual, homosexual, multisexual). Finally, a set of between-subjects observational multinomial logistic regressions explored the predictive power of psychosocial variables (age, sex, sexuality, political leaning, and social class) on acknowledgement outcomes for victims of a given offence. All analyses were conducted for all five offences, except forced-to-penetrate, where sex differences could not be included.

4.2.2 Participants

A sample of the general public ($N = 1532$) was recruited via the online survey recruitment service Prolific (<https://prolific.com>). The sample was nationally representative of the UK population across sex,

gender, sexuality, and ethnicity, which was achieved using Prolific's in-built function which fills spaces in surveys by comparing participant demographics to census data. Of the original sample, nine were removed for not answering any of the required questions, and a further 89 were removed for failing attention checks, the remaining participants constituted the final sample ($N = 1434$). The final sample's ages ranged from 18-83 ($m = 46.75$, $SD = 15.48$); just over half of the participants were male ($n = 736$), and the majority were cisgender ($n = 1404$), heterosexual ($n = 1087$) and white ($n = 1264$). A comparison between the final sample and census data can be found in *Table 4.a*. Participants who did not disclose their sex or sexuality were omitted from relevant analyses. The same is also true for participants who defined their own sexuality, as these could not be considered a homogenous group, so inclusion in analyses would be inappropriate.

A post-recruitment, but pre-analysis sensitivity power analysis based on the full sample ($N = 1434$) and an estimated power ($1 - \beta$) of .95, suggesting that the demographic model would be able to detect effects with an odds ratio of 0.80, a critical z of 1.65 and would have an actual power of .95 (G*Power; Faul et al., 2009; Kang, 2021). Power analyses were not conducted for the chi-squared analyses as these were not originally planned for this study (see 4.2.5); in lieu of this, achieved effect sizes are reported for all chi-squared analyses.

Table 4.a: *Demographic information for Chapter 4, and comparison to Census 2021 data*

Demographic	Chapter 4 N (Percentage)	England and Wales Census 2021 ¹ %
Sex		
Male	736 (51.32%)	48.96%
Female	697 (48.61%)	51.04%
Not Disclosed	1 (0.07%)	-
Gender		
Cisgender	1404 (97.91%)	93.46%
Transgender	2 (0.14%)	0.47% ²
Non-binary	10 (0.70%)	0.07%
Not Disclosed	18 (1.26%)	6.00%
Sexuality ³		
Heterosexual	1087 (75.80%)	89.37%
Homosexual	166 (11.58%)	1.54%
Multisexual	167 (11.65%)	1.28%
Self-identified	13 (0.91%)	0.34%
Not Disclosed	1 (0.07%)	7.47%
Ethnicity		
Asian	96 (6.69%)	9.25%
Black	40 (2.79%)	4.04%
Mixed	21 (1.46%)	2.88%
White	1264 (88.15%)	81.71%
Self-Identified	9 (0.63%)	2.11%
Not Disclosed	4 (0.28%)	-

Note: ¹Census data collected from Office for National Statistics (various). ²Census data for ‘transgender’ is collated from the categories of “trans woman,” “trans man,” and “Gender identity different from sex registered at birth but no specific identity given.” ³Sexuality questions in the census do not map onto these sexuality questions, percentages are best estimates.

4.2.3 Materials

Demographic Information. For all aspects of analysis, participants in the study were asked their age in years, their sex (male, female), gender (cisgender, transgender, self-identified), sexuality (a 5-point scale from exclusively heterosexual to exclusively homosexual, with options to not disclose or self-identify), ethnicity (Asian, Black, Mixed, White, self-identified), education level, relationship status and parental status. Ethnicity, gender, education level, and parental/marital status were used to check the representativeness of the sample and were not included in any analyses. Participants were also asked to report their social class on a 1-9 scale (low social class to high social class) and their political leaning on a 0-9 scale (left-wing/liberal to right-wing/conservative). Due to small sample sizes within the sexuality question, the options for predominantly heterosexual, predominantly homosexual, and equally attracted to multiple sexes, along with self-identified pansexual participants, were collated into a single category of

multisexual, defined as being attracted to more than one sex. These groups are shown to be similar in a number of ways and, although not homogenous, experience similar stereotyping, sexual stigmatisation, and sexual violence rates (Stahlman et al., 2016; Sun et al., 2020; Vieira, 2021). Participants of self-identified sexuality that only occurred once (e.g., asexual, demisexual) were excluded from analyses involving sexuality.

Victimisation and Acknowledgement. Participants were presented with a series of questions that assessed whether or not they had been a victim of a given sexual offence in the past. The questions were either label-based (“*Have you ever been raped?*”) or behaviour-based (“*Have you ever had your vagina, anus, or mouth penetrated by a penis without your consent?*”). Participants could either respond with “yes,” “no,” or “not sure” to each question about being a victim regarding *rape, assault by penetration, sexual assault, sexual harassment, and causing a person to engage in sexual activity without consent*. Both the behaviour-based and label-based questions were based on the language and descriptions used in the Sexual Offences Act (2003), used within England and Wales. For *causing a person to engage in sexual activity without consent*, the descriptive element was divided into five options that reflected the broad nature of this offence, though only forced-to-penetrate was intended to be used in analyses. This was done to ensure all elements of the non-consensual penetrative sex definition were captured in the study, and limit the potential for participants to duplicate victimisation experiences due to descriptive cross-over between *causing a person to engage in sexual activity without consent, sexual assault, assault by penetration and rape*. As such, only data from male participants was utilised where the only the behaviour is concerned, or where direct comparisons are drawn between the label- and behaviour-based questions.

Acknowledgement outcome was determined using the congruence between the label-based and behaviour-based questions for each offence. An outline of how these outcomes were assigned (using the example offence of *rape and sexual assault*) can be found in **Table 4.b**.

Table 4.b: *Worked example of assignment of acknowledgement outcomes for rape victimisation based on behaviour- and label-based responses to rape and sexual assault questions*

Rape		Sexual Assault		Rape
Label response	Behaviour response	Label response	Behaviour response	Acknowledgement Outcome
Yes	Yes	-	-	Acknowledged
No/Not sure	Yes	-	-	Unacknowledged
No	No	-	-	Non-victim
No/Not sure	Not sure	-	-	Uncertain
No	Yes	Yes	Yes/No	Mislabelled

Note: *Rape and Sexual Assault* were selected for illustrative purposes. Participant answers omitted from *sexual assault* where they show no bearing on the acknowledgement outcome for *rape*.

Sexual assault and sexual harassment have also been included in this survey to take a more rounded approach to sexual violence and capture a wider range of both labelling and experiences compared to

exclusively non-consensual penetrative sex. The definitions of *sexual assault* and *sexual harassment* are provided below, for context:

Sexual Assault (Sexual Offences Act, 2003, Section 3):

A person (A) commits an offence if—

- a) he intentionally touches another person (B),*
- b) the touching is sexual,*
- c) B does not consent to the touching, and*
- d) A does not reasonably believe that B consents.*

Sexual Harassment (The Equality Act, 2010, Section 26):

A person (A) harasses another (B) if—

- a) A engages in unwanted conduct related to a relevant protected characteristic, and*
- b) the conduct has the purpose or effect of—*
 - i. violating B's dignity, or*
 - ii. creating an intimidating, hostile, degrading, humiliating or offensive environment for B.*

A also harasses B if—

- a) A engages in unwanted conduct of a sexual nature, and*
- b) the conduct has the purpose or effect referred to in subsection (1)(b).*

A also harasses B if—

- a) A or another person engages in unwanted conduct of a sexual nature or that is related to gender reassignment or sex,*
- b) the conduct has the purpose or effect referred to in subsection (1)(b), and*
- c) because of B's rejection of or submission to the conduct, A treats B less favourably than A would treat B if B had not rejected or submitted to the conduct.*

4.2.4 Procedure

A link – advertised through Prolific – directed participants to a Qualtrics survey. Here, participants were presented with an information sheet and were asked to give informed consent to participate in the research. All participants then completed the demographic questions presented above, followed by the label-based questions and behaviour-based questions, respectively. The order of label-based and behaviour-based questions was not randomised to control potential priming effects by asking them to describe an experience before labelling it, thus limiting the possibility that participants may reassess or reevaluate how they would identify their behavioural experiences and consequently changing their pre-study assessment of the experience(s). Participants were then debriefed and redirected to Prolific to validate their participation and receive their compensation.

4.2.5 Data Analysis

A pre-registration for this study can be found at https://osf.io/qe5hz/?view_only=7a4fa18e06c3431ea473091af455f1c9. The pre-registration contains a record of all methods, data and analysis scripts, which can be accessed from this project on the OSF. When pre-registered, this study was only supposed to be collecting descriptive statistics for prevalence, however, a series of unregistered, exploratory chi-squared analyses were conducted to investigate proportional differences in response rates and victimisation would be pertinent to the overall research questions. Therefore, chi-squared analyses were conducted on response rates between behaviour-based and label-based question sets for each offence (five 2 [question type] \times 2 [response]) chi-squared analyses. These also investigated proportional differences between sex (2 [sex] \times 2 [response]) and sexuality (3 [sexuality] \times 2 [response]) groups. A second set of chi-squared investigated proportional differences in acknowledgement rates between sex (2 [sex] \times 3 [acknowledgement]) and sexuality groups (3 [sexuality] \times 3 [acknowledgement]). Initially, gender identity was also considered, however, the sample was not diverse enough to conduct these chi-squared analyses.

The pre-registered analysis plan included a series of binary logistic regressions that investigated whether acknowledgement could be predicted using psychosocial elements and ANOVAs that explored group differences in acknowledgement likelihood. However, when this was pre-registered, the third acknowledgement outcome (“*mislabelled*”) had been overlooked, and these are now multinomial logistic regressions. The new proposed analyses included a series of multinomial logistic regression models ($N = 1434$) investigating whether acknowledgement outcomes could be associated with age, social class, political leaning, sex, and sexuality. Interaction effects for sex \times sexuality and social class \times political leaning were also included in initial models but were removed for violating statistical assumptions of tolerance and Variance Inflation Factor.

4.3 Results

An overall summary of victimisation prevalence separated by offence, sex and sexuality can be found in **Table 4.d**. In all instances discussed below, demographic factors refer to: age ($m = 46.75$, $SD = 15.48$), political leaning (1-9, higher indicating more right-wing; $m = 4.39$, $SD = 1.76$), social class (1-9, higher indicating higher social class; $m = 4.95$, $SD = 1.35$), sex, and sexuality. Due to the use of nominal predictor variables, multicollinearity cannot be calculated for all variables, however, a correlation matrix for all numeric variables can be found below in **Table 4.c**. This shows there are no issues of multicollinearity within the sample for the numeric variables investigated, despite significance, none of the correlation values are higher than .70. In all models, social class \times political leaning and sex \times sexuality interactions were found to have VIF values > 5 and were subsequently removed from all analyses (Daoud, 2017; Pallant, 2013).

Table 4.c: *Correlation matrix for non-categorical variables*

	Age	Political Leaning	Social Class
Age	-		
Political Leaning	0.20 ($<.001$)	-	
Social Class	0.20 ($<.001$)	0.18 ($<.001$)	-

Note: Significance shown by p -values in brackets.

Rape. Across all demographics, 60 participants reported experiencing *rape* in response to the label-based question, but 108 participants reported victimisation in response to the behaviour-based question, making prevalence detected by the behaviour-based question 1.8x higher. This difference was found to be significant $\chi^2 (2, n = 1430) = 15.66, p < .001$, Cohens $w = 0.01$. The number of victims detected was greater for the behaviour-based question than the label-based question (Pearson's $r = 3.84, p < .001$), and the number of non-victims detected was greater for the label question than the behaviour-based question (Pearson's $r = 2.69, p = .036$). There was no significant difference in the number of “*Not Sure*” responses (Pearson's $r = 1.12, p = .999$). Chi-Squared model summaries for label vs behaviour-based questions for all offences have been collated into **Table 4.e**.

Using the behaviour-based question responses, it was found that the number of participants that reported being victims of *rape* differed by sex, $\chi^2 (1, n = 1399) = 53.61, p < .001$, Cohen's $w = 0.20$. The number of female participants was greater in the victim group than the non-victim group (Pearson's $r = 7.32, p < .001$), and the inverse was true for male participants. *Rape* victimisation also differed by sexuality $\chi^2 (3, n = 1389) = 29.88, p < .001$, Cohen's $w = 0.15$. The number of heterosexual participants was greater in the non-victim group than the victim group (Pearson's $r = 4.29, p < .001$), and the number of multisexual participants was greater in the victim group than non-victim group (Pearson's $r = 5.37, p < .001$). There was no significant difference in the number of homosexual participants in the victim/non-victim groups (Pearson's $r = 0.29, p = .999$). Chi-squared model summaries for sex and sexuality prevalence can be found in **Table 4.f** and **4.g**, respectively.

Finally, a chi-squared analysis found that the proportions of acknowledgement outcomes were not significantly different between sexes, $\chi^2 (2, n = 106) = 3.93, p = .140$, Cohen's $w = 0.19$ (model summaries in **Table 4.f**), nor by sexuality group, $\chi^2 (4, n = 104) = 2.89, p = .576$, Cohen's $w = 0.17$ (model summaries in **Table 4.h**). Chi-squared model summaries for sex and sexuality acknowledgement can be found in **Table 4.f** and **4.h**, respectively. A multinomial logistic regression including *rape* victims ($n = 103$, log-likelihood = 80.92, $R^2 = .83$) showed that, compared to the acknowledged group, participants in the mislabelled group were less likely to be homosexual ($OR = 0.00, p < .001$), collated model summaries for all offences can be found in **Table 4.i**.

Assault by Penetration. Across all demographics, 76 participants reported experiencing *assault by penetration* in response to the label-based question, but 58 participants reported victimisation in response to

the behaviour-based question, making prevalence detected by the behaviour-based question 1.31x lower. This difference was not found to be significant $\chi^2 (2, n = 1434) = 4.12, p = .127$. Chi-Squared model summaries for label vs behaviour-based questions for all offences have been collated into **Table 4.e**.

Using the behaviour-based question responses, it was found that the number of participants that reported being victims of *assault by penetration* differed by sex, $\chi^2 (1, n = 1340) = 14.72, p < .001$ (model summaries in **Table 4.f**). The number of female participants was greater in the victim group (Pearson's $r = 3.84, p < .001$), and the inverse was true for male participants. *Assault by penetration* victimisation also differed by sexuality, $\chi^2 (2, n = 1330) = 8.54, p = .012$. The number of multisexual participants was greater in the victim group than the non-victim group (Pearson's $r = 2.88, p = .024$). There were no significant differences for heterosexual (Pearson's $r = 1.56, p = .599$) or homosexual (Pearson's $r = 0.88, p = .999$) groups. Chi-squared model summaries for sex and sexuality prevalence can be found in **Table 4.f** and **4.g**, respectively.

Finally, a chi-squared analyses found that the acknowledgement outcomes were not significantly different between sexes, $\chi^2 (2, n = 99) = 1.96, p = .376$, Cohen's $w = 0.14$ (model summaries in **Table 4.f**), or sexuality groups $\chi^2 (4, n = 97) = 1.73, p = .785$, Cohen's $w = 0.13$ (model summaries in **Table 4.h**). Chi-squared model summaries for sex and sexuality acknowledgement can be found in **Table 4.f** and **4.h**, respectively. A multinomial logistic regression including assault by penetration victims ($n = 97$, log-likelihood = 98.07, $R^2 = 0.06$) found no significant demographic predictors of acknowledgement outcome, collated model summaries for all offences can be found in **Table 4.i**.

Forced-to-penetrate. Overall, 60 male participants reported being victims of at least one behaviour captured within *causing a person to engage in sexual activity without consent* (label-based), of these 25 reported being a victim of forced-to-penetrate (behaviour-based). As such, the prevalence detected by the behaviour-based question was 2.4x lower than label-based reports. This difference was found to be significant: $\chi^2 (2, n = 734) = 21.76, p < .001$, Cohen's $w = 0.12$. The number of victims detected was greater for the label question than the behaviour-based question (Pearson's $r = 3.91, p < .001$), and the number of non-victims detected was greater for the behaviour-based question than the label-based question (Pearson's $r = 4.66, p < .001$). No significant difference was found in the number of "Not Sure" responses (Pearson's $r = 2.37, p = .070$). Chi-Squared model summaries for label- vs behaviour-based questions for all offences have been collated into **Table 4.e**. A chi-squared analysis of sex difference in victimisation or acknowledgement could not be conducted as female participants could not be victims of forced-to-penetrate. Using the behaviour-based question responses, it was found that the proportion of participants that reported being victims of forced-to-penetrate differed by sexuality $\chi^2 (2, n = 683) = 8.85, p = .012$, Cohen's $w = 0.11$. The number of multisexual participants was greater in the victim group than the non-victim group, (Pearson's $r = 2.81, p = .030$). There were no significant differences in the number of heterosexual (Pearson's $r = 1.56, p = .599$) or homosexual (Pearson's $r = 0.64, p = .999$) participants. Chi-squared model summaries sexuality prevalence can be found in **Table 4.g**.

A chi-squared analysis found that the proportions of acknowledgement outcomes were not significantly different between sexuality groups $\chi^2 (4, n = 42) = 2.21, p = .697$, Cohen's $w = 0.23$ (model summaries in **Table 4.h**). A multinomial logistic regression including forced-to-penetrate victims ($n = 42$, log-likelihood = 40.17, $R^2 = 0.10$) found no significant demographic predictors of acknowledgement outcome, collated model summaries for all offences can be found in **Table 4.i**.

Sexual Assault. Across all demographics, 263 participants reported experiencing *sexual assault* in response to the label-based question, but 603 participants reported victimisation in response to the behaviour-based question, making the prevalence detected by the behaviour-based question 2.3x higher. This difference was found to be significant: $\chi^2 (2, n = 1431) = 223.07, p < .001$, Cohen's $w = 0.28$. The number of victims detected was greater for the behaviour-based question than the label-based question (Pearson's $r = 14.81, p < .001$), and the number of non-victims detected was greater for the label-based question than the behaviour-based question (Pearson's $r = 14.057, p < .001$). There was no significant difference in the “*Not Sure*” responses (Pearson's $r = 0.42, p = .999$). Chi-Squared model summaries for label vs behaviour-based questions for all offences have been collated into **Table 4.e**.

Using the behaviour-based question responses, it was found that the number of participants who reported being victims of sexual assault differed by sex, $\chi^2 (1, n = 1295) = 87.08, p < .001$, Cohen's $w = 0.26$. The number of female participants was greater in the victim group than the non-victim group (Pearson's $r = 9.33, p < .001$), and the inverse was also true for male participants. Proportion differences were also found between sexuality groups, $\chi^2 (2, n = 1285) = 23.95, p < .001$, Cohen's $w = 0.14$. The number of heterosexual participants was greater in the non-victim category compared to the victim category (Pearson's $r = 3.83, p < .001$), and multisexual participants were more likely to be in the victim category (Pearson's $r = 4.83, p < .001$). No significant difference was found for homosexual participants (Pearson's $r = 0.18, p = .999$). Chi-squared model summaries for sex and sexuality prevalence can be found in **Table 4.f** and **4.g**, respectively.

A chi-squared analysis found that the acknowledgement outcomes were significantly different between sexes, $\chi^2 (2, n = 621) = 16.15, p < .001$, Cohen's $w = 0.16$ (model summaries in **Table 4.f**). The number of female victims was greater in the acknowledged group (Pearson's $r = 3.96, p < .001$), and the number of male victims was greater in the unacknowledged group (Pearson's $r = 3.62, p = .002$). No significant differences were found in the mislabelled outcome. The number of victims in the acknowledgement outcome groups also significantly differed between sexuality groups, $\chi^2 (4, n = 616) = 22.29, p < .001$, Cohen's $w = 0.20$ (model summaries in **Table 4.h**). The proportion of heterosexual participants was lower in the acknowledged category (Pearson's $r = -3.89, p < .001$), and higher in the unacknowledged category (Pearson's $r = 3.31, p = .007$). The number of multisexual participants was greater in the acknowledged category (Pearson's $r = 4.25, p < .001$), but lower in the unacknowledged category (Pearson's $r = -3.83, p = .001$). No significant differences were found among the mislabelled outcomes. Chi-squared model summaries for sex and sexuality acknowledgement can be found in **Table 4.f** and **4.h**, respectively.

A multinomial logistic regression including *sexual assault* victims ($n = 616$, log-likelihood = 435.75, $R^2 = .055$), showed that compared to the acknowledged group, participants in the unacknowledged group were more likely to be male ($OR = 1.99, p < .001$), but less likely to be multisexual ($OR = 0.42, p < .001$). Similarly, participants in mislabelled group were more likely to be to be younger ($OR = 0.96, p = .045$), homosexual ($OR = 0.00, p < .001$) and multisexual ($OR = 0.00, p < .001$); collated model summaries for all offences can be found in **Table 4.i**.

Sexual Harassment. Across all demographics, 486 participants reported experiencing *sexual harassment* in response to the label-based question, but 776 participants reported victimisation in response to the behaviour-based question, making the prevalence detected by the behaviour-based question 1.6x higher. This difference was found to be significant $\chi^2 (2, n = 1462) = 120.25, p < .001$, Cohen's $w = 0.20$. The number of victims detected was greater for the behaviour-based question than the label question (Pearson's $r = 10.95, p < .001$), and the number of non-victims detected was greater in the label-based question than the behaviour-based question (Pearson's $r = 9.65, p < .001$). There was no significant difference in the number of "Not Sure" responses (Pearson's $r = 2.26, p = .095$). Chi-Squared model summaries for label vs behaviour-based questions for all offences have been collated into **Table 4.e**.

Using the behaviour-based responses, it was found that the proportion of participants that reported being victims of sexual harassment differed by sex, $\chi^2 (1, n = 1268) = 304.94, p < .001$, Cohen's $w = 0.50$. The number of female participants was greater in the victim group than the non-victim group (Pearson's $r = 17.46, p < .001$), and the inverse was true for male participants. The proportion of participants that reported victimisation also differed by sexuality $\chi^2 (2, n = 1322) = 29.46, p < .001$, Cohen's $w = 0.15$. The number of heterosexual participants was greater in the non-victim group than the victim group (Pearson's $r = 3.42, p = .003$), and the number of multisexual participants was greater in the victim group (Pearson's $r = 5.42, p < .001$). There was no significant difference in the numbers of homosexual participants (Pearson's $r = 0.98, p = .999$). Chi-squared model summaries for sex and sexuality prevalence can be found in **Table 4.f** and **4.g**, respectively.

A chi-squared analysis found that the proportions of acknowledgement outcomes were significant different between sexes, $\chi^2 = (2, n = 781) = 69.76, p < .001$, Cohen's $w = 0.30$ (model summaries in **Table 4.f**). The number of female victims was greater in the acknowledged group (Pearson's $r = 5.99, p < .001$), and the number of male victims was greater in the mislabelled outcome (Pearson's $r = 7.27, p < .001$). No significant differences were found in the unacknowledged category. The proportions of acknowledgement outcomes, however, were not found to be significantly different between sexuality groups $\chi^2 = (2, n = 792) = 7.31, p < .120$, Cohen's $w = 0.10$ (model summaries in **Table 4.h**). Chi-squared model summaries for sex and sexuality acknowledgement can be found in **Table 4.f** and **4.h**, respectively.

A multinomial logistic including *sexual harassment* victims ($n = 792$, log-likelihood = 661.74, $R^2 = .06$) showed that, compared to the acknowledged outcome, participants in the unacknowledged outcome were more likely to be male ($OR = 1.90, p < .001$), and lean towards right-wing politics ($OR = 1.15, p =$

.003). Similarly, participants in the mislabelled group were more likely to be male ($OR = 10.79, p < .001$); collated model summaries for all offences can be found in **Table 4.i**.

4.3.1 Tables of Findings

Table 4.d: *Prevalence of non-consensual penetrative sex, sexual assault and sexual harassment detected by dual-questioning*

	Label-Based Questions								Overall
	Female				Male				
	Total	Heterosexual	Homosexual	Multisexual	Total	Heterosexual	Homosexual	Multisexual	
Rape	52 7.46%	31 6.02%	4 5.71%	15 14.42%	8 1.09%	5 0.88%	1 1.04%	2 3.03%	60 4.18%
Assault by Penetration	61 8.75%	38 7.38%	4 5.71%	17 16.35%	15 2.04%	10 1.75%	3 3.13%	2 3.03%	76 5.30%
Section 4	140 20.09%	86 16.70%	12 17.14%	39 37.50%	60 8.15%	37 6.48%	8 8.33%	15 22.73%	200 13.95%
Sexual Assault	187 26.83%	122 23.69%	17 24.29%	46 44.23%	76 10.33%	49 8.58%	12 12.50%	15 22.73%	263 18.34%
Sexual Harassment	345 49.50%	243 47.18%	30 42.86%	67 64.42%	141 19.16%	94 16.46%	22 22.92%	25 37.88%	486 33.89%
Behaviour-Based Questions									
	Female				Male				Overall
	Total	Heterosexual	Homosexual	Multisexual	Total	Heterosexual	Homosexual	Multisexual	
Rape	88 12.63%	53 10.29%	9 12.86%	23 22.12%	20 2.72%	10 1.75%	4 4.17%	6 9.09%	108 7.53%
Assault by Penetration	44 6.31%	28 5.44%	4 5.71%	11 10.58%	14 1.90%	10 1.75%	0 0.00%	4 6.06%	58 4.04%
Forced-to-penetrate*	—	—	—	—	25 3.40%	14 2.45%	5 5.21%	6 9.09%	25 5.93%
Sexual Assault	396 56.81%	289 56.12%	36 51.43%	67 54.42%	234 31.79%	164 28.72%	34 35.42%	35 53.03%	630 43.93%
Sexual Harassment	553 79.34%	400 77.67%	50 71.43%	96 92.31%	223 30.30%	165 28.90%	31 32.29%	26 39.39%	776 54.11%

Table 4.e: Summary of chi-squared models for dual-questioning prevalence rates

	N(expected)		Pearson's	Significance
	Label	Behaviour	Residuals	
Rape				
Yes	60 (84.1)	108 (83.9)	-3.84	<.001
No	1335 (1315.3)	1292 (1131.7)	2.69	0.036
Not Sure	37 (32.5)	28 (32.5)	1.12	0.999
Assault by Penetration				
Yes	76 (67.0)	58 (67.0)	-2.02	.259
No	1325 (1338.4)	1350 (1336.6)	1.22	.890
Not Sure	32 (27.5)	23 (27.5)	1.58	.566
Forced-to-penetrate				
Yes	60 (42.5)	25 (42.5)	3.91	<.001
No	646 (671.0)	696 (671.0)	-4.66	<.001
Not Sure	28 (20.5)	13 (20.5)	2.37	.070
Sexual Assault				
Yes	263 (446.5)	630 (446.5)	-14.81	<.001
No	1090 (909.0)	728 (909.0)	14.06	<.001
Not Sure	78 (75.5)	73 (75.5)	0.42	.999
Sexual Harassment				
Yes	486 (621.4)	776 (630.6)	-10.95	<.001
No	816 (687.0)	557 (686.0)	9.65	<.001
Not Sure	131 (114.6)	98 (114.4)	2.26	.095

Table 4.f: Sex differences in victimisation prevalence (based on behaviour-based questions) and victimisation acknowledgement

	N (expected)		Residuals	Significance
	Male	Female		
<i>Rape Prevalence</i>				
Victim	20 (56.5)	88 (51.5)	7.32	<.001
Non-victim	579 (615.5)	712 (675.5)		
<i>Rape Acknowledgement</i>				
Acknowledged	6 (9.7)	43 (39.3)	1.81	.420
Unacknowledged	13 (10.3)	39 (41.7)	-1.16	.999
Mislabelled	2 (1)	3 (4)	-1.32	.999
<i>Assault by Penetration Prevalence</i>				
Victim	14 (27.8)	676 (662.2)	3.84	<.001
Non-victim	40 (26.2)	610 (623.8)		
<i>Assault by Penetration Acknowledgement</i>				
Acknowledged	5 (6.6)	21 (19.4)	0.82	.999
Unacknowledged	10 (7.3)	19 (21.7)	0.52	.999
Mislabelled	10 (11.1)	34 (32.9)	-1.36	.999
<i>Sexual Assault Prevalence</i>				
Victim	227 (310.8)	436 (352.2)	-9.33	<.001
Non-victim	380 (296.2)	252 (335.8)		
<i>Sexual Assault Acknowledgement</i>				
Acknowledged	69 (92.4)	173 (149.6)	3.96	<.001
Unacknowledged	162 (140.4)	206 (227.6)	-3.62	.002
Mislabelled	6 (4.2)	5 (6.8)	-1.13	.999
<i>Sexual Harassment Prevalence</i>				
Victim	211 (362.3)	513 (361.7)	17.46	<.001
Non-victim	408 (256.7)	105 (256.3)		
<i>Sexual Harassment Acknowledgement</i>				
Acknowledged	93 (132.3)	309 (269.7)	5.99	<.001
Unacknowledged	122 (106.9)	203 (218.1)	-2.32	.120
Mislabelled	42 (17.8)	12 (36.2)	-7.27	<.001

Table 4.g: *Sexuality differences in victimisation prevalence based on behaviour-based questions*

	<i>N</i> (expected)		Pearson's	Significance
	Victim	Non-victim	Residuals	
	<i>Rape</i>			
Heterosexual	63 (80.8)	1006 (988.2)	-4.29	<.001
Homosexual	13 (12.1)	147 (147.9)	0.29	.999
Multisexual	29 (12.1)	131 (147.9)	5.37	<.001
	<i>Assault by Penetration</i>			
Heterosexual	36 (40.7)	985 (980.3)	1.56	.599
Homosexual	4 (6.0)	146 (144.0)	0.88	.999
Multisexual	13 (6.3)	146 (152.7)	-2.88	.024
	<i>Forced-to-penetrate</i>			
Heterosexual	14 (18.9)	523 (518.1)	2.47	.068
Homosexual	4 (3.0)	81 (82.0)	-0.64	.999
Multisexual	6 (2.1)	55 (58.9)	-2.81	.030
	<i>Sexual Assault</i>			
Heterosexual	436 (464.7)	556 (537.3)	3.83	<.001
Homosexual	68 (67.0)	75 (76.0)	-0.18	.999
Multisexual	98 (70.3)	52 (79.7)	-4.83	<.001
	<i>Sexual Harassment</i>			
Heterosexual	565 (590.8)	542 (426.2)	-3.42	.003
Homosexual	81 (86.6)	68 (62.4)	-0.98	.999
Multisexual	122 (90.6)	34 (65.4)	5.42	<.001

Table 4.h: *Chi-squared analyses for victimisation acknowledgement across sexuality groups*

	Heterosexual			<i>Rape</i> Multisexual			Homosexual		
	N (Expected)	Residuals	Significance	N (Expected)	Residuals	Significance	N (Expected)	Residuals	Significance
Acknowledged	31 (27.8)	1.27	.999	12 (13.7)	-0.74	.999	4 (5.5)	-0.91	.999
Unacknowledged	27 (30.2)	-1.28	.999	2 (1.5)	0.55	.999	8 (5.9)	-0.83	.999
Mislabelled	3 (3.0)	0.04	.999	16 (14.7)	0.50	.999	0 (0.6)	1.26	.999
	<i>Assault by Penetration</i> Heterosexual			Multisexual			Homosexual		
	N (Expected)	Residuals	Significance	N (Expected)	Residuals	Significance	N (Expected)	Residuals	Significance
Acknowledged	18 (16.5)	0.74	.999	6 (5.9)	0.04	.999	1 (2.6)	-1.20	.999
Unacknowledged	19 (19.1)	-0.06	.999	7 (6.9)	-0.09	.999	3 (3.0)	1.05	.999
Mislabelled	27 (28.4)	-0.59	.999	10 (10.2)	0.06	.999	6 (4.4)	0.01	.999
	<i>Forced-to-penetrate</i> Heterosexual			Multisexual			Homosexual		
	N (Expected)	Residuals	Significance	N (Expected)	Residuals	Significance	N (Expected)	Residuals	Significance
Acknowledged	8 (8.9)	-0.61	.999	5 (3.2)	1.40	.999	2 (2.9)	-0.70	.999
Unacknowledged	6 (5.4)	0.49	.999	3 (3.9)	-0.65	.999	2 (1.7)	0.45	.999
Mislabelled	11 (10.7)	0.18	.999	1 (1.9)	-0.85	.999	4 (3.4)	0.27	.999
	<i>Sexual Assault</i> Heterosexual			Multisexual			Homosexual		
	N (Expected)	Residuals	Significance	N (Expected)	Residuals	Significance	N (Expected)	Residuals	Significance
Acknowledged	154 (174.9)	-3.89	<.001	57 (38.2)	4.25	<.001	29 (26.2)	0.55	.999
Unacknowledged	284 (266.0)	3.31	.007	41 (58.1)	-3.83	.001	40 (40.9)	-1.19	.999
Mislabelled	11 (8.0)	2.04	.371	0 (1.8)	-1.46	.999	0 (1.2)	-0.23	.999
	<i>Sexual Harassment</i> Heterosexual			Multisexual			Homosexual		
	N (Expected)	Residuals	Significance	N (Expected)	Residuals	Significance	N (Expected)	Residuals	Significance
Acknowledged	284 (296.5)	-2.00	.364	79 (66.8)	0.07	.999	44 (43.7)	2.34	.173
Unacknowledged	255 (240.4)	2.36	.145	41 (54.2)	-0.33	.999	34 (35.4)	-2.56	.094
Mislabelled	38 (40.1)	-0.65	.999	10 (9.0)	0.50	.999	7 (5.9)	0.37	.999

Notes: All residuals listed are Pearson's residuals.

Table 4.i: Model summaries for multinomial logistic regressions predicting acknowledgement outcomes for non-consensual penetrative sex, sexual assault, and sexual harassment (demographic)

Variable	R^2	Model	Unacknowledged		Mislabelled		
		Residual Deviance	AIC	OR	p	OR	p
<i>Rape</i>							
	0.08	161.84	189.84				
Intercept				0.26	.275	1.90	.830
Age				0.99	.567	0.92	.076
Male				2.45	.121	7.82	.069
Homosexual				2.68	.183	0.00	<.001
Multisexual				1.48	.183	0.62	.681
Politics				1.10	.484	0.83	.548
Social Class				1.26	.164	1.19	.670
<i>Assault by Penetration</i>							
	.06	196.14	224.14				
Intercept				0.16	.260	0.03	.025
Age				1.01	.746	1.03	.155
Male				1.96	.321	0.99	.993
Homosexual				4.35	.254	10.67	.056
Multisexual				1.59	.535	2.45	.219
Politics				1.11	.526	1.17	.316
Social Class				1.22	.393	1.46	.088
<i>Forced-to-Penetrate</i>							
	0.10	80.34	104.34				
Intercept				0.92	.972	2.40	.645
Age				0.95	.174	0.98	.483
Homosexual				1.96	.583	1.99	.506
Multisexual				0.22	.274	0.38	.337
Politics				0.95	.862	0.76	.266
Social Class				1.60	.121	1.42	.142
<i>Sexual Assault</i>							
	0.06	871.50	899.51				
Intercept				0.77	.529	0.01	.006
Age				1.00	.895	0.96	.045
Male				1.99	<.001	3.25	.065
Homosexual				0.70	.193	0.00	<.001
Multisexual				0.42	<.001	0.00	<.001
Politics				1.05	.352	1.32	.131
Social Class				1.10	.140	1.52	.090
<i>Sexual Harassment</i>							
	0.06	1323.17	1351.47				
Intercept				0.43	.029	0.01	<.001
Age				0.99	.247	1.02	.072
Male				1.90	<.001	10.79	<.001
Homosexual				0.85	.528	1.06	.905
Multisexual				0.65	.051	1.10	.809
Politics				1.15	.003	0.94	.518
Social Class				1.05	.456	1.11	.368

Note: Reference level for sex (female), reference level for sexuality (heterosexual).

4.4 Discussion

4.4.1 Summary of Findings and Previous Research

Chapter 4 aimed to estimate the prevalence and acknowledgement outcomes of sexual violence in the UK and investigate differences in prevalence recorded by two different question styles. It also aimed to investigate sex and sexuality group differences in prevalence and acknowledgement. Regression analyses also explored whether acknowledgement outcomes could be predicted using demographic and social variables.

This study has found that estimated prevalence rates of sexual violence can vary depending on the types of question used, with behaviour-based questions finding higher victimisation rates for all offences except forced-to-penetrate (label higher) and *assault by penetration* (no difference). The following margins of overall prevalence have been found between label-based and behaviour-based questions: *rape* (4.2–7.5%), *assault by penetration* (4.0–5.3%), *forced-to-penetrate/section 4* (5.9–14.0%), *sexual assault* (18.3–43.9%), and *sexual harassment* (33.9–54.1%). In all offences investigated, the prevalence of female victims was significantly higher than male victims, with between 1.8x (*sexual assault*) and 4.6x (*rape*) more female participants reporting being victims. For *rape*, *sexual assault*, and *sexual harassment*, the proportion of heterosexual participants in the non-victim groups was significantly higher than other sexual orientations. Further, for all offences except *assault by penetration*, the proportion of multisexual participants who had been victimised was significantly higher than those who had not been victimised. These findings present a new, up-to-date estimate of the prevalence of a range of sexual offences and demonstrate that a significant proportion of the population have been sexually victimised at least once which is as high as 54% for *sexual harassment*. The prevalence found in this study is also much higher than comparable studies for England and Wales, such as Brunton-Smith et al. (2022) who found an 11.1% lifetime prevalence for non-penetrative sexual violence (*sexual assault* and *sexual harassment*) and 3.1% lifetime prevalence for serious sexual violence (*rape*, *assault by penetration*). As such, continued research into sexual violence, perpetration, victimisation, and perceptions are still necessary in an overarching attempt to reduce victimisation/perpetration, and improve victim outcomes. This outlines and justifies the following research conducted and reported within this thesis.

The general finding of behaviour-based questions detecting a higher prevalence rate supports the majority of research that has found or assumed that using label-based or ‘broad’ questioning is less accurate in estimating prevalence than behaviour-based questions (Cook et al., 2011; Koss, 1992; Koss et al., 2024; Marchewka et al., 2022). This is thought to be because people are more likely to recognise a behaviour when it is defined or written plainly, as this does not rely on the participant’s understanding of the law, or acknowledgement of an offence (Cook et al., 2011; Marchewka et al., 2022; L. C. Wilson & Miller, 2016). This, overall, supports the notion that people may hold differing views about what legal labels actually mean, and thus validates the use of behaviour-based questions to more accurately capture prevalence rates in crime victimisation surveys. The difference in detected prevalence likely reflects a misunderstanding of what the labels mean or refer to, or a desire to avoid being labelled as a victim (Haugen et al., 2018; Peterson &

Muehlenhard, 2004, 2011). This notion is also supported by the findings from *assault by penetration* and forced-to-penetrate.

As the label ‘assault by penetration’ contains all of the necessary elements of the associated behaviour (an act of physical aggression involving sexual insertion), it is already clear to participants what this means, and there is little room for misinterpretation. This is seen in the non-significant difference between label-based and behaviour-based questions. Forced-to-penetrate was the only offence to receive a higher response rate for label-based over behaviour-based questions. This may be because the label-based question for *causing another person to engage in sexual activity without consent* is vague enough to reasonably include all instances of sexual violence. Again, as this title is very descriptive, this may have misled some participants who may have read this as a catch-all question and responded affirmatively, reasonably identifying their experience of *rape* or *sexual assault* as having “*been made to engage in sexual activity without consent*.” This, combined with the number of behaviours legally encapsulated within *causing a person to engage in sexual activity without consent* would explain why this specific offence showed a higher prevalence within the label-based question.

Further, for *sexual assault* and *sexual harassment*, male participants and heterosexual participants were less likely to acknowledge and more likely to mislabel their experiences of sexual violence compared to their female and non-heterosexual counterparts. However, there were no sex or sexuality differences in acknowledgement outcomes for *rape*, *assault by penetration*, and forced-to-penetrate. This means both male and female participants were equally accurate at acknowledging instances of more ‘obvious’ or ‘clear cut’ offences, i.e. involving penetration. This has also been found within some more recent research, which has found similar victimisation acknowledgement rates among male and female participants (Marchewka et al., 2022), despite most research finding that male acknowledgement is much lower than female acknowledgement (Artine et al., 2014; Coxell & King, 2010; Osman, 2023; Reed et al., 2020). This is interpreted to mean that, unlike female participants, male participants may be more prone to minimise, discount, or not recognise instances of less ‘clear cut’ behaviours (i.e., sexual assault and harassment) compared to penetrative offences. Further, the disparity in acknowledgement outcome rates for sexuality groups may be attributed to a generally broader understanding of sex and an increased level of awareness within the LGBTQ+ community of the degree of variability in sexual violence (I. Anderson, 2007; R. E. Anderson et al., 2017; Clay-Warner & McMahon-Howard, 2009; DiMarco et al., 2022; Goh et al., 2021; Peterson & Muehlenhard, 2007; Sewell et al., 2017; Waterhouse et al., 2016).

It was also found that there were no consistent demographic variables that predicted acknowledgement outcomes across all offences. Being male was the most common predictor of not acknowledging or mislabelling victimisation; however, this was not consistent across all offences. The lack of consistent predictive variables found within the study (despite the conceptual similarity in acknowledging any sexual victimisation), provides evidence that there may be something more foundational that could explain acknowledgement behaviour. While this could be explained using known psychosocial predictors of victimisation acknowledgement, such as sexism (Abrams et al., 2003; Angelone et al., 2021; LeMaire et al.,

2016), rape myth acceptance (Osman, 2023; Reed et al., 2020) or attitudes toward sex (Bates et al., 2019; Sewell et al., 2017), it may also be a general difference in the knowledge and understanding of sex and the law (e.g. female participants being more culturally aware of sexual violence, Carmody, 2006; Jozkowski et al., 2014; Schneider & Hirsch, 2020). This therefore warrants more research in order to understand current labelling and knowledge of the law to help clarify these findings. While the coming chapters will explore the latter argument, psychosocial variables could be explored using the new dimensional approach to acknowledgement and labelling to further expand understanding in this area, despite being out of the scope of this research programme.

Similarly, in light of previous research findings and conclusions, it is unclear why men and women may be equally able to detect and acknowledge non-consensual penetrative sex, but not non-penetrative offences. These variances could be explained as sex differences in the understanding and conceptualisation of sexual violence, as men are less likely to engage with sexual violence education and awareness materials, and more likely to endorse myths and stereotypes of sexual violence (Belyea & Blais, 2023; Jerman, 2019; Lofgreen et al., 2021; Schneider & Hirsch, 2020; Walfield, 2021). However, this would only explain men having a higher unacknowledged population than women across all offences. Alternatively, these findings may indicate an upper limit to what can be reasonably discounted by participants, that is: non-consensual penetrative sex is more difficult to discount than non-penetrative offences. In relation to these findings, it would be easier for male participants to discount ‘less severe’ offences like *sexual assault* and *sexual harassment*, compared to non-consensual penetrative sex. More research would be needed to assess why male participants acknowledge/recognise non-penetrative sexual violence less frequently compared to penetrative sexual violence.

This study has demonstrated that non-consensual penetrative sex (and sexual violence more broadly) is a pervasive and widespread issue, affecting people of all sexes and sexualities. While female participants were generally at an increased risk of victimisation, male participants also reported a high degree of victimisation (up to 32%). The significant difference in prevalence noted across the two question-types for *rape*, *forced-to-penetrate*, *sexual assault*, and *sexual harassment* demonstrate that there may be a lack of understanding in the meaning of legal definitions, or a lack of willingness to adopt and use these labels to identify experiences. It is more likely that the participants in this study did not understand the legal terminology, or rather had variable definitions of the titles, given that many participants still adopted, but misused, offence labels to identify behavioural experiences consistent with *rape*, *sexual assault* and *sexual harassment*. Similarly, the greater dual-question consistency for answers relating to assault by penetration demonstrates that offences with more descriptive titles were less subjected to bias and misunderstanding. This is further supported by the finding that more participants identified as being a victim under the *causing a person to engage in sexual activity without consent* label than a victim of a causing sexual activity behaviour, due to the possibility that sexual offence behaviours could fall under that label.

Building on this, the findings have shown that a large proportion of victims have not accurately labelled or acknowledged their experiences. As well as the findings that many participants did not

acknowledge their victimisation at all, a more novel finding is that participants used a range of different labels for their experiences or grouped experiences together under a broader label. In most previous research, this mislabelling would be conflated as unacknowledged victimisation (Layman et al., 1996; Marchewka et al., 2022; L. C. Wilson & Miller, 2016). The present findings show that there is an important nuance in that some victims acknowledge the behaviour was criminal but are using inaccurate labels that minimise harm or severity (Dardis et al., 2021; Holland et al., 2021). The inclusion of mislabelling as an option departs from the more common dichotic approach of acknowledged vs unacknowledged victimisation. Previous research has found that sex, sexuality, social class, and political leaning can predict acknowledgement, these studies predominantly utilise the dichotic approach (Arttime et al., 2014; Orchowski et al., 2013; Osman, 2023). The present research, however, did not replicate these findings entirely but also introduced mislabelling; this more dimensional approach may account for the small variance in findings as mislabelling and non-acknowledgement may be unique cognitive processes with unique predictive factors. That is, the drivers of mislabelling and non-acknowledgement as separate constructs may not be captured within previous research, as mislabelling would usually be conflated with non-acknowledgement. As the current study has used a more dimensional approach, and then failed to replicate these findings, this strongly suggests that acknowledgement is a more complex phenomenon than previously thought. Therefore, a new model may be needed to explore acknowledgement, although there is room within the Match-and-Motivation model to explain some of these findings (Peterson & Muehlenhard, 2011; Stubbs, 2013). As misunderstandings of the law are not bound to a dichotic (two-level) view of acknowledgement, this model can still be applied to explain mislabelling and minimising (Holland et al., 2021; Peterson & Muehlenhard, 2011).

While the Match-and-Motivation model explains how this misunderstanding interacts with acknowledgement behaviours, it cannot explain where these misunderstandings come from. These findings support the notion that an individual's underlying concept of legal terminology may develop similarly to lay theories. This would suggest that, over time, participants have developed an understanding of individual legal terms based on their own experiences, logical inference, and media exposure among other factors (Furnham, 1988; Haslam, 2017; Haugen et al., 2018). Such an approach would explain acknowledgement (an accurate lay theory), non-acknowledgement (inaccurate lay theory, exclusive of their experience), and mislabelling (inaccurate lay theory, inclusive of their experience). These findings, however, do not reveal what these lay theories are. Chapter 5 will explore the specific constructions held by participants regarding *rape*, *assault by penetration*, *sexual assault*, and *causing sexual activity*, and explore how these develop. Chapter 6 will also explore the constructions held by sexual violence professionals but will also consider their perspectives on the law. Both Chapters 5 and 6 will explore these constructions with an aim to help understand whether labels are being used inaccurately or are being misunderstood on a more fundamental level.

4.4.2 Strengths and Limitations

As the sample was representative of the UK's general population, the proportions of certain demographics and groups within the sample (specifically LGBTQ+ and minoritised ethnic groups) were not

sufficient to draw concrete inferences from the data or analyses. Therefore, while the data represents a general population's experience, the findings may be missing specific nuances when applied to these groups. This makes conclusions drawn from these groups speculative and provisional, especially those concerning victims of forced-to-penetrate and male sexual minority groups. Where this was a concern, analyses were omitted from the chapter, as findings from statistical tests conducted with too few participants in each group were likely inaccurate, as some groups may be overly influential and skew the findings, causing either type I or II errors (Katz, 2006; Pallant, 2013; Wolf & Best, 2014). Further research should be conducted to improve evidence in this area using a more focused or purposive sampling strategy that either targets these specific subpopulations or uses non-representative but evenly distributed samples.

Through the use of dual-questioning, the findings have demonstrated a widespread misunderstanding or misuse of offence titles. The act of asking participants about experiences in two different ways has demonstrated that estimates of prevalence from research that only utilises single-question research may not be accurate. Similarly, by including a range of offences within a single research study, it has been shown that the use of descriptive questions is generally more reliable than label-based questions at detecting both under-reporting (*rape, sexual assault, and sexual harassment*) and over-reporting (forced-to-penetrate). It is evident that participants were more accurate when responding to questions that described their experiences rather than labelled them. This may be because of their level of understanding of the law or their experience, or due to a motivation to (not) use legal terminology (Berkland et al., 2022; Cook et al., 2011; Marchewka et al., 2022; Peterson & Muehlenhard, 2011). Using label-based questions requires a participant to both understand the meaning of legal terminology and want to label their experience as criminal, therefore presenting a possible barrier to disclosure in either a research or reporting capacity. Asking the question descriptively removes these barriers, reduces ambiguity in the research findings, increases accessibility of participation for lay people, and reduces the associated stigma that comes with labelling oneself as a victim (Berkland et al., 2022; Boyle & Clay-Warner, 2018; Marchewka et al., 2022). Further, given that most research into victimisation that does not focus on acknowledgement relies on self-identified (i.e. acknowledged) victims, these findings may be overlooking an important and significant portion of the victim-population in those who are unacknowledged or may be mislabelling their experiences. It is therefore recommended that future research asks both label-based and behaviour-based questions to assess victimisation, but if there is sound methodological reason to only include one, behaviour-based questions should be prioritised. Doing so would capture victims who are mislabelling their experiences through minimisation and a lack of understanding of offence labels, as well as potentially capturing victims who do not acknowledge their victimisation at all. However, more research would be required to understand when it would be appropriate to treat victims in these three distinct acknowledgement outcomes as a homogenous group for both qualitative and quantitative analytical procedures.

While the acknowledgement data is insightful, it is still unclear how participants define each of the offences or what they have *actually* experienced. Such data would give a more complete and holistic view of the phenomena and provide the ability to comment on whether these variances were indeed differences in

understanding or application of labels. This is one of the limitations of the present research, the questions asked to participants were missing a degree of detail that could be helpful in trying to understand and interpret the findings of the study, such as knowing how many times the victims had experienced each offence, when the first or latest event was, who committed the offence against them, or a description of the event. This limited depth hinders the ability to make concrete, nuanced claims about the source of variance. While the present study succeeded in its aims, future mixed-methods research could replicate the present methods and add in qualitative elements where participants could describe the events in question, though a more focussed approach (e.g., of just one or two offences) may be recommended to limit participant discomfort and improve data quality. A template for this style of research could be the Revised Sexual Experiences Survey (Koss et al., 2024) which was published shortly after the data for these studies were analysed. The proposed template would ask participants to respond to behaviour-based questions as described in the methods for this chapter, then ask them to provide a description of their experiences, and then ask them to label these experiences using a range of criminal (e.g., rape) and non-criminal (e.g., miscommunication) labels (Dardis et al., 2021; Koss et al., 2006, 2024). The revised sexual experiences survey could be further expanded to account for two or more experiences or leave the labelling element as an open text box to allow participants to define their own label. Further, akin to the Revised Sexual Experiences Survey (Koss et al., 2024), future research could also include options for non-criminal labelling to capture a broader understanding of minimisation and mislabelling, for example including labels such as ‘*miscommunication*’ or ‘*misunderstanding*’. As it is likely that participants can mislabel offences by labelling them as an incorrect offence or by labelling it non-criminal (Dardis et al., 2021; Holland et al., 2021). While this is currently captured as unacknowledged victims, acknowledgement is a more complex process than previously thought and adding more nuance in these findings will help expand understanding.

Further research could also explore if there is a change in prevalence depending on the order the questions are presented (behaviour-based first vs label-based first) or if there is a difference between the prevalence rates detected by behaviour-only, label-only, or combined label- and behaviour-based questions, such as “*Have you ever been raped? Rape is defined as...*” This would add important context as to whether the prevalence gap is more likely a lack of knowledge/awareness or a complex process of acknowledgement. As such Chapters 5 and 6 will focus on exploring understanding and conceptualisation of non-consensual penetrative sex in a more explicit and data-rich capacity.

4.5 Chapter Summary

The findings presented in this chapter demonstrate that public understanding and application of legal terminology associated with sexual violence is likely inaccurate or incorrect, finding that generally, participants were more likely to respond to questions that described experiences rather than naming them. This shows that descriptions of offences are easier to apply to experiences and are less subject to stereotype and misinterpretation than labels, which is further supported by the lack of significant differences for *assault by penetration* and *causing a person to engage in sexual activity without consent*, whose labels are descriptive. Further, acknowledgement rates for non-consensual penetrative sex are not different across sex

or sexuality groups, but these are different for *sexual assault* and *sexual harassment*, with male and heterosexual participants being more likely to be unacknowledged or mislabelled than female or LGBTQ+ counterparts. This provides strong, but not definitive, support for a constructivist approach to understanding the conceptualisation of non-consensual penetrative sex, which will be further explored in later studies.

5 Study 2: “Surely that’s rape? That has to be rape!”: A reflexive thematic analysis exploring the constructions of non-consensual penetrative sex.

5.1 Introduction

As Chapter 4 presented findings that general understanding of sexual offence terminology is misaligned with legal definitions, the question is raised of whether understanding and construction of these terms are individualised, if general knowledge of the laws is lacking, or if the context of acknowledgement skews application of language. Research has found that understanding and use of sexual violence terminology is varied and inconsistent across and within samples, and shown that this can have an impact across victimisation acknowledgement/disclosure, help-seeking, and juror decision-making (Askanius & Hartley, 2019; Belyea & Blais, 2023; Bogen et al., 2019; Holland et al., 2016; Palmer et al., 2021; PettyJohn et al., 2019). As yet, there have been no studies exploring understanding of sexual offence legislation in England and Wales, and no research that has explored understanding of non-consensual penetrative sex using qualitative interviews. Similarly, research that has shown individualisation in the construction of non-consensual penetrative sex is predominantly conducted in the context of acknowledgement or appraisal. Therefore, the primary focus of this study is to understand what meanings members of the public have ascribed to legal terminology and how these terms are used in a neutral context. This is done with the aim of understanding why non-acknowledgement and mislabelling are so prevalent, and why participants were more likely to respond to descriptions over labels. The secondary, and more ‘big picture’, foci are developing an understanding of constructionism and its intersection with sexual violence, exploring how these constructions form and develop over time, and considering potential influences in this process. The core terminology under investigation is the language of non-consensual penetrative sex, defined as *any sexual act involving the non-consensual penetration of an adult’s anus, vagina, or mouth with another adult’s body part or object*.

As the social/unofficial meanings and use of language are constantly changing through use and misuse over time, official definitions and use also change with them, showing that language is a social construct that can adapt and change (Steinmetz, 2008; Xu et al., 2021). These changes in the construct can occur through normalisation and social influence, such as the interactional alignment theory (Pickering & Garrod, 2004), but also through speaker and audience misunderstanding, motivation and bias (Peterson & Muehlenhard, 2007). Research has explored the presence and effects of individualised constructions of language around ‘sex’ and ‘having sex’, finding that the meaning and use of these terms can vary significantly between participants and depending on the method and context of how a question is asked (Byers et al., 2009; Hille et al., 2020; Peterson & Muehlenhard, 2007; H. E. Randall & Byers, 2003; Sanders & Reinisch, 1999; Scott et al., 2018; Sewell et al., 2017). Certain cultural, religious, and sexual-identity groups, however, have been found to have more consistent definitions of sex than others (Hille et al., 2020;

Horowitz & Spicer, 2013; H. E. Randall & Byers, 2003). Limited research, however, has explored the role of individualised constructions in the context of sexual violence. Peterson and Muehlenhard (2004, 2007) indicate that a person's definition of sex can impact whether they perceive an experience/act as rape specifically in relation to their own potential victimisation experiences. This effect is compounded by the endorsement of rape myths, and conformity to a 'real-rape' stereotype⁷ (Bows & Westmarland, 2017; LeMaire et al., 2016; Orchowski et al., 2013; Peterson & Muehlenhard, 2004; Waterhouse et al., 2016).

The research that investigates sexual violence through a constructivist lens also focuses more on the causes of *rape* and the circumstances of sexual violence (myths, etc.) rather than the explicit conceptualisation and definition of such offences (Furnham, 1988; Harbridge & Furnham, 1991; Hockett et al., 2016) or explores the applications and consequences of individualised constructions without understanding the underlying construct (Mackelprang & Becker, 2017; McKimmie et al., 2013; McMullin, 2007; Osman, 2023; Peterson & Muehlenhard, 2011; Stubbs, 2013; L. C. Wilson & Miller, 2016). The exception to this being Haugen et al. (2018) who applied a lay theories lens when asking participants to define rape in their own words, using an open-ended qualitative survey. The responses showed a great range of considerations, showing not only the range of lay theories held by individuals when defining rape, but the variety in factors considered when conceptualising rape too.

Previous researchers note a series of potential effects of varying definitions used by the general public. Having a narrow definition of sex or sexual violence is shown to reduce reporting, help-seeking, and acknowledgement (Fleming et al., 2021; Fleming & Muscari, 2021; Hammond et al., 2017; Hockett et al., 2016; Newins et al., 2018; Palmer et al., 2021; Reed et al., 2020; L. C. Wilson & Miller, 2016). People with narrow definitions of sexual violence are also less likely to support others or encourage reporting by others who are victimised (Bates et al., 2019; Hamby, 2017; Holland et al., 2021; S. Holmes & Deckard, 2019; LeMaire et al., 2016; R. M. Walsh & Bruce, 2014b). Reduced reporting, help-seeking, and acknowledgement have further, incidental effects of poorer psychological wellbeing in the victim, reduced rate of conviction and rehabilitation for the perpetrator, and reduced likelihood of supporting other victims and victim empathy (Deming et al., 2013; Javaid, 2019a, 2019b). Further, there is some evidence that individuals with a narrow definition of sexual violence are more likely to commit acts unintentionally (Eyssel et al., 2006; Hipp et al., 2017; Peterson & Muehlenhard, 2007). It is for these reasons, therefore, that re-examining sociolegal definitions of non-consensual penetrative sex is a necessary endeavour. Similarly, the links between constructing non-consensual penetrative sex and acknowledging victimisation have been inferred, but not explicitly researched in this way.

The present research poses a novel investigation into the subject matter, using qualitative techniques to analyse interviews with members of the public in England and Wales to clarify interpretations of the findings from Chapter 4. The following research questions are addressed:

⁷ The 'real-rape' stereotype is typified as a male perpetrator violently assaulting a young, attractive woman, in a secluded outdoor area. The two individuals are strangers, and the victim physically resists the attack (Waterhouse et al., 2016).

- a) How do members of the public interpret sexual offence labels of *rape, assault by penetration, sexual assault, and causing sexual activity*?
- b) How do members of the public justify and explain their interpretations/constructions of said labels?
- c) What processes and factors guide these interpretations?

There have not been very few, if any, studies into the attitudes and understanding of public interpretations and constructions of non-consensual penetrative sexual offences within England and Wales. The present research aims to address this, providing commentary on the process of constructing non-consensual penetrative sex. Although some research does exist that investigates how victims define, appraise, and understand sexual offences, the extant literature is either not based in England and Wales (Haugen et al., 2018), exclusively pertains to the attitudes of victims (Hills et al., 2020; Holland et al., 2021), or is limited to the consideration of rape (Haugen et al., 2018; Holland et al., 2021; Peterson & Muehlenhard, 2004). The present research is conducted on members of the general public and investigates a range of non-consensual penetrative sex. While this chapter presents a new qualitative investigation, it is hoped that presenting findings that explore knowledge and understanding of sexual offence legislation and labelling will build on findings and conclusions from Chapter 4 that pertain to construction and application of labels. Despite not being focused on acknowledgement or victimisation, the findings could help to clarify whether differences in prevalence and acknowledgement could be attributed to personal constructions, a lack of knowledge, or another factor.

5.2 Methods

5.2.1 Participants

A volunteer sample of members of the public ($N = 20$) was recruited via social media advertisements. The sample included men ($n = 9$), women ($n = 9$) and binary non-conforming participants ($n = 2$). Participants' ages ranged from 21-56 years ($M = 31.25$, $SD = 10.71$). Participants had to be over 18, fluent in English, and a citizen of the United Kingdom, or have settled status. This was to ensure participants were able to give informed consent and allowed researchers to assume they had some level of awareness as to the sexual offence legislation for England and Wales in order to give informed and nuanced responses to questions. Participants were excluded if they did not currently live in England or Wales or if they had experience working/volunteering with or around victims or perpetrators of sexual violence, or if they otherwise had expertise in the area. Participants excluded for this final criterion were passed into Chapter 6's participant pool, which focused on informed professionals. For a full justification of these criteria, refer to Chapter 3.

5.2.2 Procedure

Participants were recruited via social media advertisements, some participants also recommended others from their network to participate, generating a snowball sample. All potential participants were directed to an MS Form, which assessed their eligibility, provided contact information, and allowed the participant to input their availability for the interview. After filling the form to express interest and confirm

eligibility, participants were contacted and delivered the full information sheet and a consent form. Once the signed consent form was returned, an interview was scheduled. For a full description of recruitment, see Chapter 3. A one-on-one semi-structured interview was conducted with each participant. Interviews were audio recorded using Open Broadcast Software (Bailey, 2024). Recordings of the interviews lasted between 37 and 93 minutes ($M = 56.40$ minutes, $SD = 14.32$). Recordings were transcribed using MS Word and coded using NVivo 12. At all points, recordings and transcripts were kept in password protected networks (e.g., NTU DataStore) and all recordings were deleted as soon as transcripts were finalised. The interview schedule was split into three distinct phases: gauging baseline understanding of sexual offence terminology, discussing current legislation, and exploring your and others' opinions. Questions in the first section focused on what participants currently know about legislation, what certain terms mean to them and how they use them. The second section used elicitation-interview techniques and focused on a discussion of legal definitions and how and why their personal definitions diverge from this (Hogan et al., 2016; Tremblay et al., 2022). The elicitation involved reading and discussing §1-4 of the Sexual Offences Act (2003): *rape, assault by penetration, sexual assault, and causing a person to engage in sexual activity without consent*. This was so participants could comment on and compare the differences in the legal definitions and their own. The final section discussed how they developed their definitions and their perceptions of others' opinions and attitudes.

After the interview, participants were verbally debriefed, including an emotional check-in, offering additional information, and answering any questions they may have. Participants were then emailed a full debrief sheet, with information for support services, data withdrawal procedures, and their code to redeem their compensatory £10 shopping voucher. Audio recordings were used to transcribe the data, participants were assigned a pseudonym and any potentially identifiable data was redacted or generalised to maintain participant anonymity and reduce identifiability.

5.2.3 Data Analysis

Reflexive Thematic Analysis (Braun & Clarke, 2019, 2021a, 2021b, 2021c) was chosen for its suitability for understanding and exploring attitudes and personal understanding of complex phenomena, and its wide applicability to a range of research questions, paradigms and philosophies. Reflexive thematic analysis focuses on identifying common concepts and ideas within and between participants in the sample, building a rich, overall picture of the phenomenon in question while recognising and utilising the positionality of the researcher in the data (Braun & Clarke, 2019; Byrne, 2022; Trainor & Bundon, 2021).

Familiarisation involved listening to the full audio file once before transcribing it, and then reading each transcript once before coding. The coding process involved going through each transcript and drawing out the meanings in participants' answers and discussions. Next, initial themes were developed by grouping codes and reviewing the meaning in the participants' responses. Initially, five themes (each with three-to-five subthemes) were developed, linking conceptually similar codes into groups. Themes were then discussed with the entire research team and overlapping themes and content were minimised. Each theme was summarised narratively and given conceptual names that represented the core messages and discussions

within each theme. A more in-depth discussion of reflexive thematic analysis and its practice can be found in Chapter 3.

5.2.4 Open Science

This study was pre-registered through the OSF, which can be found here: https://osf.io/qy58h/?view_only=369ed306ec734fb1a2aa3b91b6cbca5e. The pre-registration covers the studies for Chapters 5 and 6 and contains a planned programme of recruitment, analytical processes, and the interview schedule used in both studies. Chapter 3 contains a discussion of open science practices, how they were implemented, and why they are important for high-quality qualitative research. While the research programme was pre-registered, the questions within the pre-registration did not align with the purpose and function of this chapter within the context of the broader thesis. As such, the questions and themes presented are different to those in the pre-registration to aid with clarity and narrative flow of the thesis as a whole.

5.3 Results and Discussion

Through development and refinement, three themes were generated using participant data. These are: *Defining Rape in the Context of Sex*, *The Role of Harm and Behaviour in Interpretation*, and *Rape as a Developing and Changing Concept*. While the research focuses on non-consensual penetrative sex and *sexual assault* as broad concepts, participants interviews centred around the term “rape,” as will be discussed in Theme 1. As such, the theme titles followed the participants descriptions and language use, though this is clarified from the legal definition, where necessary for reader interpretation.

5.3.1 Theme 1 – Defining Rape in the Context of Sex

This first theme presents participants’ knowledge of sexual offence terminology and explores their definitions of the legal terminology. By exploring their constructed definitions of legal labels and how they use and talk about these labels, key insights into constructions and interpretation can be found. Specifically, this theme focuses on the use and interpretation of ‘rape’ and ‘sexual assault’.

In understanding how participants interpreted and defined rape and sexual assault, their general awareness of the legislative titles and definitions must be understood. When asked what sexual offences she knew the name of, Bronte only offered two contact offences that relate to non-consensual penetrative sex and are still in the Sexual Offences Act (2003):

Um like, someone being raped, someone being sexually harassed [...] I mean, this sod- sodomy is that a word, the word? [...] when people like force objects into other people. [...] I mean, there’s sexual assault, as a broad term, but I think rape the only one that I’m really aware of.

- Bronte

Bronte indicated that she was aware that there were many other offences in the sexual offences act, and showed some recognition of previous offences, albeit with incorrect titles (sodomy used to refer to

assault by penetration), showing some awareness of other offences. Bronte also showed some uncertainty in her interpretations of the offences she was aware of, offering no definition of rape and providing an inaccurate description of sodomy (and uncertainty about if that was the correct language). As such, Bronte's extract well encapsulates the few participants who entered the interviews with no clear or certain interpretations of the Sexual Offences Act (2003) or its associated sections.

The difference between sexual assault and rape? [...] Rape is its own category where it is sexual assault, but it also involves this specific aspect [penetration] of sexual assault. Where sexual assault, you know, not all sexual assault is rape, but all rape is sexual assault kind of thing.

- James

By contrast, James stated that he was only aware of two sexual offences: rape and sexual assault, and he did not show any indication that he was aware of other offences within the scope of the research. James conceptualised sexual assault as being a broad, catch-all term for any contact sexual offending, with rape being a specific behaviour which involves sexual penetration. Many participants displayed a similar binary construction of sexual assault and rape, with these being the only sexual offences they were aware of or could offer definitions of. Given that most previous research has investigated *rape* in isolation, there has not been scope to capture the degree of awareness or knowledge of wider offences, nor this apparent black-and-white conceptualisation of rape and sexual assault, which is a new finding (Freetly, 1991; Haugen et al., 2018; Peterson & Muehlenhard, 2004). The context of England and Wales is also unique here, as the Sexual Offences Act (2003) disaggregates sexual violence into a larger number of offences than most of the United States (and their Federal definition), typically defining all non-consensual penetrative sex as equal, or using the same title but separating acts by degrees of severity (Bierie & Davis-Siegel, 2015; Florida Statutes, 2022; Rhode Island General Laws, 2021; West Virginia Code, 2006).

While James offered his understanding without explicitly commenting on the legal accuracy, other participants presented their definitions with certainty that these were the correct legal definitions. The majority of these participants offered incorrect or vague definitions of sexual offence labels that did not accurately or completely portray an understanding of the Sexual Offences Act (2003). For example, Jordan explained what he thought was the legal definition of rape:

I've always gone off the main definition of [rape], which is "penetration without consent." [...] Yeah, as much as the world would like to deny it, I believe anyone of any gender can be raped, it's within the definition: it's penetration.

- Jordan

[Rape] is any act of non-consensual, penetrative-- any kind of penetrative, non-consensual act. So, you know whether that be with a penis or a finger or, you know, whatever else. [...] I mean, yeah, definitely anyone can be a victim and perpetrator.

- Leanne

Both Jordan and Leanne explained that they thought the legal definition of rape was any form of sexual penetration, asserting that in law, anyone could be a victim or perpetrator. Both of these definitions are inaccurate to the current legal definition which stipulates *rape* is specifically penile penetration, ergo only male perpetrators can perpetrate *rape* (Ahmad et al., 2022; Anand, 2022; McGlynn & Munro, 2010; Sexual Offences Act, 2003; Temkin, 2002). Jordan also reaffirmed this belief twice, showing that it was not an erroneous assumption or him misspeaking, but that he was certain that the definition of rape included all modes of penetration. Leanne was similarly assertive in her interpretation, stating that rape “*is*” any penetration and that anyone can “*definitely*” be a victim or perpetrator, avoiding any form of uncertain or indeterminate language. This was a common occurrence throughout the sample, in that many participants provided inaccurate definitions of legal terminology which often combined various behaviours from multiple offences.

The finding that participants were giving inaccurate definitions of rape law supports previous literature in which participants regularly provide inaccurate definitions of rape which are inclusive of a range of behaviours not otherwise considered in law (Fowler et al., 2010; Freetly, 1991; Haugen et al., 2018; Peterson & Muehlenhard, 2004). The majority of participants in this sample were inaccurate by giving a broad definition of rape, which does not align with the previous findings from Chapter 4. Chapter 4 found that *rape* was underacknowledged and had a higher number of responses for the behaviour-based questions than label-based, representing a narrow construct/understanding of *rape*. If the findings were consistent, Chapter 4 would show an over-acknowledgement of *rape* as participants include instances of *assault by penetration* and *causing sexual activity* in their understanding of rape. This however could be explained through the context of questioning. In this study, participants were asked for context-free definitions, whereas in Chapter 4 they were asked about their personal experiences. As noted, acknowledgement of sexual victimisation is a complex process and may be subject to more biases and influences rather than just being based on knowledge of the law (LeMaire et al., 2016; I. Levy & Eckhaus, 2020; McMullin, 2007; Peterson & Muehlenhard, 2004, 2011).

However, it was reasonable that most participants’ definitions of rape were inaccurate, as it was apparent that these were typically centred around the behaviour of non-consensual sex, a variable and individualised concept in its own right (Byers et al., 2009; Horowitz & Spicer, 2013; Sewell et al., 2017):

I would frame [the law] in the way that it is-- rape is any acts in which “person A is forced, either physically, emotionally, psychologically, anything, whatever, to have sex with Person B, without valid consent.”

- **Lawrence**

I don't think it matters what you use to penetrate, you know? Because if we're talking about consensual relationships, most forms of penetration, people would quite reasonably regard as sex.

- **Rachel**

Lawrence here explains that he would reframe the law of rape to centre sex rather than penile penetration, which was a sentiment shared by many participants. While many participants agreed that rape should be defined as non-consensual sex, they also provided varied definitions of what sex is, which explains the variability – and resultant inaccuracies – present in their conceptualisation of rape. As their construction of rape was predicated on their definition of sex, participants' constructions of rape were highly varied, and understanding what sex meant to these participants became key. For example, Rachel explained that, within a consensual relationship, most penetrative acts would be considered sex by most people, explaining that the specifics of that penetration are inconsequential to the act itself. The view that sex is penetrative is a common perspective in most early research, and indeed many recent studies have found that sex is often defined in penetrative terms by participants, though there is some variability in the categorisation of oral penetration and digital penetration in this research (Abramson & Pinkerton, 2002; Horowitz & Spicer, 2013; A. Jones, 2019; H. E. Randall & Byers, 2003; Sanders & Reinisch, 1999; Schick et al., 2016). Although Rachel did not explicitly state that she defined sex as penetrative, she did present the argument that most people would view penetration as sex, which justifies her argument that rape would be penetrative.

Building on this, Ronan felt that sex should not be limited to penetrative acts:

Well, it's hard to say for sure, but I think sex is such a broad term, that defining it purely by things like penetrative acts, it's- it's very narrow.

- **Ronan**

Ronan did not explicitly state how he defined sex, as he felt it was a difficult thing to conceptualise. That said, Ronan did state that he would not limit the definition to only penetrative acts, meaning he was open to the idea of sex – and rape – being more than penetration and including a wider range of behaviours. Specifically, Ronan used the word “narrow,” implying a sense of negativity to defining sex as exclusively penetrative acts. This may be explained through findings from previous research that concepts of sex being penetrative are exclusive of non-heterosexual relationships where penetrative sex, and specifically penile penetration, may not occur (Hille et al., 2020; Horowitz & Spicer, 2013; Peterson & Muehlenhard, 2007; Schick et al., 2016; Sewell et al., 2017).

Prior findings indicate that sex and rape are both conceptualised as the superlative form of their respective category, intimacy for sex or violation for rape, however the specifics of how this is conceptualised is variable depending on who is being asked, and the context of the question (Berkland et al.,

2022; Derlega et al., 2001; Freetly, 1991; Horowitz & Spicer, 2013; McMahon & Baker, 2011; Schick et al., 2016; Sewell et al., 2017). Chloe and Sacha both discussed a variable understanding of what sex and rape mean. Chloe explained how constructions of sex can vary between relationships and contexts, and Sacha expands on this by relating her contextual definition of sex to her understanding of rape:

I think the language around [sex] is very heteronormative, for starters [...] Generally, it's defined as like, penis-in-vagina sex [...] I think doesn't always have to be penetrative. Because obviously, not everyone has to do that.

- **Chloe**

Someone forcing you to have sex against your will, whatever that looks like, then I feel like that is [rape]. [...] I disagree from a personal perspective, because I think agreeing with it is the assumption that two women having sex must include penetration. So, if penetration is never part of what they're doing or going to do, it's not like a stepping stone. If the oral sex is their sex, then that's rape.

- **Sacha**

Chloe stated that sex is not “always” penetrative, recognising that for some people, “sex” would be defined as penetrative, but she also recognised the variance between relationships and accepted broader definitions as well. Sacha referred to “their sex,” indicating her belief that the definition of sex is personal or specific to the context of a relationship or people involved; this sentiment was shared among some other participants. Although spoken in the context of rape, this grants insight into how she (and other participants) viewed sex as a variable, contextual construct. As can be seen here, Sacha referred to rape as being “sex,” but proposed that what sex means can differ from person-to-person. To Sacha, this then forms a contextual definition of rape, where if a person perceives a consensual act as sex, then the non-consensual alternative must be rape. This perspective has been found in some previous research.

There are mixed findings in research about how sex is defined and used as a label, which demonstrates that sex is a variable construct within and between participants, depending on age, religion, sex, sexuality, and even the context/phrasing of the question (Byers et al., 2009; Horowitz & Spicer, 2013; Peterson & Muehlenhard, 2007; H. E. Randall & Byers, 2003; Sanders & Reinisch, 1999; Schick et al., 2016; Scott et al., 2018; Sewell et al., 2017). A prime example of this comes from studies of bisexual women, in which a participant’s definition of ‘having sex’ varied depending on whether the question referenced male or female partners (Schick et al., 2016; Sewell et al., 2017). Therefore, individual concepts of what is categorised as sex may be far removed from that of traditional definitions of penetration, and therefore the conceptualisation of rape could be far removed from prototypical and current legal definitions (Goh et al., 2021; Offences Against the Person Act, 1861; Sexual Offences Act, 2003; Schick et al., 2016; Sewell et al., 2017). As the definition of rape among these participants was strongly tied to their concept of sex, it would make sense that each participant had a slightly unique construct of rape, given the nature of sex

as a variable and individualised construct, as shown by a wealth of literature. While previous research has found that definitions of rape are variable between participants, there is no evidence that definitions of rape are contextual due to limitations of the methods used or questions asked of these participants (Fowler et al., 2010; Haugen et al., 2018; Peterson & Muehlenhard, 2004). Haugen et al., (2018) did find that some participants were as vague as to define rape as sex however, which supports the potentially cross-cultural trend being found between these samples.

5.3.2 Theme 2 – The Role of Harm and Behaviour in Interpretation

Although not explicitly asked, when exploring the current legal definitions and how these compared to their own interpretations of rape and sexual assault, participants utilised a range of approaches to justify and explain their definitions. Mainly, these focussed on explaining why participants were aggregating non-consensual offences involving sex into a single offence, or not understanding why non-consensual penetrative sex is currently separated into *rape*, *assault by penetration*, and *causing sexual activity*. In explaining this, many participants detailed their arguments for why they felt the current law needed to, or should, be changed to match their definitions. Cyrus explained that he felt that *rape* and forced-to-penetrate should be together because of the behavioural similarities between the two:

Well, how is it different? The exact same thing's happening? The penis is going in the vagina. It's each way it's- it can be forced either way. Because I can nail you know, you got a nail in a piece of wood - I can force the nail into the wood. I can also force the wood into the nail.

- Cyrus

Specifically, Cyrus drew on a metaphor of hammering a nail into wood to visualise his opinion that the behaviour of forcibly penetrating someone and being forcibly penetrated are the “exact same thing.” In early iterations of rape legislation, penile penetration was seen as the only (and later most) harmful sexual offence due to an inherent violation of the victim’s morality and purity. Modern interpretations of what constitutes a sexual offence, however, focuses more on behavioural similarity, physical, and emotional harm (Ahmad et al., 2022; Anand, 2022; Morgan & Long, 2018; Warburton, 2004; Weare, 2018b). Like Cyrus, many academics in criminology, psychology and law now believe all penetrative offences to be similar enough to prompt a recategorization of the current offences (Ahmad et al., 2022; Anand, 2022; Morgan & Long, 2018; Warburton, 2004; Weare, 2018b).

Alex and Lesley provided alternative perspectives on how harm influences their constructions of non-consensual penetrative sex. While Alex thought all penetration is equally harmful, Lesley disagreed:

I think that it does irk me that legislation somehow considers the- the penis to be magically different from any other part of the body. I don't see why having one's anus penetrated by someone's fist should be any less of an offence than being penetrated by their penis. It's certainly more physically injurious, even if they take all of the precautions of the case. [...] I

don't know why being penetrated by someone's fleshy penis counts as worse by being penetrated by someone's rubber strap on. Having been in both situations, it doesn't feel very different.

- Alex

Rape [...] has the most potential consequences in terms of the burden that they that might place on somebody's life, from, you know, life threatening HIV [...] any other kind of STD, to pregnancy to all of these different things. So, potentially, it can have a life changing physical and actual sort of – sorry, not that feelings or emotions or mental health isn't 'actual' but you know [...] It feels more aggressive.

- Lesley

Alex explained that they were annoyed by the separation of the penis from other forms of penetration, using the example of a fist and a dildo (“strap-on”). They felt that this distinction between *rape* and *assault by penetration* was unnecessary, and referred to it as being “magically different,” despite having similar physical injuries. Alex’s argument ends by explaining that all penetrative sex acts should be categorised as the same offence, drawing on comparable personal experience, although it was unclear if Alex’s experiences were consensual or non-consensual in this context. However, it is clear that Alex’s justification for aggregating penetrative acts into a single offence focuses on the victim experience of the offence and the behaviour itself, explaining that if both the behaviour and the victim harm/outcomes are similarly harmful, the offence should be the same. This aligns with some current thinking from legal and psychology researchers who are also considering the definitions of rape in the law and exploring victim outcomes (Ahmad et al., 2022; Anand, 2022; Morgan & Long, 2018; Weare, 2018b).

Lesley’s perspective, however, differs from Alex’s perspective that penetrative acts should be aggregated, explaining the distinct harms that are presented by penile penetration and penis-in-vagina rape, an important consideration that many participants overlooked. To Lesley, rape is a more serious offence with severe physical harms inflicted on the victim. She recognised that all sexual violence victims experience emotional and psychological harm, but implied that the physical harms took precedent and warranted the separation of penile penetration as its own offence. Lesley was the only participant who argued against the aggregation of all penetrative sexual offences, and the only one who also proposed that the physical harms were more impactful or influential than psychological harms.

Literature has shown that victims of *assault by penetration* and *rape* do suffer similar levels of harm, and as do victims of forced-to-penetrate, and in some cases *assault by penetration* can be more injurious than rape (Morgan & Long, 2018; O’Callaghan et al., 2022; S. G. Smith et al., 2022; Weare, 2021b). Similarly, male victims of forced-to-penetrate were also more likely to present with mental health symptoms and STIs compared to rape victims (Morgan & Long, 2018; O’Callaghan et al., 2022; S. G. Smith et al., 2022; Weare, 2021b). This, therefore, lends credence to Alex’s understanding, though Lesley’s perspective is more aligned with classical literature, which exclusively notes female victim experiences (Waterhouse et al., 2016). This however does not consider the unique harms experienced by rape victims in the form of rape-related

pregnancy which occurs in around 2.4-5% of all female-victim rapes (Basile et al., 2018; D'Angelo et al., 2024; M. M. Holmes et al., 1996). However, this concern is almost exclusive to female victims of rape, where the much more likely outcomes of physical harm, contracting STIs and emotional damage are gender neutral and can impact all victims equally (D'Angelo et al., 2024; Khadr et al., 2018; Morgan & Long, 2018; S. G. Smith et al., 2022).

There were also participants who discussed moral and ethical stances in justifying their constructions. This included Leanne and Gene who discussed the projected inequality of excluding female perpetrators from being prosecuted for rape:

Yeah, that's wrong! That a woman can't be deemed to have raped a man if she has penetrative sex with him against, or without his consent. That-- To me that- that feels completely wrong. How awful! [...] It just feels like it's not equitable, you know? And I feel like the law should protect everyone and represent everyone equally.

- **Leanne**

If he was to go to police and tell that story, knowing that they would just be like "Nah, sorry it's not rape," it's infuriating. [...] I've seen the impact that's had on him, and I wouldn't feel like saying what he's gone through was any less traumatising, than, say another friend of mine. [...] And I feel like essentially pitting each other's trauma against each other, is- isn't right, really. [...] but it's like, essentially say that like, a woman can't rape [...] which is obviously wrong.

- **Gene**

Leanne explained that she would prefer a definition that encompasses all potential victims and perpetrators and views them equally, viewing it as wrong that women cannot be tried as principal offenders for raping a man, even if they can be found guilty of being an accomplice to rape. While there have been some niche instances of female-perpetrated rape (e.g., *Crown v Bevan*, 2022), these are the exception, not the rule and it is much more likely they will be charged with *assault by penetration* or *causing a person to engage in sexual activity without intent*. While Leanne focused on female perpetration, her final statement that the law should protect and represent everyone equally reveals that this perception of inequality is likely more focused on the victim than the perpetrator, which was a perspective shared by many participants. Gene agreed with Leanne's sentiment, that all victims and perpetrators should be seen equally, but felt more strongly when relating their opinion to a friend's recent experience of sexual violent. As evidenced by their anger in this quote, Gene clearly valued inclusivity in their definitions of rape and was upset that a victim of forced-to-penetrate (like their friend) could not be called a rape victim, despite the trauma he experienced during and after his victimisation being comparable to that of their other friends who had experienced *rape*.

Leanne and Gene both expressed that they were disappointed or angered by the inequity of the hierarchical nature of the offences which inherently excludes some victims/perpetrators from the 'rape victim' or 'rapist' labels. In this context, moral foundations (J. Graham et al., 2009, 2013) may help to

understand how participants justify (if not develop) their constructions of non-consensual penetrative sex. Moral foundations are a key factor in predicting attitudes and judgements of sexual offending more broadly (Harper & Harris, 2017; Milesi et al., 2020; Rollero & Pagliaro, 2022); this direct reference to the tenets of harm/care and fairness may indicate a more foundational role in justifying or developing constructions as well. Moral foundations are seen here to influence participants moral and ethical perspectives on the current law and how this informs constructions. Specifically, Gene and Leanne (among others) referred to a desire for equality in the wording and practice of legislation, aiming to minimise the mistreatment and exclusion of non-prototypical victims (Clifford et al., 2015; J. Graham et al., 2009, 2013).

5.3.3 Theme 3 – Rape as a Developing, Changing Concept

This theme aims to further explore the evidence that differences between participants interpretations of the law and legal definitions were either constructed or based on erroneous information. In doing so, the use of language to describe their interpretations and narratives around changing ideas and interpretations are discussed. In aiming to understand why participants gave inaccurate definitions of sexual offence law, it became apparent that these definitions were individualised, which Mary touched on explicitly, stating that interpretations of the law are variable and can be unique to each person:

There are a lot of different arguments about what rape is and what sexual assault is, and what offences are. And whereas the [stereotypical rape] is quite clear cut, isn't it? It's like no- no one can debate that this wasn't a rape.

- Mary

Mary observed that there are many different perspectives on which behaviours should be included in rape and sexual assault, directly stating that sexual offences are not a constant across individuals, despite a constant and strict legal definition. Mary is aware that constructions of rape are individualised and variable, but she also recognised that there are constants within these constructions, i.e. people will most always agree with the 'real-rape' conceptualisation (I. Anderson, 2007; Bows & Westmarland, 2017; Waterhouse et al., 2016). This proposition that there are many different concepts of rape and sexual assault is consistent with the above findings from theme 1, and the wider literature that shows varied definitions of rape in a range of contexts (Dardis et al., 2021; Haugen et al., 2018; Larcombe et al., 2016; Peterson & Muehlenhard, 2004, 2011). Similarly, Mary's proposition that there is a constant within concepts of rape (the stereotypical and prototypical rape) is also supported by previous research that shows the closer a rape is to a stereotypical construction, the more likely the victim is to acknowledge their victimisation and for the event to be appraised as sexually violent from an external observer (Bows & Westmarland, 2017; LeMaire et al., 2016; McKimmie et al., 2013; Reed et al., 2020; Waterhouse et al., 2016; L. C. Wilson & Miller, 2016). That said, there are still instances wherein victims do not acknowledge rapes with stereotypical traits, and these may not be recognised by observers, indicating that there may be more contextual (rather than behavioural) issues

in the construct of non-consensual penetrative sex (Bates et al., 2019; Bows & Westmarland, 2017; McKimmie et al., 2013; Waterhouse et al., 2016).

While Mary explored the instance of construction across the general population, making a broad presumption, Lawrence commented specifically on how he has constructed an understanding of rape, and how this can – and has – changed:

I don't by any means think that what I've said is completely correct, they're really my opinions. My opinions on this matter are ever changing. [...] My distinction between sexual assault, and rape and stuff that has always been sort of blurred for me, I thought they were the same thing [but] that has recently evolved.

- **Lawrence**

Lawrence gave clear and definite positions on how he constructed non-consensual penetrative sex, yet he stated here that he recognises these are opinions which are not legally correct. He explained that he did not always have a clear understanding of the boundary between sexual assault and rape, but that this has become clarified and evolved recently. Lawrence did not reference his knowledge of the law in explaining why his understanding/construct changed, and referenced his opinions being “ever changing,” which indicates that his understanding of rape and sexual assault are constructed at an individual level and are not founded in knowledge of the law. This description of his construct mirrors current understanding of lay theories, which are known to be constantly adapting and changing with new information and experiences, and may become more clear over time if there are vague or uncertain originally (Edwards et al., 2016; Furnham, 1988; Harbridge & Furnham, 1991; Haugen et al., 2018; Yeager et al., 2016). As Lawrence was vague about how his construction changed, however, this may also be understood through concept creep, wherein over time general understanding of a core concept can change and slowly becomes broader to encompass more behaviours/experiences than in the original definition (Cascardi & Brown, 2016; Harper et al., 2023; Haslam, 2016). However, concept creep more describes a general shift in societal understanding/construction, and only accounts for the widening of concepts to include more behaviours, rather than a potential for understanding to become clearer or narrow over time or changes in an individual’s construction, as the current findings show (Cascardi & Brown, 2016; Haslam, 2016; M. J. McGrath et al., 2019).

A number of participants explored how their construction and understanding of non-consensual penetrative sex have developed and changed over time. For example, Ronan explored how his opinions developed as he grew older:

Certainly, when I was a teenager, probably. Like, I think there's- there's everyone goes through that phase where they think being sort of contrarian is- is, you know, clever and it makes you stand out. [...] I've, you know, gone on to be like, "Oh, no, I don't entirely agree

with that anymore." So, it's- it's less like a complete disagreement with my past self as much as it is, sort of, moving away or [having] a more developed opinion.

- Ronan

Ronan explained that as he grew older and matured into more developed opinions and perspectives, his understanding of sexual violence has also developed. He described this almost as a function of maturity, rather than through new experiences or knowledge. Ronan recognised and remembered his old perspectives and now disagrees with them, viewing them as immature or underdeveloped. While most participants discussed how their understanding changed over time, Ronan specifically related this to getting older as the driving force, viewing his now broad perspective of both sex and sexual violence as the mature or more developed perspective. It is noteworthy that some participants simultaneously discussed that their own opinions matured and became more progressive as they aged and yet agreed that previous generations were more likely to be more traditional and restrictive. This works to support a notion that, in this sample, age was not seen as the major factor in developing lay theories, but rather that it may be generational differences in social attitudes guiding perceptions and understanding of sexual violence. This suggests that ageing may not directly influence an individual's construction but rather may act to affirm and crystalise understanding formed in youth founded in the general social values of their generation (P. B. Anderson et al., 2021; Cichy et al., 2007; Gallagher, 1979; Grotzinger et al., 2008; Luddy & Thompson, 1997). While a lay theories approach may be best-suited to explaining this individual change in understanding, concept creep may explain this generational difference in attitudes, and construction is recognised in a variety of research findings (P. B. Anderson et al., 2021; Cichy et al., 2007; Gallagher, 1979; Grotzinger et al., 2008; Syme & Cohn, 2016). Both lay theories and concept creep could also explain why there are individuals who hold unique positions within their generation (Haslam, 2016; Haugen et al., 2018; S. R. Levy et al., 2001).

Paul also discussed the changes in his perspective over time, but different to Ronan who explored age and maturity, Paul explored his changes in relation to his social circles and upbringing:

I think this slight change of viewpoint happened because I gained more independence after leaving home and could spend more time making my own decisions on topics. [...] I was friends with girls growing up, so I often naturally took their sides in debates [...] Upbringing and experience probably play a big role in influencing opinions on this. I think it's hard not to take on some of your parents or friends views when you spend time with them.

- Paul

Paul explained that his opinion changed over time but was somewhat constant until he left home and gained social independence, implying that before this time he shared opinions with his parents. As he grew up around women and girls and gained more experience his opinion changed further and developed, taking on the opinions of both his parents and his friends, and stated that this was difficult to avoid. Like Ronan and

Lawrence, Paul explicitly stated that his opinions and understanding have changed over time, in response to specific stimuli and influences, and gaining new knowledge of alternative perspectives. His narrative around what elements were influencing his understanding work to support a notion that these are variable constructs that change over time and adapt to new information. Longitudinal studies have found that attitudes towards sexual violence do change and demonstrate that social circles and parental influence are key in determining moral attitudes and attitudes towards sexual violence more broadly (P. B. Anderson et al., 2021; Grotzinger et al., 2008; Holland et al., 2021; Hou, 2023; Luddy & Thompson, 1997; Syme & Cohn, 2016). What this study adds, however is that these social influences are not only affecting attitudes, but also the underlying construct of non-consensual penetrative sex, especially given that lay theories can be influenced by social circles and influence (Haugen et al., 2018; T. Liu & Damian, 2022).

Like many participants though, Paul did not reference his knowledge of the legal definitions but explored his understanding and awareness of sexual violence more as a social issue of opinion than of legal facts. In doing so, Paul supported the notion that constructs of non-consensual penetrative sex may be separate to knowledge and understanding of the law. While the legal definitions are constant and relatively unchanging, the social issues and debates around non-consensual penetrative sex are changing quickly and are subject to new perspectives and nuances. This would explain the difference between personal and legal constructions of non-consensual penetrative sex, and why – for this sample at least – constructions of non-consensual penetrative sex have become more departed from the legal definitions. Personal constructions of sex and rape can adapt constantly in response to new information, where the legal definitions cannot follow a similar process. This “ever changing” (Lawrence) construct can develop in a similar fashion to lay theories, which change and consolidate in response to new information, supporting a lay theories approach to understanding construction of non-consensual penetrative sex (Furnham, 1988; Harbridge & Furnham, 1991; Haugen et al., 2018; S. R. Levy et al., 2006).

Although most participants explained that their construct of non-consensual penetrative sex had changed over time, there were some who explained they had always held their current opinions. Where Paul explored how his social influences worked to change his understanding and perspectives, Mary explored how her social circles reinforced her perspectives and ideas:

Like, just I think I've become a lot more aware of, you know, how much- how many different kinds of rape and sexual assault there are? It doesn't, they don't all have to look like [the stereotype]. [...] You can kind of exist in a bubble a little bit because you obviously only ever surround yourself with people who have the same opinions as you. So, I know that everyone in my circles would probably have word-for-word like the same definition.

- **Mary**

Mary explained that her opinions have changed over time, but that her social circles and social influence has reinforced an already broad understanding of rape that included object penetration and forced-

to-penetrate cases. She explained that she thought her friends would have exactly the same construction as her, because of a purposeful aim to be around people with similar ideas to her. Given the social influence present in constructing sex, rape and sexual assault, and an already broad concept of rape, this “bubble” of influence has worked to reinforce Mary’s construction of rape and consolidated this (Chang et al., 2022; Holland et al., 2021; Hou, 2023; T. Liu & Damian, 2022). This adds to the previous argument of consolidation of constructs, as well as adaptation and change. Mary explained that as she has become more aware of the realities of sexual violence and how rare stereotypical rapes can be, she has changed her view.

Participants also discussed how a range of factors can influence the interpretations of legal terminology. Where Ronan and Paul discussed how their opinions and interpretations changed with age, the following participants discussed direct effects of demographic variables and key points at which their interpretations changed. Harriet, for example, explained how age and social attitudes can influence more general interpretations of rape and sexual assault:

The weird thing that's not said is a lot of it comes down to age and cultural experiences and political leaning would be my opinion on that. So, you're gonna get a vast difference in opinion. [...] Because actually, what we know is the most vocal of the general public are like, boomers or my parents, or whatever my parents' generation is.

- **Harriet**

Harriet explained that the differences in constructions can be related to generational differences, cultural experiences, and political leaning. She explained that older generations, specifically the baby boomer generation (born 1946-64; Hillman, 2012), would be more likely to have substantially different views of sexual violence compared to younger generations, here meaning that the older generations would be narrower in their thinking than her generation (millennials). Many other participants also shared this understanding of older people being more narrow in their construction and understanding. There is much evidence that suggests older participants, specifically from the Baby Boomers and Generation X are more likely to hold traditional (narrow) views of sex and sexual violence, including holding more rape myths and endorsing stereotypical views of rape (P. B. Anderson et al., 2021; Casey et al., 2017; Gangal et al., 2024; Grotperter et al., 2008; Hillman, 2012; Syme & Cohn, 2016; Walfield, 2021). The distinct generational differences in attitudes and constructions could be representative of a changing zeitgeist on sexual violence, wherein over time the concept of rape and sexual assault have become broader and more inclusive of a range of definitions, supporting a position of concept creep (Gangal et al., 2024; Haslam, 2016; Hillman, 2012; M. J. McGrath et al., 2019; Walfield, 2021). Older generations were exposed to media portrayals and laws that encouraged stereotypical and prototypical views of rape, and as such maintained these views once they were consolidated constructs, even as laws and media became more inclusive of non-stereotypical offences such as forced-to-penetrate and male-victim rape (Hills et al., 2020; Sexual Offences Act, 1956; Sexual Offences Act, 2003).

While many participants discussed individual demographic factors that influenced their opinions, Sacha recognised the interplay of both her sex and age in her construction of non-consensual penetrative sex:

So, I think a lot of it comes from me identifying as a woman and having a lived experience of being a woman and going through teenage and early adult years and starting to understand these sorts of things, and that they even happen point blank, and then understanding the impact of them.

- Sacha

Sacha described a process of maturing as a woman and sees this is a key influence in directing and shaping her construction of sexual offences. She explained that as she grew older, she was exposed to sexual violence and the impact of sexual violence on others which has led her to develop an understanding and awareness. This builds on the aspects of maturity discussed by Ronan and Paul but also adds the context of sex and gender differences in attitudes and constructions of non-consensual penetrative sex. Generally, female participants are more likely to show low rape myth acceptance and endorsement of stereotypes, and more likely to have increased rape victim empathy and are more likely to acknowledge victimisation (Deming et al., 2013; Reed et al., 2020; T. Tobin, 2024; L. C. Wilson & Miller, 2016). This is likely due to female participants being more likely to have experienced sexual violence or receive formal and social education on sexual violence, and therefore be more familiar with the non-stereotypical paradigms and harms associated with sexual violence myths compared to men (Jerman, 2019; Kassing et al., 2005; McMahon & Baker, 2011; Schneider & Hirsch, 2020). As such, female participants are more likely to report broad concepts of sexual violence. In Sacha's description, it is not exclusively sex or age that has shaped her opinion, but a combination and interplay of the two. This additional nuance to the previous findings where participants described sex and age as individual influences, showing that, in Sacha's case, these demographic factors can be seen to mediate the construction process and eventual construct itself.

To build on this, while most participants were under the age of 30, of the two participants who were 50 or over, Lesley (50, female) held a broad lay theory of both sex and rape being contextual, and not necessarily penetrative. Reece (56, male) conversely held a comparatively narrow interpretation of rape being exclusively penetrative sex (but included objects). While not far removed from the mean age of the sample, these two are the best representations of 'older' opinions available in the sample and hold views that somewhat oppose each other. Both Lesley and Reece's definitions would be broad, by current legal standards, but even more so for their generational standard (Gangal et al., 2024; Hills et al., 2020; Sexual Offences Act, 2003; Sexual Offences (Amendment) Act, 1976). Both confirmed that they had held their current constructions of sex and rape since youth, which would likely have been shaped by changing social attitudes towards sex, the LGBTQ+ community, and sexual violence, explaining their broader than expected views of rape (McMahon & Baker, 2011; Rutherford, 2011). Similarly, the combined effect of generational shift and sex may explain the even broader construct held by Lesley (compared to Reece), as Lesley was a

woman and is therefore more likely to have experienced formal/social education and messaging about sexual violence, as Sacha explained (Gangal et al., 2024; Kassing et al., 2005; McMahon & Baker, 2011; Schneider & Hirsch, 2020).

As well as demographic and psychosocial factors, some participants explored how their life experiences and exposure to sexual violence have impacted their attitudes, understanding and ultimately their constructions of non-consensual penetrative sex. Morgan discussed his experience of sexual violence, from both a first-hand and second-hand perspective:

I think [my opinion] probably stems from like, again, like having sisters, having partners that have been raped and everything like that, having – yeah – having probably been sexually, like, forced to do things that really that I didn't want to do.

- **Morgan**

Morgan was vocal about including assault by penetration and forced-to-penetrate within the definition of rape. He explained here that he had a broad construct of rape, encompassing non-consensual penetrative sex, because he has been exposed to a range of sexual violence, and this has broadened his view. His personal experience, and those of his friends and family, have made him reevaluate what he considered rape or sexual assault, and led to him developing a new understanding. This mirrors what we know about lay theories, and how exposure to and experiences of a phenomenon can change how one thinks about and conceptualises it (Busseri & Samani, 2023; Edwards et al., 2016; Karnaze & Levine, 2018; Yeager et al., 2016). Harriet, however, offers an alternative perspective:

That has happened to me. And so, I know what the impact of that is. [...] It's hard to remove myself from it and- but, I know like, for other people, they can get quite-- I know people that have got quite defensive because of it. And they'll go even harder into it. And it makes them kind of advocate for other people harder. Other people will internalize it, and do the opposite and go, "Well, I had that happen to me, and it wasn't [rape], so what you happened to you wasn't [rape]."

- **Harriet**

Harriet stated that her experiences of sexual violence were inextricable from her understanding and concept of rape. But she has spoken to people who fit her construct of victims, but who do not personally acknowledge their victimisation. In this, she has seen people who, after experiencing sexual violence, have altered their definition to exclude their experience, the complete opposite of Harriet and Morgan's accounts. The Match-and-Motivation model of acknowledgement (Peterson & Muehlenhard, 2011; Stubbs, 2013) show that when acknowledging victimisation, the experience cannot only be perceived objectively as rape by the victim, but the victim must also want to recognise themselves as a victim/their assailant as a perpetrator.

In this instance, if the victims Harriet referred to did not recognise their experience as rape/sexual assault, through motivational means, this may have then changed their underlying construct of rape, leading them to then apply this to others' experiences, which has been observed in research defining sex, though not in sexual violence research (Byers et al., 2009; Dardis et al., 2021; Horowitz & Spicer, 2013; Peterson & Muehlenhard, 2007, 2011; Schick et al., 2016; Stubbs, 2013). This may also help to understand the findings of Chapter 4, in which many participants did not acknowledge their victimisation, despite meeting the legal criteria. It may be the case that the victims did not want to view the experience as a crime, or were minimising it, like those who Harriet described were doing.

Some participants also discussed their exposure to sexual violence through media, and how this has influenced their perspectives and constructions, like Reece, who reflected on his accounts of newspaper reports:

I suppose I kind of felt that there was this idea of 'penetration someone's body with a foreign object', that I felt was classified as rape. Because I'm, I'm sure I've come across again, it's as a news report, maybe it's just lazy journalism, but I'm sure I've come across reports of rape being perpetrated by women. And obviously, in which case that doesn't, it doesn't tally with- with this.

- Reece

Reece related his current understanding of rape (which he defined as non-consensual penetrative sex) to the use of the word in media and news outlets. Specifically, he recalled seeing rape used to describe object penetration and offences committed by female perpetrators. Having seen the legal definitions, he then referred to this misuse of legal terminology as being 'lazy journalism'. It is recognised that the word rape is often used as a shorthand for violent or shocking cases of sexual violence, even if legally the perpetrator would be charged with assault by penetration or forced-to-penetrate (Anand, 2022; Augustyn et al., 2024; Rumney & Morgan-Taylor, 1997a, 1997b; Young & Maguire, 2003). This is also similar to victims of assault by penetration who described their experiences as rape to quickly convey the severity or harm inflicted on them (Anand, 2022; Rumney & Morgan-Taylor, 1997a, 1997b; Young & Maguire, 2003).

5.4 Conclusions

5.4.1 Summary of Findings

Across all themes, the present research found that participants' definitions and understanding of non-consensual penetrative sex was frequently misaligned with the legal definitions. Most participants constructed sexual offences into two labels: rape (non-consensual sex) and sexual assault (non-consensual sexual contact, not including sex). A range of definitions of sex were also found, ranging from purely penetrative acts to more contextual definitions that change depending on a situational and personal factors. Justifications for aggregating various offences into a single title of rape were typically focussed on comparing the levels of physical, emotional, and psychological harm associated with each different form of

non-consensual penetrative sex. Most participants felt that the levels of harm inflicted through non-consensual penetrative sex would be similar, and because the behaviours themselves are similar, this justified aggregating all non-consensual penetrative sex into a single offence: rape.

Participants also discussed how their understanding of rape, and sexual violence more broadly, have changed over time and why they think this is. Participants were found to be aware that there were unique and individualised constructs of sexual offending and referred to an understanding of how constructions change over time. They also discussed what could have influenced their constructions, including growing older, gendered experiences, and being exposed to sexual violence as a victim or through media. While these findings are not conclusive, they demonstrate a strong base for continuing research into how people construct and conceptualise sexual violence, and how this may relate to demographic and psychosocial factors.

In exploring how non-consensual penetrative sex is constructed, and how the legal labels are used by members of the public, some of the findings from Chapter 4 have become more clear, though not all. The findings of a general misuse of legal terminology in the context of acknowledgement has been explained by participant's widespread and thorough misunderstanding and misuse of legal terminology throughout this study. As participants held inaccurate definitions of *rape* and *sexual assault*, this could explain why labels were being misused to identify victimisation experiences in Chapter 4. What is unclear, however, is why fewer participants in Chapter 4 were acknowledging *rape* or identifying *assault by penetration* and forced-to-penetrate as *rape*. This study has shown that participants were typically defining rape as any form of penetration or any form of non-consensual sex. As discussed, this would indicate that rape would be over-acknowledged and overused to identify victimisation experiences in Chapter 4, where this was not the case. It could be that due to the specifics of asking participants to reflect on their own experiences, rather than providing definitions out of context, causes a re-evaluation of rape when applied to oneself. This would explain why participants may have a broad concept of rape generally, but not acknowledge their own victimisation, as they may perceive a number of mitigating factors not captured within their underlying definition (Dardis et al., 2021; Holland et al., 2021; Peterson & Muehlenhard, 2004, 2011; Stubbs, 2013).

5.4.2 Contribution and Applications

Building on arguments presented within Chapter 2, the present research has found qualitative evidence that non-consensual penetrative sex is individually constructed and does not necessarily align with legal definitions in a given legislature. The findings add explicit and nuanced support for a constructionist approach to understanding how people understand and perceive sexual violence, as well as presenting the first explicit evidence that these constructs change and adapt over time. The descriptions given by participants show evidence of both lay theories and concept creep as a means to understand why most participants' definitions were broader than the legal definition. With the context of Chapter 4's finding that definitions can be both broad and narrow relative to the legal definitions, lay theories become a more appropriate interpretation. This is especially true given the descriptions from some participants about changing their understanding in response to experiences of sexual violence, causing a re-evaluation of their understanding.

While previous research has explored lay theories and constructions of rape, this study presents the first findings of individual constructions of multiple offences, and using qualitative interviews to explore how these definitions relate to legal definitions and how they change over time (Haugen et al., 2018; Peterson & Muehlenhard, 2004, 2011). Participants also explored their perspectives on how the law should change, and gave justifications for this, focussed on victim harm and behavioural similarities in the offences. Though conducted within a small sample, this provides rich and nuanced data on how participants constructed non-consensual penetrative sex (rape) and explored their perspectives on the legal definitions. Participant perspectives on the legal definitions mirrored arguments from various legal arguments both for and against (though predominantly in favour of) changing the legal definition of *rape* to encompass all acts of non-consensual penetrative sex.

The present study therefore adds qualitative, empirical support for understanding sexual violence as an individualised construct founded on experience and intuition, rather than factual information, much like a lay theory. The findings also support legal arguments for reviewing the Sexual Offences Act (2003), showing public support for changing the laws, albeit within a small sample. Further research to improve understanding of these findings would be needed.

5.4.3 Limitations and Future Research

The present study presents novel and insightful findings concerning the presence and process of constructing non-consensual penetrative sex relative to legal terminology, however there are limits to the design and findings that should be considered. The findings are primarily interpreted to show that individuals construct a concept of rape and sexual assault independently, and that these constructions are misaligned with the legal definitions. However, the commentary on whether these constructions are based in the participants' own understanding and interpretation of the law, or rather just an extant naïveté of the law is limited. That is, rather than representing a true individualised construction, a lack of legal education/knowledge may be influencing the noted differences between legal and personal construction. Indeed, participants continued to endorse their own definitions after seeing the legal definitions. Although this is discussed within some themes, because of the format of the data, it is unclear whether participants understood the law and preferred their initial construct or rather felt the need to defend their construct after realising it was inaccurate to the legal definition. As such, a follow-up study using participants who are known to be familiar with the legal definitions would add valuable context to the current findings.

Secondly, the study was conducted within the legal context of England and Wales and only used participants living within this legislature. As such, caution should be applied when considering these findings in legal contexts where the definitions or language surrounding non-consensual penetrative sex is different to England and Wales. This is especially pertinent in countries where the word 'rape' is completely absent from legislation, or where rape refers to a broader or narrower range of behaviours than in England and Wales. In these contexts, participants' views and constructions of non-consensual penetrative sex may be different, follow unique processes of construction, or have unique influential factors.

Finally, although defined within the aims of the study, the findings here rely on participants' own accounts of their constructions and definitions, and their perspective on how these have developed and changed over time. Given this research is an early and exploratory investigation into constructions of non-consensual penetrative sex, the rich qualitative data provides invaluable insights, however this would be further supported by more implicit research into constructions and applications of terminology and labels.

5.5 Chapter Summary

Building on labelling of non-consensual penetrative sex in the context of acknowledgement, the present study used qualitative interviews to explore public understanding and conceptualisation of non-consensual penetrative sex relative to the Sexual Offences Act (2003) in England and Wales. Findings suggested that the participants, members of the public, typically categorised sexual contact offences into one of two categories: rape (non-consensual sex) and sexual assault (non-consensual sexual touching up to, but not including, sex). This suggests that understanding of penetrative sexual violence is generally individualised and explored the concepts of lay theories and concept creep as potential explanations for the generally broad and inaccurate construction of rape and sexual assault. More research is required in order to further explore this concept and understand how it may apply to more informed groups and develop a research base into whether lay theory model is appropriate for sexual violence research, what factors may influence lay theory construction, and the potential applications of these findings within research and practice.

6 Study 3: “What I think the law says? Or what I think it should say?”: Exploring informed opinions of non-consensual penetrative sex legislation through reflexive thematic analysis.

6.1 Introduction

As has been found in previous literature and this thesis, participants demonstrate varied and individualised constructions of non-consensual penetrative sex, both in how it is defined, and what the terminology means (I. Anderson, 2007; Haugen et al., 2018; Kilimnik et al., 2024; Peterson & Muehlenhard, 2004). Qualitative investigations have found that when participants are asked to define ‘rape,’ answers are varied and rarely align with legal definitions (Haugen et al., 2018; Peterson & Muehlenhard, 2004; see also Chapter 5). These answers usually refer to a generic sample of ‘non-consensual sex’ or may specify acts such as penetration or refer to stereotypical sex roles such as male perpetration or female victimisation (I. Anderson, 2007; Haugen et al., 2018; see also Chapter 5). These definitions, however, are generally inaccurate when compared to legal definitions in several capacities. For example, in Chapter 5 participants generally gave more ambiguous and broader definitions of rape than in the Sexual Offences Act (2003), accounting for other behaviours that legally constitute *assault by penetration* or *causing a person to engage in sexual activity without consent*. Similarly, implicit research into attitudes, acknowledgement, appraisal, and stereotyping of sexual violence has shown that there are differences in conceptual understanding and application of understanding to real and hypothetical scenarios (Deming et al., 2013; Hockett et al., 2016; Milesi et al., 2020; Newins et al., 2018; Reed et al., 2020; Ryan, 2011; Willmott & Widanaralalage, 2024). This is such that participants either cannot consistently identify their own experiences as sexual violence, or those of others, or hold several erroneous or misinformed ideas about what non-consensual penetrative sex is.

As most of the cited research is focused on general public populations, it is unclear whether these findings are borne from a disagreement with the law or a lack of understanding from a limited practical experience of the legal definitions. Given a range of potential implications for misconstructions of non-consensual penetrative sex, as discussed previously, the present study aims to replicate the methods of Chapter 5 with a sample of informed professionals with expertise or experience working with sexual violence. This will help advance understanding of how prior knowledge and experience can influence the content and construction process of definitions of non-consensual penetrative sex, and help clarify whether misconstructions can be attributed to legal naivete or are true differences in construction and definition (relative to the legal definitions). Finally, hearing from professional voices will expand understanding about the prospective implications of changing legal definitions and labels, and of variable definitions within the police, legal, and victim support roles.

Research into professional interactions with sexual violence has found that members of the police, support workers, and judges/jurors may apply their own lenses and understanding of sexual violence, leading

to inconsistencies and issues with trials, support, and investigations (Belyea & Blais, 2023; Berkland et al., 2022; Bumby & Maddox, 1999; Donnelly & Kenyon, 1996; Lorenz et al., 2021; McQueen et al., 2021; O’Neal & Hayes, 2020a, 2020b; Schuller & Hastings, 2002; Sleath & Bull, 2017). These attitudes and constructions lead to victim blaming or disbelief, not pursuing cases, not receiving the right support, or not-guilty verdicts based on personal attitudes and understandings rather than evidence and facts. For example, if, based on their construction of rape and consent, a police officer or crown prosecutor does not recognise marital rape as a crime or considers it less serious than stranger rape, this may influence decisions in their investigation or willingness to pursue charges. Similarly, when disclosing their experiences to a support service or the police, victims who do not conform to stereotypes may not be taken as seriously or may even be dismissed entirely due to individual and structural beliefs about sexual violence (Donnelly & Kenyon, 1996; Holland, 2020; Javaid, 2017b, 2019a; O’Neal & Hayes, 2020a, 2020b). This then has a secondary effect of increasing shame and guilt in victims, reducing the likelihood of future disclosures, and discouraging other victims from reporting to police or seeking help (Elliott et al., 2014; Hester & Lilley, 2017; Lorenz, 2023; Lorenz et al., 2021; Lorenz & Jacobsen, 2021; Moore & Baker, 2018; Pickett et al., 2015).

The present research aims to explore knowledge of and attitudes towards non-consensual penetrative sex within a sample of informed professionals from various fields. In doing so, the following research questions are asked:

- a) How do professionals define and construct non-consensual penetrative sex offences (i.e., *rape*, *assault by penetration*, and *causing sexual activity*)?
- b) How do these constructions and attitudes develop over time, and how is this influenced by professional experiences?
- c) What do professionals think of current legal labels and definitions, and what attitudes do they have around adapting these?

The intent is to further understand how constructions of non-consensual penetrative sex develop, the theoretical implications of individualised constructions, and also how these constructions may influence practice across various fields. Similarly to Chapter 5, this research builds on previous knowledge by adding to the qualitative literature base explicitly exploring constructions and understanding of non-consensual penetrative sex with a group of professionals who would have a greater working knowledge of sexual violence laws than the general public (Chapter 5). Further, the working knowledge of legal systems, criminal behaviour, and victim support may mean that these professionals can give insightful and practical perspectives on the laws, what does or does not work, and how changes in legal definitions or labels may impact practice in various fields.

6.2 Methods

6.2.1 Participants

The sample ($N = 15$) of professionals was recruited from various occupational fields related to sexual violence. The sample was predominantly female ($n = 11$), and age ranged from 24-46 years ($M = 30.93$, $SD = 7.74$). Participants needed to be over 18, fluent in English, and a citizen of the UK (or have settled status). People who were currently working outside of England or Wales were excluded. To qualify for this study, participants also needed to be currently – or have previous experience – working in a field associated with sexual violence. Participants in the sample were sourced from the following fields: forensic psychology (practice; $n = 4$), forensic psychology (research; $n = 3$), sexual violence education ($n = 3$), police and probation ($n = 2$), psychotherapy and counselling ($n = 2$), law (practice and research; $n = 2$) and social services/care ($n = 2$). It was noted that some participants fit into more than one category, due to various experiences and previous roles. For justifications of these inclusion criteria, see Chapter 3. A summary of participant information can be found in *Table 6.a*.

Table 6.a: *Participant information for Chapter 6*

Pseudonym	Gender	Age	Relevant Experience	Current Field
Alicia	Female	25	Trainee Forensic Psychologist	Psychology Practice
Brendan	Male	24	Primary Prevention Volunteer/Legal Scholar	Sexual Violence Education
Cassandra	Female	27	Detective Constable, RASSO	Police/Probation
Francesca	Female	45	Psychotherapist, Sexual Experiences	Psychotherapy
Grace	Female	27	Researcher, Forensic Psychology	Psychology Research
Heather	Female	28	Forensic-Clinical Psychologist	Psychology Practice
Holly	Female	28	Head of Sexual Safety, University	Sexual Violence Education
Kade	Male	26	Researcher, Forensic Psychology	Psychology Research
Katherine	Female	35	Forensic Psychologist	Forensic Psychology Practice
Lilith	Female	23	Primary Prevention Volunteer	Sexual Violence Education
Luna	Female	41	Criminal Solicitor and Legal Advisor	Legal Practice
Peter	Male	39	Psychotherapist, Sexual Experiences	Psychotherapy
Sandra	Female	26	Forensic Psychologist	Forensic Psychology Practice
Saul	Male	24	Probation Officer	Police/Probation
Sophia	Female	46	Social Service Worker, Sexual Violence	Social Services

6.2.2 Procedure

The procedure for this study was almost identical to that of Chapter 5, within which you can find a summary of the procedure, which is explained and justified more thoroughly in Chapter 3. Only the differences and nuances of conducting the research with a professional sample are discussed here.

The sample was recruited via social media advertisements posted to various social media and through existing professional connections through various organisations. Some participants also recommended colleagues who later took part, generating a snowball sample. As with Chapter 5, all potential participants completed a form detailing their eligibility, availability, and contact information. Recruitment took place between June 2022 and December 2023, and participants were entered into a prize draw to win one of two £50 shopping vouchers.

For the current study, the interview schedule (*Appendix E*) had a significant focus on the participants' professional experiences and explored how these related to their knowledge levels, opinions, and perceptions of non-consensual penetrative sex. Similarly, questions about how others may respond to their answers were separated into 'the general public' and 'others in your field' unless the participant had already made this stipulation.

With participants being professionals, some additional ethical considerations were made. Firstly, participants were informed that the interviews were talking about their own personal views and opinions, informed by professional and personal experiences, and that while they could share organisational stances, these were not the focus. To aid with this, participants' employers and associated institutions were shared before the audio recording started and were generalised within the transcript (e.g. "Nottingham Trent University" would become "A UK University"). There was also a distinct possibility that participants could face a conflict of interest between personal and organisational positions, however participants were assured their transcripts would be pseudonymised and that their responses would not be identifiable worked to minimise this risk and ensured they could confidently share their opinions without them reflecting negatively within or beyond the research. Finally, participants who worked directly with victims or perpetrators were asked not to share any identifiable information about any of their clients/service users to protect their client/practitioner privilege.

6.2.3 Data Analysis

Reflexive Thematic Analysis (RTA; Braun & Clarke, 2019, 2021a, 2021b) allows researchers to identify recurring concepts and ideas within participant data and across an entire data set, building a large, rich understanding of the core research questions and related topics (Braun & Clarke, 2006, 2021c). RTA was chosen specifically for this chapter because of the philosophically neutral approach to research, suitability to research questions aiming to understand opinions and attitudes, and the focus on recognising and minimising researcher influence and bias in the analytical process (Braun & Clarke, 2019; Byrne, 2022; Trainor & Bundon, 2021).

RTA follows a six-step process of analysis following data collection (Braun & Clarke, 2021a, 2021c). The familiarisation process took place before data analysis and involved listening to each transcript once before transcribing took place, transcribing the data, and then reading each transcript once before coding. The coding process involved going through each transcript and drawing out the meanings in participants' answers and discussions. Next, initial themes were developed by grouping codes and reviewing the meaning in the participants' responses. Initially, 3 themes (each with up to 3 subthemes) were developed, linking conceptually similar codes into groups. Themes were then discussed with the entire research team, where overlapping themes and content were minimised, and key findings were clarified (summarised in *Table 6.b*). Each theme was summarised narratively and given a conceptual name that represented the core messages and discussions within each theme. A more in-depth discussion of RTA practice and why it was chosen for this study can be found in Chapter 3.

6.2.4 Open Science

This study was pre-registered through the OSF, which can be found here: https://osf.io/qy58h/?view_only=369ed306ec734fb1a2aa3b91b6cbca5e. The pre-registration covers the studies for both Chapters 5 and 6 and contains a planned programme of recruitment, analytical processes, and the interview schedule to be used in both studies. In Chapter 3, there is a description of open science practices, how they were implemented, and why they are important.

6.3 Results and Discussion

From the participant data, two themes (each with two subthemes) were developed and refined. These are summarised in *Table 6.b* and are discussed in detail in the following section.

Table 6.b. *Table of themes for Chapter 6*

Theme	Subthemes
Constructing Non-consensual Penetrative Sex	1. Personal and Professional Understanding, Separation, and Overlap
	2. Understanding Non-consensual Penetrative Sex over Time
Professional Perspectives on Labelling	1. The Power of Labelling Sexual Violence
	2. Legal Labels: To Change or Not to Change

6.3.1 Theme 1: Constructing Non-consensual Penetrative Sex

In aiming to explore how professionals define and understand non-consensual penetrative sex and how these concepts develop, this theme discusses the content and nuance of professional constructions compared to the legal definitions and also their autobiographical account of how and why these opinions developed and changed over time.

6.3.1.1 Subtheme 1 – Personal and Professional Understanding, Separation, and Overlap

During interviews, participants provided a range of definitions of various sexual violence terms, but these predominantly focused on rape and sexual assault. In this, participants discussed both legal and personal definitions of non-consensual penetrative sex offences, with some participants drawing comparisons between legal and personal standards. This subtheme recounts these definitions and explores the implications of differences between legal and personal definitions, and the acknowledgement of these differences, or a lack thereof.

The majority of participants could recite the main components of the legal definitions of rape and sexual assault, but many also described a personal construction or definition that was not accurate to the legal definition:

[Rape] is the penetration by a penis without consent. Oh - of the vagina, anus, or mouth, I think it is. [...] I don't realistically think there's anything wrong with [the legislation]. [...] Obviously, it says by a penis, so theoretically, a woman would never be able to rape, and they are never brought up on that charge. But there are other similar charges, which means they have the same penalties.

- **Brendan**
(Primary Prevention Volunteer/Legal Scholar)

Brendan represents the group of participants that gave a near-perfect account of the current legal definition of rape, demonstrating a good knowledge of the wording and spirit of the law. As Brendan is a legal scholar, he recited the actual law when asked, and did not show individualisation in his construction or understanding. Although he recognised that women cannot be charged with rape, he did not see any reason to alter this, showing both his knowledge of – and underlying agreement with – the law. This therefore indicates that his understanding is founded in his education and knowledge, not experience or intuition.

Conversely, Francesca represents the group of participants that, when asked, gave incorrect or ambiguous definitions of rape (i.e., not accurate to the legal definition).

[Rape] is anything – finger, penis, object – into any orifice – mouth, anus, vagina, nose, ear – anything in my body, I didn't ask for, get out. [...] you could rape someone's mouth by kissing them with their tongue.

- **Francesca**
(Psychotherapist)

Francesca stated that she understands rape to be any form of penetration by any means. While a range of different definitions were given by this latter group, the most common was that rape is any form of penetration and often included behaviours that would be tried as *assault by penetration* or *causing sexual activity* under current law. Being a therapist focusing on sexual issues (victimisation, gender, sexuality),

Francesca would have had some awareness of the legal definitions, yet her definition is inaccurate, showing that her knowledge is not the only factor contributing to her construction of rape.

This mirrors findings from Chapter 5 in which members of the public also gave a range of definitions, but where the public more relied on ambiguous terms of ‘non-consensual sex,’ the professionals related rape to more tangible and measurable actions, namely penetration. This also aligns with findings from Haugen et al. (2018) and Peterson and Muchlenhard (2004), in which a range of definitions were given to define rape, and varied in their legal accuracy, both in the actions involved, and who can commit or be a victim of rape. The more tangible and objective measures of behaviours presented by professionals indicate a more considered opinion rooted in the practicality of the law, rather than using the law to present a moral case, e.g. for equality. This difference in understanding between the accurate and inaccurate group may be indicative of a variance in their concept of what rape is, and how this is informed. That is, the participants in the sample demonstrated that they have varied understanding of the underlying concept of rape, and this individualisation supports a constructivist model (lay theories, concept creep), however, it may, more simply, demonstrate a difference in the knowledge and familiarity with the law (Haslam, 2016; Haugen et al., 2018; M. J. McGrath et al., 2019; Peterson & Muehlenhard, 2004). This difference in perspective may stem from a difference in the experiences, training, and education associated with their role, being either law-centric or behaviour-centric, or something in between. This will be further explored later.

While the majority of participants gave inaccurate definitions of rape, some participants presented their definitions as fact, and others explicitly separated their understanding of what rape is in the law and what rape means to them:

Rape is essentially the non-consensual penetration of a penis into a-- into a vagina, which always used to bug [annoy] me [...] I forgot about oral sex being one of them, and anus, [...] I would say the definition should be, it's where anybody is forced to partake in a sexual act that includes a form of penetration, and I would also consider oral sex, part of that definition. And obviously, in the incidence of say it was a female offending against a male.

- **Alicia**
(Trainee Forensic Psychologist)

So that, for me-- I think I'm aligned possibly with the law, in that, for me, rape would be kind of an insertion of something, not necessarily a body part, you know, it could be an object, into someone, you know?

- **Sandra**
(Forensic Psychologist)

Both Sandra and Alicia presented near-identical definitions of rape, but where Sandra presented hers as the correct, current legal definition (i.e., that she was “aligned possibly with the law”), Alicia recalled the legal definition as being distinct from her own. Alicia correctly recalled that the legal definition of rape is limited to penile penetration, and though admitted she had forgotten that anal and oral penetration are also

rape. She then asserted that she would define rape personally as “*a sexual act that includes a form of penetration.*” Alternatively, Sandra explicitly stated that she thought the law was defined as any form of penetration, including objects.

Given the previous finding indicating a varied and individualised understanding of sexual offence law, this second finding indicates that this individualisation could be explained by a gap in participant knowledge and understanding or an active, intentional separation of participants’ personal and legal definitions. This would imply that knowing a legal definition is not enough to supersede personal definitions. As such, the findings show that there are some participants (predominantly law and police roles) who based their perspective on what rape is entirely on their knowledge of the law (accurate definition); participants who based constructions entirely on experience and intuition which they believed to be correct (inaccurate-unaware); and finally, there are those who knew the legal definition, but hold a personal construction, which they believed to be a more reasonable or practical alternative (inaccurate-aware).

This finding is not reflected in any literature, as research into defining rape (or equivalent definitions) has not presented findings that allow for understanding potential limits to participants’ knowledge, or if there is potential for one person to hold multiple definitions of rape (i.e. a professional and personal definition; Haugen et al., 2018; Peterson & Muehlenhard, 2004, 2011). In similar research of quantitative surveys, it is assumed that the definitions given are participants’ current understanding of the law rather than a personal, inaccurate definition (Haugen et al., 2018; Peterson & Muehlenhard, 2004, 2011). While these findings support the notion that inaccurate understanding of law can explain differences in definition, the findings also suggest that there may not be a difference between legal and personal definitions, or that any differences are sometimes recognised and understood by the participant. Similarly, research into acknowledgement tends to overlook the notion that unacknowledged victims could simply not know or be aware of the law but rather presume there is some attitudinal or personal bias against recognising the event as sexually violent (LeMaire et al., 2016; Orchowski et al., 2013; Osman, 2023b; L. C. Wilson & Miller, 2016), with the exception being research in the Match-and-Motivation Model (Peterson & Muehlenhard, 2004, 2011; Stubbs, 2013). The present findings, along with those in Chapters 4 and 5, however, indicate that a lack of understanding may be common, and could influence perceptions and acknowledgement of sexual violence. Although, the findings of Chapter 4 would contradict those of Chapter 5, as non-acknowledgement would represent a narrow concept of sexual offence laws, where the findings from the present study and Chapter 5 show a broad concept of sexual offence laws. Both narrow and broad concepts are still inaccurate, however, albeit in different ways.

One participant, Heather, explicitly addressed this finding that there are individualised concepts of what rape is, and how these may differ from the legal definitions:

So legally, an act of rape might- might be conceptualised legally as rape, or somebody might not experience that as rape is because of their understanding of what consent is, what their understanding of the legislation surrounding sexual offences [...] So, two people, for

example, could experience the same situation, and one might think "that's normal, or that that's maybe not okay, but not serious enough to- to want to go to the police about," for example, and somebody else might think, "actually, no, that's crossed a boundary"

- Heather
(Forensic-Clinical Psychologist)

Here, Heather explicitly stated that people may have a unique, individualised understanding of legal terminology – and consequently a different concept of rape – and that these may differ from the law. Heather described a situation in which a person could legally be considered a rape victim, but may not recognise the event as rape, because of a disparity in personal understanding of the terminology and/or their interpretation of the event itself. In this way, Heather demonstrated the potential harm of variable and individualised concepts of rape not reflecting the legal definitions: a victim's interpretation of an event needs to align with the personal and legal definition to acknowledge (consistent with the Match-and-Motivation model of acknowledgement; Peterson & Muehlenhard, 2011). Further, research has consistently shown that individuals whose experiences of rape do not match their definition of rape or do not meet their threshold of being “*serious enough*” (Heather) are less likely to seek support, disclose, or report to the police (A. C. Graham et al., 2021; Holland et al., 2021; LeMaire et al., 2016; Peterson & Muehlenhard, 2011). As such, the findings demonstrate individualised constructions, supporting a constructionist view of sex offence conceptualisation, but also shows that participants recognised this individualisation and its potential effects.

Beyond discussing their own definitions and perspectives, participants also discussed the perceived views and understanding of the general public compared to more informed groups.

I feel like a lot of people would generally be surprised by [the rape definition]. I mean, that's literally one of the first things I said, I think if you ask any person on the street 'what does rape mean?' they will say, 'not have consent,' they will not specify that. I think even if you ask for a more detailed answer than the generic, I think they would maybe say, 'not have consent, but also, it might have to be penetrative.' But I don't think they would be going to specify that gendered element.

- Grace
(Researcher, Forensic Psychology)

Grace indicated that she felt the general public would have less awareness of the legal definitions, to the point that they would be “surprised” to read the legal definitions, and that they would give vague and ambiguous answers when asked what rape is. Grace presumed their lower awareness would result in a broader definition being used to describe any non-consensual penetrative sex, which would be similar to the lay theory conceptualisation of understanding sexual violence (Dakin et al., 2023; Haslam, 2016; M. J. McGrath et al., 2019).

Sophia presents a different perspective, however:

The general public [...] will believe these idea of 'incitement' [sic] of the female wearing short skirts, and you know, that 'stranger danger' type of myth. So, the- the people, the public is still embedded in those myths.

- **Sophia**
(Social Service Worker)

Sophia spoke about the public understanding of rape as a concept, rather than a law, and believed that rape myths and stereotypes would be more common among the public than professionals. Sophia presumed that the reduced level of experience in the public would mean they may rely on stereotypes and cultural messaging (rape myths, 'stranger danger') to form their underlying concept of what rape is, resulting in a narrower understanding of rape, specifically about victim-blaming behaviours: "wearing short skirts" as 'inciting' violence (Grubb & Turner, 2012; McKimmie et al., 2013; O'Neal & Hayes, 2020a).

In doing so, Grace and Sophia present contradictory accounts of the general public. These two perspectives implicitly refer to the process of both concept creep and lay theory development (Cascardi & Brown, 2016; Furnham, 1988; Haslam, 2016; S. R. Levy et al., 2006). Both Grace and Sophia refer to a process of building a concept of rape that is not based on knowledge, but either exposure (stereotypes, social messaging), intuition (similar behaviour, same crime), or experience (victimisation). But where concept creep would only explain the broadening of definitions over time, through using linguistic adaptation and shortcuts, lay theories would apply to both broadened and narrowed understanding, depending on the specific circumstances of the individual (Cascardi & Brown, 2016; Haslam, 2016; Haugen et al., 2018; S. R. Levy et al., 2006). It is then noteworthy that the findings of definitions are very similar between the professional and public samples (Chapter 5). In both, the most common definition of rape given was non-consensual penetration of any orifice by a body part or object, and in both this study and Chapter 5 some participants could give accurate legal definitions and present separate personal definitions. This demonstrates further that, in these samples, having knowledge and understanding of the 'correct' definition does not necessitate an agreement with this conceptualisation and does not hinder the development of a lay theory.

In summary, the majority of participants in the sample held a personal definition of rape that was usually defined as non-consensual penetration of the anus, mouth, or vagina by an object or body part. This definition did not distinguish perpetrator-penetration from victim-penetration. There was a difference between the presentation of this personal definition in whether it was presented as the legal definition, or an alternative thereto. The uniqueness of each definition and the presence of three distinct categories of definition within the sample suggest that there are multiple pathways to developing one's definition. These are summarised as: accurate understanding (develops an understanding of rape based on the knowledge and experience of law); inaccurate-aware (develops an understanding of rape based on knowledge and experience to develop an understanding of rape based on their understanding); and inaccurate-unaware (develops an understanding of rape law based on their experiences, perspectives and inference).

6.3.1.2 Subtheme 2 – Understanding Non-consensual Penetrative Sex Over Time

Most participants in the sample explained that while they were assured of their current beliefs and definitions of non-consensual penetrative sex, many had not always held these beliefs, and described a range of changes over their lifespan. This subtheme explores these changes, how they came to be, and what influenced them.

Some participants in the sample explained how their understanding and perspective on sexual violence has changed over time, including their personal and individualised definitions of rape or non-consensual penetrative sex.

Up until I started university, I probably held most of the beliefs and stereotypes that are traditionally associated with rape. [...] hell, I probably would have scored somewhere in the higher range in a rape myth acceptance scale. Education – that made the difference, really, talking to- talking to people, reading about it, learning the effects of- learning more about rape.

- **Kade**
(Researcher, Forensic Psychology)

Kade described a drastic shift away from offence-supportive beliefs (rape myths) towards a more victim-empathetic attitude as he gained perspective on the harms and realities of sexual violence. Kade explained that before starting university, he had a high rape myth acceptance, but his perspective changed as he became more aware of the realities of sexual violence and developed a more realistic and rounded understanding of sexual violence. As such, although founded on knowledge, his experience and exposure to sexual violence research played an active role in developing his construction of rape, leading to reduced stereotyping and a broad construction of rape.

Saul similarly described the process of taking the issue of sexual violence more seriously, listening to the perspective of women and unlearning social patterns of perpetrator denial:

I was still raised on that whole, you know, boys vs girls mentality, and it was almost like, you know, you'd kind of stick up for your 'team', almost when you heard people be the whole like, "Oh, men are rapists; men are kind of bad," you'd almost immediately your gut reaction is almost, kind of, like defend your team almost [...] you immediately sort of be like, "well, no, because I'm not like that," [...] there's no kind of attempting to understand the perspective of someone else. Obviously, these are all very adult concepts that we're not really used to dealing with.

- **Saul**
(Probation Officer)

Saul described how his original understanding of sexual violence was not well developed, based on instinctive and reactionary arguments. Saul explored how he and many others develop a perspective and

attitudes towards sexual violence before they are mature enough to fully understand the concepts and issues. As Saul matured and became exposed to alternative perspectives and heard of others' experiences of sexual violence, he became more aware of the harms experienced by sexual violence victims. In this way, both Saul and Kade explain that gaining a wider perspective on sexual violence, through education, maturing, and understanding the experience of sexual violence, drove them away from stereotyped understanding and towards a broader construct of sexual violence, specifically rape. Both Kade and Saul's accounts refer to the changeability of one's perspective, and support concept creep and lay theory interpretations of construction, as both describe changes in perspective following exposure to new information and experiences (Cascardi & Brown, 2016; Haslam, 2016; Haugen et al., 2018; S. R. Levy et al., 2006).

Unlike Kade and Saul, not all participants discussed such significant changes in their perspectives. Some, like Francesca, explained that her perspective did not change, but instead got stronger:

I knew from very early on that- that society's perception of all of this is wrong. They have got it so wrong, that we are getting in the way of survivors getting proper witnessing, and healing and prevention actually [participant emphasis] happening. And so really, it's sort of like a tea. I put my bag in straightaway, and it's just got stronger and stronger and stronger and I'm just like, some really strong cup of tea

- **Francesca**
(Psychotherapist)

Francesca's extract here references her perception of the impact of non-consensual penetrative sex as being separated by law, stating that she has always known that dividing victims has been harmful and a barrier to victims reaching support and healing from their experience, an opinion which has grown stronger through her professional career as a sex-focused therapist. In her experience, her perspective and understanding have never changed, but instead have been affirmed and consolidated over time, comparing her opinions to a cup of tea which grows stronger as it steeps. In this instance, her opinions have not changed in response to experience or exposure to sexual violence but rather have been reinforced.

Grace held a similar account of how her opinions have developed, but not changed, over time:

I feel like my opinions are still the same. [...] This is very long time ago - but I literally remember being on a school bus and having this debate – even before I was even at university – about male rape. And I remember having boys saying, "Oh, but no, can't be raped." And I was like, "no, they can," but I didn't know the arguments then because I didn't know anything. I do remember where I got the idea from though, and it was Desperate Housewives [...] there was an episode where I believe the guy-- a man is raped by a female because she needed to get pregnant by him

- **Grace**
(Researcher, Forensic Psychology)

Grace indicated that her opinion – that rape should include forced-to-penetrate – had not changed or become more strong. Instead, her education and understanding of her own opinions have improved, and she now understands “*the arguments*” – referring to an ability to verbalise her opinion assertively or gaining knowledge to understand and debate her perspective. Grace explained that it is not her perspective that has changed, but that she now understands her opinions more. That is, rather than her perspective becoming stronger, her opinion that all non-consensual penetrative sex is equal has become clearer. It is especially pertinent here that Grace recognises that her perspectives are only her opinions and explicitly states that there are arguments to be had around the consolidation of non-consensual penetrative sexual offences. This further demonstrates the difference between inaccurate but aware participants versus inaccurate but unaware participants discussed earlier in that some participants are aware their opinions do not align with the law, whereas others do not recognise this distinction.

Francesca and Grace offer distinct perspectives on the same phenomenon of consolidation of their intuitive understanding of non-consensual penetrative sex. In all instances where participants did not recall a change in their understanding or perspectives, they reported that their professional or educational experience supported their extant understanding, and therefore worked to clarify, consolidate, and strengthen it. This both went for people who had more inclusive perspectives of rape and those who had legally accurate definitions. The gradual change described by some participants and the consolidation of extant attitudes and concepts described by others are indicative features of a lay theoretical approach. While concept creep is more directly applicable in understanding how Kade and Saul’s understandings have broadened, it could also explain why Francesca, Grace, and Peter have not changed, as the participants with changed constructions all started with narrow constructs, where the people who demonstrated no change had broad constructions. As such, it may be that those with narrow constructions crept – became broader – while those with broad constructions had much less capacity to creep to make their construct broader, so showed no creep (Furedi, 2016; Haslam, 2016; M. J. McGrath et al., 2019). However, lay theories may be a stronger and more direct explanation. As lay theories do not necessarily have to change in response to new experience and information, as well as generally over time, lay theories can account for this consolidation and clarification of constructions (Busseri & Samani, 2019; Furnham, 1988; Harbridge & Furnham, 1991; Haugen et al., 2018; S. R. Levy et al., 2006). If new experiences do not conflict with extant lay theories, they may just get stronger, more clear, or more nuanced (Busseri & Samani, 2019; Furnham, 1988; Harbridge & Furnham, 1991; Haugen et al., 2018; S. R. Levy et al., 2006). As well as the process through which their understanding developed, participants also discussed a range of factors that they felt were influential in developing their understanding, the most frequently discussed of which being their employment and professional experiences:

My definitions of things and how I feel about things are really shaped by my work with sexual violence survivors. And then, kind of, subsequent work, kind of, in strategy. But I always do think that there is room for- for movement, [...] I haven't seen everything and anything, I haven't spoken to survivors of all forms of sexual violence.

Holly explained that working with victims who experienced a range of abuses made her more aware of the types of abuse that can occur and how inaccurate stereotypes can be, and while she recognises that she has not encountered victims of other sexual offences (e.g., forced-to-penetrate), she is now much more open to the concepts and sees the potential harm to victims. As such, her construction has become more broad as her work has exposed her to more varied victims with unique circumstances. She also recognises that her knowledge and understanding are currently limited by her experience, by implying that she has not considered all types of sexual violence, because she has not met every type of victim, showing an awareness that her understanding and knowledge is founded in and limited by her experience(s).

Sandra also reflects on how her understanding has changed as she moved between roles supporting two different populations:

If you'd have asked me this a few years ago, when I'd worked at the female service, I would have said it would be the male that was the perpetrator, and it would be the female that would be the victim. And, you know, if someone said, 'What's rape?' I probably would have said, you know, 'a man raping a woman,' [...] however, now that I work here and I work with males and nearly all of them are perpetrators, but were also victims first, [...] I would see men and women equally as victims.

- **Sandra**
(Forensic Psychologist)

Sandra specifically referenced how she previously did not consider the potential for male victims of sexual violence, but after working with many males who were both victims and perpetrators, this has shifted her understanding. Similar to Holly, Sandra's understanding grew as she was exposed to new realities of sexual violence, such that working exclusively with female victims facilitated a naiveté to male victimisation, but as she gained experience working with male victims, she realised it was both possible and somewhat common. She also referenced how she feels her understanding has broadened over time, and how this has specifically changed her construction of rape, which now accounts for male victims and female perpetrators.

Overall, participants discussed how working in close proximity with both victims and perpetrators of sexual violence has increased their awareness of the range of abuse that occurs within the sexual violence umbrella. As such, they have generally come to hold a less specific concept of rape, which includes a range of behaviours most commonly including all forms of vaginal and anal penetration by objects and body parts. This experience, however, did also work to dispel certain misconceptions that were held; for example, Sandra explained that she used to believe only women were victims, but after working with male perpetrators, she realised many were both victims and perpetrators. Therefore, these professional experiences

may not only influence the development of the underlying concept of rape, but also their general attitudes towards sexual violence, including rape myths and victim attitudes.

6.3.2 Theme 2: Professional Perspectives on Labelling

As well as exploring professional constructions of non-consensual penetrative sex, the current research aimed to understand professional perspectives on legal language and terminology. This included exploring whether constructions and perspectives could change, why they felt language and law should be maintained or adapted, and what potential outcomes each path would have for victims, perpetrators, and services. The present theme explores the varying perspectives discussed by participants in both of these lines of enquiry.

6.3.2.1 Subtheme 1 – The Power of Labelling Sexual Violence

Many professionals in the sample discussed the implicit power that a label can have, legally, socially, and personally. They discussed the potential impact of separating and combining sexual offences, precluding some behaviours from certain labels etc. This subtheme explores the proposed implications of separating offences with different labels.

Some participants explored the potential impact of the current labels and their definitions beyond the legal system. For example, some participants, like Saul, proposed that the current approach of segmenting different behaviours based on a perceived (but not actual) difference in severity may influence public attitudes and stereotypes of sexual violence:

I think rape is kind of almost viewed as the worst offence. [...] I think it's widely regarded as a more serious offence. Which I don't agree with, but I think that's probably why [forced-to-penetrate] is viewed as [less severe], you know, in the same way as if it's with anything other than a body part [...], if men are the victims by their female partners [...] so, I think as an offence, this will maybe not be taken as seriously.

- Saul
(Probation Officer)

Saul described how the offences of *rape*, *assault by penetration* and forced-to-penetrate are, in his opinion, of equal severity and inflict comparable harm on the victim. Yet the social and linguistic connotations of the word 'rape', mean it is treated as more severe than *assault by penetration* and forced-to-penetrate, despite technical legal equality. In stating this, Saul recognises the power of a label as a cognitive tool to assess and categorise offences in a hierarchy of harm, wherein rape is seen as more severe than other forms of non-consensual penetrative sex, despite having similar outcomes for victims, because of the cultural significance of the word rape (Berkland et al., 2022; Maher, 2022; Warburton, 2004).

Grace also explored the importance of labelling, but focused on the victims' experience, rather than the connotation of severity and harm:

I still feel like it's unnecessary to make [causing sexual activity] a separate category, because I still feel like it kind of takes away a little bit from the victim experience. Like, I think what I kind of pick up on from my research is how important language is, and how important it is for people to identify with the labels that they are given. And it's like, "okay, well, you're not a rape victim, you're a- a person who engage in sexual activity without consent." I know, it's the same thing, I know that, but I-- like it kind of feels different.

- **Grace**
(Researcher, Forensic Psychology)

Grace explained how language is important when talking to victims about sexual violence. She stated that excluding certain groups from being able to use the rape victim label can minimise victim experiences despite the offences being “*the same thing*.” She concluded that the compartmentalisation of the offences is “*unnecessary*,” (Grace). Grace specifically commented on how the difference in labelling may only be nominal, the offences more broadly being comparable, but she explained that this difference in nomenclature makes the offences feel different, due to the different connotations of the labels themselves. This, in turn, minimises victim harm which can lead to more issues for the victim such as increased self-blame and decreased likelihood of reporting and help-seeking (Holland et al., 2021; O’Callaghan et al., 2022; Sigurvinsdottir et al., 2020).

Grace and Saul both commented, individually, on the notion that the separation of similar offences and differences in the social weight and connotations of the labels might affect how the offences are perceived. For example, building on Saul and Grace’s points, Lilith and Holly discussed why the difference in perceived severity between rape and other forms of non-consensual penetrative sex may be harmful:

I feel like the phrase 'rape' carries a-- carries more seriousness in society, rather than saying, 'Oh, well, I was sexually assaulted.' A lot of people start to then downgrade what it was, just because it wasn't, you know, a penis and a vagina. [...] I don't think that they realise the effect it can have on a victim [...] they would start to potentially retract what they said, [...] 'Oh, I took it back, because they said it wasn't rape, and I don't feel like that's serious enough, now.'

- **Lilith**
(Primary Prevention Volunteer)

Lilith described how the current definition of rape can be seen to minimise and dismiss experiences of non-consensual penetrative sex that victims consider to be just as harmful as rape, especially for victim-perpetrator dyads where penile penetration is not present. Lilith suggested that this implicit and nominal minimisation of other experiences may lead to victims doubting their experience, not seeking support, and even retracting police reports, which is supported by research findings. This has also been supported within previous research that has shown minimisation/normalisation decreases reporting and help-seeking, and can

also lead to self-blame, guilt, or discouraging other victims from reporting (Fleming & Muscari, 2021; Lorenz et al., 2021; Lorenz & Jacobsen, 2021; Moore & Baker, 2018; Stubbs, 2013, 2013).

Holly added to this:

From working with survivors and victims, like whether it's a penis, whether it's a finger, whether it's an object, they all still have the same outcome, they also have the same impact on the person. [...] I think it's so focused on the kind of legalities and the technicality of like what the offence is, it doesn't really take into account the impact on the survivor [...] I think it minimises these types of crimes. And it kind of feeds into a lot of the stigma that a lot of victims and survivors have, that if it's not rape by a penis, in a, you know, a very, kind of, typical rape-trauma scene, that it doesn't count as sexual violence at all, or it's not, like, as bad but it is.

- **Holly**
(Head of University Sexual Safety)

Holly explained that all victims experience similar harm and outcomes from any form of non-consensual penetrative sex, but the separation of *rape* from other similar offences works to minimise or dismiss the experience of *assault by penetration* or *causing sexual activity*. Holly also did not like that the current law centres the behaviours of a crime rather than focussing on the victim and the harm enacted, which are the same across offences. This perspective was rooted, both for Holly and for other participants, in the idea that the responses to disclosure and perceived harm, are founded on the label being given to the crime, rather than the behaviours. It speaks to the use of labels as a cognitive shortcut to understanding a person's experience, wherein *rape* is the most serious and *assault by penetration*, *sexual assault*, and *causing a person to engage in sexual activity without consent* are put below these in a hierarchy. As such, anything that is not *rape* is seen as being less serious or not severe enough to "count as sexual violence," (Holly). As such, the role of the label in this instance is to provide a template wherein a person can quickly communicate a level of harm felt by a victim, but this perceived harm does not always align with the legal definitions, creating a false hierarchy. A difference between this perceived harm (identifying as a rape victim) and legal definitions (meeting the legal requirements) can make victims feel dismissed and minimised, as their personal understanding of the harm is linked to their understanding of rape, but are then felt to be minimised when their experiences are given a less serious label (Dardis et al., 2021; Holland et al., 2021; I. Levy & Eckhaus, 2020; Lorenz & Jacobsen, 2021; Willis, 2018).

Lilith also discussed how a difference in labels can impact perceptions of perpetrators as well as victims:

I feel like the sentence would differ. [...] Do offenders who get sentenced with assault by penetration receive the same as someone who would get raped? Stereotypically, I would think they would get less. I would think that there're the requirements of them to report after they're

released on the register requirements (the sex offender register requirements) it might be less as well, because, again, so typically, the higher offence is rape, the- the worst one is rape, so anything below that I feel like is, "oh, well, it's at least it wasn't that [rape]"

- **Lilith**
(Primary Prevention Volunteer)

Lilith explained that a natural hierarchy presented with the labels for non-consensual penetrative sex may create a difference in the sentencing of perpetrators and their post-offence requirements (i.e. registration). With this comes a perceived difference in the harm inflicted and the perceived danger of the perpetrator in society, where people who commit *rape* would be more dangerous than those committing *assault by penetration* or *causing a person to engage in sexual activity without consent*. Therefore, by creating this false hierarchy, this may have an impact on sentencing and social perceptions of the perpetrator such that they receive reduced sentences, and have reduced registration requirements if one commits *rape* rather than *assault by penetration*, when they have similar impact on the victim(s) compared to rape (Morgan & Long, 2018; Waterhouse et al., 2016; Weare, 2021a, 2021b).

Sandra also discussed how language can also impact perceptions of perpetrator(s):

If I was speaking someone, and they said that they'd been raped versus they said they've been assaulted, you know I would-- maybe you would look at that differently [...] and then the perpetrator, I think they would be looked on as not as bad if it if they were convicted of assault rather than rape. Because naturally - I'm doing it already - you shorten 'assault by penetration' to 'assault' so then you're- you're losing, you know, the rest of it.

- **Sandra**
(Forensic Psychologist)

Sandra suggested that the different connotations of the offence titles (*rape* vs *assault by penetration* vs *causing sexual activity*) lead to a natural hierarchy of perceived severity, where the perpetrators of non-rape offences are naturally seen as “not as bad,” and the victims are seen “differently” to those of *rape*. This perspective was held by a number of participants, and links to previous literature that found *rape* is often perceived to be a more serious offence than most other crimes, including non-sexual offences (Berkland et al., 2022; Holland et al., 2021; I. Levy & Eckhaus, 2020). This is further reflected in a range of research showing that perceptions of a crime’s severity and labelling can influence judgement, acknowledgement, reporting, investigation, and juror verdicts, which can often be linked to the terminology used to describe it and perceptions of severity (A. Anderson et al., 2018; Berkland et al., 2022; Bumby & Maddox, 1999; Duncan, 2022; O’Neal & Hayes, 2020a, 2020b; Wayne et al., 2001).

Across these two findings, it is clear that the participants felt the labelling of sexual violence holds power over the perceptions of the offence, such that rape was held on a pedestal, where anything else is less serious: “*the worst one is rape, so anything below that I feel like is, "oh, well, it's at least it wasn't that,"*” (Lilith). This aligns with research findings that demonstrate that *rape* is often perceived as being the most

serious offence because of the power of the word itself, and that people often use rape to describe severely traumatic sexual offences despite not meeting the legal criteria for this designation (Berkland et al., 2022; Maher, 2022; Weare, 2018b). This also aligns with previous findings that some sexual offences are treated less seriously or more likely to be disbelieved by police officers, such as male-victim *rape*, *sexual assault*, *forced-to-penetrate*, and *assault by penetration* (Elliott et al., 2014; Javaid, 2015b, 2017b; McQueen et al., 2021).

Some participants also spoke about the influence of stereotypes and myths on more general perceptions of sexual violence:

There are judges out there that have made deeply inappropriate comments, certainly, in regards to male victims of sexual abuse [...] for example, judges have made comments such as you know, "what- what- what- what male would turn down such an attractive offer?" "If you'd have been a man, I'd have sentenced you for longer." So, there's all sorts of issues there. So, the question is, "how are judges, how are they been informed? What ideologies do they have? What sort of thinking styles do they have? And how does that affect their ability to, you know, pass down sentencing?" And it's the same with- with juries.

- **Peter**
(Psychotherapist)

Peter explained that judges and juries may hold rape myths around male victimisation being less serious, or even that men cannot be victims. Consequently, because male victims of female perpetrators cannot be rape victims under the law, they are more likely to be subject to victim-negative or perpetrator-supportive views. Peter also validated the perspective of Lilith above, in that perpetrators of these 'less serious' crimes may receive reduced sentences by virtue of perceptions of the offence rather than its actual harm. Saul discussed these same myths:

It doesn't necessarily matter which side, you know, who's penetrating who, it's still forced penetration. [...] there are those sort of people out there who were the - and I'm sort of generalising here - but there are groups of people who say, for example, how when it comes to females sexually assaulting children, they're like, "Oh, well, you know, they'd love it. Like, guys love having sex, why would they view that as a bad thing?" So, you know, "they should just be lucky they're getting it."

- **Saul**
(Probation Officer)

Saul explained that female-perpetrated offences are seen as being less harmful because of myths surrounding male victimisation. In this way, Peter and Saul present an alternative perspective that it is not the labels that influence a difference in perceived severity, but rather stereotyping of victims, perpetrators, and offences as well as difference in the understanding thereof. That is, rape myths and stereotypes work to uphold *rape* as the most serious offence, rather than the word 'rape' itself – offence labelling is less

influential than the perceptions of female perpetrators and male victims. Previous research routinely finds the presence of a myth that men should always be open to sex, and that women initiating sexual activity should always be accepted (Ahmad et al., 2022; Davies et al., 2012; Walfield, 2021; Willmott & Widanaralalage, 2024). These myths work to downplay the offences of *assault by penetration* and *causing sexual activity* which are more commonly enacted by female perpetrators against male victims, rather than *rape* which is stereotypically seen to be enacted by male perpetrators against female victims, and indeed cannot be committed by female perpetrators (Donnelly & Kenyon, 1996; Walfield, 2021; Weare, 2018b; Willmott & Widanaralalage, 2024).

The majority of participants indicated that they felt there was a widespread difference in the perceptions of the different offences that constitute non-consensual penetrative sex, such that *rape* is the most serious offence and *assault by penetration* and *causing a person to engage in sexual activity without consent* are below this. While some participants attributed this to a difference in labels, others attributed it to perceptions, myths, and stereotypes of victims and perpetrators. From these findings, it is unclear which of these is true, or if there is an actual difference in the severity of the behaviours themselves. As stated, this perception of *rape* being seen as the more serious offence, despite comparable behaviours and harm, is reflected in a range of literature that shows that rape cases (especially prototypical) garner different responses from the police, jurors, and the wider public (Davies et al., 2009; Javaid, 2015b; Sleath & Bull, 2017; St. George & Spohn, 2018; Wayne et al., 2001). While participants agreed that the word rape was seen to have a macabre grandeur to it – hence the pedestal – the participants disagreed on whether this was due to the perception of the word itself or perceptions of the prototypical behaviours, myths, and victims/perpetrators (Berkland et al., 2022; Warburton, 2004). While this may seem like an arbitrary distinction, there is a practical consideration in how these perceptions are addressed: through education, training, or awareness programmes; or by legal reformation of the offences. This latter perspective is addressed in the following subtheme.

The overarching argument presented here was between participant perspectives over the intended and actual function and impact of labels. But, while most described a negative actual impact of labels in the treatment of victims and perpetrators, a minority of participants felt there was minimal impact, if any, because the labels and definitions are intended to be functional, and any social connotations are secondary to its function:

I didn't really consider it much before because I think society already does call out women for rape, even though they can't technically commit it. [...] Once you explain it to people, I think they go, "yeah, cool. [forced-to-penetrate is] the same offence, the same sentence for another offence, not really a problem." [...] I think the offence itself the actual act, does exactly what it should be doing: it prevents and deters, and that's good.

- **Brendan**
(Primary Prevention Volunteer/Legal Scholar)

Brendan explained that because the laws work, and that the offences are procedurally equal (have the same maximal sentence, up to life imprisonment), there is no actual harm presented by a difference in labelling. This perspective however is somewhat naïve to the idea that people will naturally tier the offences based on stereotypes and presumptions, and also does not account for the variance in understanding and definitions applied to the labels (as discussed in theme 1 and Chapter 5). Similarly, while the offences do share a maximal sentence (life imprisonment), the sentencing guidelines for *rape*, *assault by penetration*, and *causing a person to engage in sexual activity without consent* are not the same. The sentencing guidelines for *causing a person to engage in sexual activity without consent* and *assault by penetration* state that more aggravating factors are required to receive higher sentences compared to *rape*, creating a practical difference, despite a lack of on-paper difference (Sentencing Council, 2022; Sexual Offences Act, 2003).

To summarise, the majority of participants reported that they felt that the difference in labelling between non-consensual penetrative sex offences either created or maintained a difference in the perceptions of said offences, and the victims and perpetrators of such offences. They also explained how these differences in labelling may have tangible impacts on sentencing, victim treatment, and general attitudes to sexual violence. While a minority reported that the labelling should not affect perceptions, given effective equality between the offences, this was argued from a purely legal perspective, rather than a societal one.

6.3.2.2 Subtheme 2 – Legal Labels: To Change or Not to Change

Beyond discussing how they would personally define the legal terms for non-consensual penetrative sex, the participants discussed whether they felt a change in law was needed, and how they would change the law if they could and why. There was also a discussion on labelling of offences, and the appropriateness and effectiveness of the current labels.

The majority of participants explained that they would change the definitions of the legislation. In discussing how they would change the law, these participants explored the possibility of consolidating a range of penetrative offences within a single offence label:

I don't understand why there'd be any difference between penetrating someone's anus with a penis versus penetrating it with a sexual item, or any item or any item if you were female doing against the male [...] I would perhaps change the [rape] definition to be like "an individual intentionally penetrates a vagina, anus or mouth of another person with a penis and/or object used in a sexual manner." [...] I believe that [forced to penetrate] is of equal severity [to rape], and the only difference, in that case, is that you're forcing something into you rather than them forcing something into you, it's- it's the same thing [...] I think it should carry the same sentence

- **Alicia**
(Trainee Forensic Psychologist)

Alicia explicitly states that she would want to change the definition of rape to encompass all forms of violation, explaining that she does not understand the difference between the various forms of penetration described in *rape*, *assault by penetration*, and *causing sexual activity*. This perceived overlap or lack of distinction between offences was common among participants and represents a central argument from the current and previous research that offences should not be separated arbitrarily but should follow a sound justification, such as victim harm (Anand, 2022; Weare, 2018b; see also Chapter 5). Alicia and others in the sample presented that they could not understand the current justifications for separating non-consensual penetrative sex as it currently is.

Saul offered a similar perspective:

Personally, I'm of an opinion that the rape should be-- the definition should be expanded somewhat [...] I feel that it should be extended to, you know, penetration with other digits with other implements, although they are separate offenses. I feel that as long as it is sexual penetration, that should be included under rape definition. I think if it's in a kind of, it penetrated internally in a way that is not, for example, stabbing, I think that would be rape, because that's sort of an intrusive act that is, you know, something going into a person. [...] I think [forced-to-penetrate] should be rape, for the same reason that it's still forced sexual penetration.

- **Saul**
(Probation Officer)

Saul also expressed his opinion that all non-consensual penetrative sex should be labelled rape, because the defining feature should be an intrusion or penetration of a person. This notion of including a wider range of offences under the label 'rape' was common among participants, some participants felt these changes were necessary because the current laws were confusing and overlapped. Saul proposed that the behavioural similarities across the various forms of non-consensual penetrative sex should warrant them being under the same offence title, which is a perspective prevalent in literature around forced-to-penetrate and rape consolidation (Anand, 2022; R. E. Anderson et al., 2020; Waterhouse et al., 2016; Weare, 2018b, 2021b).

After reading all of the legislation, Luna and Peter discussed the overlapping definitions of the offences.

Oh, I'm just... I'm just trying to think why [causing sexual activity] couldn't be under rape or assault by penetration? [...] Just yeah, because obviously the "if the crime involves-" bit are the definitions of rape and assault by penetration?

- **Luna**
(Criminal Solicitor/Legal Advisor)

Luna expressed confusion as to why causing sexual activity was separated from rape in the first place and could not understand why the behaviour of forced-to-penetrate does not share the same legal label. She went on to explain that the latter half of *causing a person to engage in sexual activity without consent* (that defines penetrative acts) is nearly identical phrasing to *rape* and *assault by penetration*. Peter discussed a similar argument:

Isn't that the same as rape? Isn't rape just--. Isn't rape there? Isn't that- isn't that more-or-less penetration of an anus, or mouth or you know, penetration of his mouth has been, his penetration of-- the penetration of a person with B's penis. So again, it's- it isn't that-- isn't that basically just more or less the same wording as rape?

- **Peter**
(Psychotherapist)

Peter also comments on this similarity, quoting the identical segments of the definition of *causing a person to engage in sexual activity without consent*, *assault by penetration*, and *rape*. The commentary on the similarity of the wording of the offences and using this to advocate for a change in law was common among participants. Both Luna and Peter argued that due to the wording and intention of the laws, the offences were overlapping and anything that could be described as *rape* could also be *assault by penetration* or *causing a person to engage in sexual activity without consent*. That is, to the participants they may as well be the same offence. This consolidates the previous finding that there is a confusion arising from the current legal distinctions between non-consensual penetrative sex. This goes beyond a misunderstanding of the law, but persists after seeing the legislation spelled out, as both Peter and Luna refer to the wording of the laws being overlapped, rather than just the behaviours. This specifically references the behaviour of *rape* being (mostly) included in the definition of *assault by penetration*, and both *rape* and *assault by penetration* being included in the definition of *causing a person to engage in sexual activity without consent*. This is also reflected in the findings from Chapter 4, where some participants used *assault by penetration* and *causing a person to engage in sexual activity without consent* to identify instances of *rape*, because of the broad nature of their label and definition.

Further, as well as being linguistically similar, some participants discussed how the offences were similar in behaviour and outcomes, and explored why this did not make sense to them, and how it may be considered inequitable.

I find it really, really difficult to try and understand how being penetrated by somebody's body part is different to being penetrated by an object, for example. I can't in my head, understand how those things are so different that it wouldn't be included within this legislation. [...] Because they are a subsection of society that have experienced a penetrative sexual offence, that actually isn't defined as rape, and what does that do for them?

- **Heather**
(Forensic-Clinical Psychologist)

Heather explained that she does not understand why non-consensual penetrative sex is not already consolidated under a single offence given the behavioural similarities in *rape*, *assault by penetration*, and forced-to-penetrate. Heather also highlights the perspective that excluding victims of penetrative offences from the rape victim label may be harmful, rhetorically asking “*what does that do for them?*” (Heather) with the implication that this exclusion is harmful or dismissive. Luna adds to this discussion:

[Causing a person to engage in] *sexual activity without consent sounds much less serious than rape when, actually really, what you're describing is the same thing. [...] So, 'sexual activity' sounds less serious than 'rape' or 'assault by penetration'. I don't-- I don't think-- It sounds watered-down. [...] If maybe the terminology would combine them all, but yeah, [...] then it's given that level of seriousness. I wouldn't want people thinking that [causing sexual activity] was less serious.*

- **Luna**
(Criminal Solicitor/Legal Advisor)

Luna explained the behavioural similarities between *rape* and other offences and that the offence title of causing sexual activity “*waters down*” the experience when it is compared to *rape*, despite these being described as “*the same thing*,” (Luna). This concurs with previous findings from this thesis and previous research that the labels associated with non-consensual penetrative sex have power, and that rape is seen as a more serious offence than *assault by penetration* or *causing a person to engage in sexual activity without consent*, despite clear and recognisable behavioural similarities (Berkland et al., 2022; Morgan & Long, 2018; Waterhouse et al., 2016). Luna explained that it is the label itself, rather than any cultural or social connotations of the term rape that make it seem more serious than the more descriptive behaviours (*assault by penetration* and *causing sexual activity*). While this is similar to the previous finding that participants thought the laws had an impact on victims, these quotes present these impacts as a driver for change, expressing interests in equalising the perception of victims through changes in labels.

In this way, participants explained how changing the laws may help victims, or at least improve their experiences, as Peter explains:

So, the question is, "why do we have something different? Why do we why do we need a difference in a sort of penetration and rape? Why-- What- what benefit is that? How does it help?" And by amending them and changing them in the way that I and others the University of Lancaster have suggested, "what harm does it do?" Actually, you could say it's more inclusive, and so it does-- it does less harm.

- **Peter**
(Psychotherapist)

Peter expressed his desire to adapt the law to be more inclusive of a range of experiences. In his opinion, because including more victims in the definition would do less harm than excluding victims from using the rape victim label. As excluding victims from using rape to describe their victimisation may

diminish or dismiss their experiences implicitly by placing them ‘below’ *rape*. In making this point, Peter directly references the work of Weare (University of Lancaster) and her colleagues (various institutions), who show that the accounts of forced-to-penetrate victims are very similar to those of *rape* victims, and that forced-to-penetrate is as harmful to men as *rape* is to men and women (Weare et al., 2017; Weare, 2018b, 2021a, 2021b). This argument made by participants, therefore, is that due to behavioural similarities in the commission of the offence (penetration) and the victim impact (level of harm), these participants felt the law should change such that all forms of non-consensual penetrative sex were considered equal and under a single, consolidated definition. They argue that this would make a more logical, equitable, and coherent legislation.

These arguments are supported by research findings that show that victims of forced-to-penetrate and *assault by penetration* have very similar experiences, suffer relatively similar outcomes (mental, psychological, and physical harms), and that excluding certain victims from the rape label can be harmful to their post-victimisation wellbeing through (unintentional/implicit) minimisation (R. E. Anderson et al., 2020; Clements & Ogle, 2009; Layman et al., 1996; Morgan & Long, 2018; Waterhouse et al., 2016; Weare et al., 2017; Weare & Hulley, 2019; Williamson & Serna, 2018). Chapter 5 has also shown that members of the public currently use this more inclusive definition when using the term rape and would prefer a more inclusive definition in law for similar reasons as discussed here.

Participant discussions of change in legislation were not only focused on what behaviours would be aggregated under a new law but also what language would be used to name this new law. As a function of the labels described in the previous subtheme, both Heather and Kade discuss their perspective on whether legal reform (that they support) should co-occur with a change in labelling. Both demonstrate the argument that rape is a powerful and strong word with a great social weight attached to it:

Assault by penetration sits more comfortably, and that is likely because I don't think that terminology is as loaded or as- as powerful as the term 'rape'. [...] sometimes people need terminology or language that is loaded and is [participant emphasis] powerful for them to express the seriousness of the offence that they've been victim to, or the- the level of distress [...] I think I'd prefer assault by penetration because I think it encapsulates a lot more than what rape does. [...] We're never going to find a definition or term that's going to suit everybody.

- **Heather**
(Forensic-Clinical Psychologist)

Heather explained that she would prefer to adopt ‘assault by penetration’ as the new label for non-consensual penetrative sex, as this is not as “loaded” as rape, but also describes a wider range of experiences. Although she recognises that rape being powerful does help victims in some instances, she concludes that having a more behaviourally inclusive term may be more beneficial overall, and consequently she is more comfortable using assault by penetration than rape.

Kade disagrees with this, presenting that connotations of the word rape can be helpful for victims to describe the harm associated with their victimisation:

I used to be really closer to removing, completely, 'rape' as a word and more moving towards, you know, 'degrees of sexual assault', 'degrees of assault by penetration,' and so-on-and-so-forth. But I recently started reconsidering this position a little bit because I think the 'rape' is of a very powerful word. And it has, and it's useful for any--, and it seems very useful for victims to identify themselves as such, to you know, recognise their victimisation and so on. [...] I probably would have rape and assault by penetration as the same thing or, therefore, removing the penis as the condition for it being rape.

- **Kade**
(Researcher, Forensic Psychology)

Kade, focuses on one of Heather's points, that the term rape is powerful and is helpful for victims to quickly describe the amount of harm they have experienced. As such, Kade would prefer to keep the term of rape, ceding that rape is already being commonly used socially and by victims to identify highly traumatic sexual experiences that may not meet the legal criteria to be *rape*. Both Heather and Kade support the consolidation of *rape*, *assault by penetration*, and forced-to-penetrate within a single offence, but come to opposing conclusions. Their disagreement stems from the gravity of the word rape itself, raising a new question of whether the label should change. Maintaining rape as a label for non-consensual penetrative sex would work to validate the experiences of *assault by penetration* and forced-to-penetrate victims that already identify with the label rape, but this may also slow change in social understanding, as stereotypes of rape would continue to proliferate indefinitely, that rape is something men do to women (Anand, 2022; Maher, 2022; Rumney & Morgan-Taylor, 1997a, 1997b). Conversely, changing the label may invoke the opposite effect, where victims are unable to associate the power of the word rape to describe their experience, but also stereotypes associated with rape would potentially be stunted by the drop in usage (Ahmad et al., 2022; Anand, 2022; Maher, 2022; Powlesland, 2005; Warburton, 2004).

While the majority of participants did advocate for a change in legal definitions concerning non-consensual penetrative sex, there were a few participants who wanted to maintain the current legislation or presented more balanced arguments for and against:

[Rape] has to be a penis that penetrates the, you know, one of those three orifices, anything else is going to be considered sexual assault by penetration. [...] So yeah, I mean, I do think it serves its purpose. [...] It's quite clear-cut to me like, yes, cisgender women don't have a penis, therefore, it's impossible to rape someone. However, they can 'sexually assault by penetrate' someone. [...] I think if it was just rape, and it was just about a penis, then that's completely disregarding every kind of other sexual assault that's available.

- **Cassandra**
(Detective Constable, RASSO)

Cassandra was one of the few participants who strongly advocated for keeping the laws as they are in the Sexual Offences Act (2003). She explained here that, as it stands, the law currently works and is “clear cut” (all offences are distinct and unique), directly opposing the perspective of the majority of participants that the behaviours overlap. She also argued that because all forms of non-consensual penetrative sex are illegal under a law, and these all share the same maximum sentence (life imprisonment), they are equal, and any differences are nominal. Where the previous participants seemed to conceptualise law as a series of overlapping, but gradually more specific behaviours, participants like Cassandra conceptualised the law as a series of criteria, and each combination of circumstances gave a unique output (a different crime), and these were not related. For example, in her quote she explains that an offence committed by penetrating the victim with a penis is rape, but if this criterion is not met (i.e. a cisgender woman enacts the penetration) it would be another offence. In this argument, there is no recognition that behaviours are similar, only that there are unique elements to each. This may be attributed in part to her work as a police officer; as her job is to categorise and label a victim’s experience in relation to the law, there is no room for her to misinterpret or apply a personal lens to the offences. As such, this necessity of an ‘objective’ construction of legal terms is different from most of the other participants who are not as strictly tied to having an accurate view of the law. Building on this, her heuristic comparisons would compare language to the legal definition which, as the foundation of her work, will always be correct (Cascardi & Brown, 2016; Harper & Hogue, 2017; Haslam, 2017). This inference however would need more data from police officers to understand how their job role could impact their capacity for individualised constructions.

The argument of maintaining the current legislation was also explored as a function of the harm inflicted through various forms of non-consensual penetrative sex. Cassandra and Kade reflect on this:

What it is about a penis in particular [...] there's a lot of considerations then for sexually transmitted diseases and pregnancy. I think those are obviously big factors. Like, if you have a woman that's been raped, and she has conceived as a result of being raped, that is horrific [...] Whereas the assault by penetration, yes, it's going to have long lasting psychological harm, you know, might have physical harm involved, but I think the lasting consequences in terms of literally, possibly the creation of another life, [...] that's the difference.

- **Cassandra**
(Detective Constable, RASSO)

Cassandra presented her argument that the experience of being raped has unique and more harmful outcomes compared to other forms of non-consensual penetrative sex in the form of pregnancy. While she understood other offences have their own harms attached, she put female-victim rape above the rest as more serious due to this risk of unwanted and non-consensual impregnation. To Cassandra, this makes *rape* different to the other offences, so much so that it should be kept separate from *assault by penetration* and *forced-to-penetrate*. Kade takes a different and arguably more balanced approach:

Not all sexual assaults are as violent or as intrusive. And this is, you know, I'm just being unnecessarily crude about it, they are not the same thing. I can understand that and there must be some level of degrees of punishments. But when it comes to the force to penetrate the- the- the evidence is there that the victims suffer, [...] they suffer a lot, and it's unfair that and so those who perpetrate the sexual offences are violent or aggressive in the strategies that are involved are seriously aggressive. And that should be recognised by our legal system.

- **Kade**
(Researcher, Forensic Psychology)

Kade explained his perspective that not all forms of “sexual assault” (referring to all sexual violence) will have the same level of harm attached, and there is an argument for gradation on this factor, ultimately all victims of non-consensual penetrative sex suffer a lot of harm. Therefore, Kade thinks it is unfair to separate these as it creates an artificial hierarchy of suffering among victims. Both Cassandra and Kade predicate their argument on the harm faced by the victim, rather than the behaviour itself. Cassandra focused on a tangible, but not guaranteed, repercussion of rape (that only affects female victims). Alternatively, Kade drew on his experiences of research with victims of rape and forced-to-penetrate and noticed similarities between the experiences, which drives his perspective of wanting to redefine the non-consensual penetrative sexual offences to be more behaviourally inclusive.

As with many of the arguments presented by participants throughout these findings, the crux of this matter is that victims are at the centre of arguments both for and against changing the legislation to consolidate non-consensual penetrative sex into a single offence, as argued by the participants. While many argued for change on the basis of behavioural similarities (behavioural and legal overlap) and differences (distinct and unique behaviours), the more common perspective was centring the victim in the conversation, as Kade summarises:

I think it would be nice if there was a move towards maybe including victims more [...] to do to what you are doing with- with victims, actually, to try and get their- their opinion of what the issues are. [...] You know, it will be nice that legislation was led by- by victims, because though they are those who experience it. [...] And if we were to get their experience and their knowledge, which we do have, but specifically tailored towards understanding how we can improve legislation that will be very powerful.

- **Kade**
(Researcher, Forensic Psychology)

Kade proposes that victims should be considered more when discussing sexual violence in a legal context, as their experiences and understanding would help to contextualise the laws beyond words on a page. Kade concluded his interview with the argument that understanding the role and position of the victim

in law would be powerful in understanding the issues and opportunities within the laws, how laws could change to support victims better, and what terminology would best encapsulate the victim experience.

In summary, there were a number of perspectives given on whether the labels for non-consensual penetrative sex offences should be changed. Those arguing for change (the majority) focused on the perceptions of the label (with rape seen as more serious than other offences) or felt that there was a lack of distinction between the types of non-consensual penetrative sex. Those arguing to maintain the current labels proposed that the offences are already treated equally and therefore changing the legal labels would only be a nominal (meaningless) change or argued that non-consensual penetrative sex offences were unique enough to warrant legal distinction, regardless of labels. As stated, the majority felt a change to the law was in order, but most participants on both sides agreed that the victim experience should be the centre of any decision made regarding labelling. That is the victim perspective, victim harm, and victim outcomes should be considered when proposing any changes to the law.

6.4 Conclusions

6.4.1 *Summary of Findings*

The present study, across all themes, found that some professional participants had constructed rape in a way that aligned with legislation, but the majority held a personal construction that was different to that of the law. Similar to findings from Chapter 5, these inaccurate constructions were often found to be inclusive of a range of penetrative acts that was broader than just penile penetration. As such, the sample formed three broad groups based on their personal constructions: Accurate, having a construction that is aligned with the law; Inaccurate-aware, knowing the law but actively holding a construction that is different to it; and Inaccurate-unaware, believing their construction was the law despite major differences. These seemed to differ on the type of profession the participants were in, as well as how necessary legal understanding was in their professional role, i.e. solicitors in the sample were Accurate, but practicing psychologists were more often Inaccurate-unaware. Further, these constructs and participant understanding were noted to have changed over time, either completely changing or becoming consolidated or clarified in response to new information and experiences. While participants discussed a range of influences in this regard, the most commonly cited influence was their professional experience.

The sample also explored the current legal labels and their suitability for the modern understanding of sexual violence. Participants generally agreed that the offence labels are powerful tools for victims of sexual violence and can influence victim self-perception and broader perception of victims, with rape typically being seen as the most severe offence because of the connotations of rape. Similarly, because of the similarity in behaviours and current overlap in definitions, most participants advocated for reforming non-consensual penetrative sex legislation to include all non-consensual penetrative sex in a single offence. There was a mixed opinion on whether this proposed change should still be referred to as rape or should be given a new name entirely.

6.4.2 Contribution and Applications

The present research builds on the findings from Chapter 5 and previous research adding additional evidence that constructions of non-consensual penetrative sex are individualised and change and adapt in response to external stimuli (exposure, experience, etc.). Building on Chapter 5 directly, this study has found that these constructions are individualised and often inaccurate even in populations that should have a greater knowledge and deeper understanding of sexual offence legislation. This, combined with the findings from Chapter 5, indicate that the individualised constructions are not only attributable to a lack of knowledge or legal naivete, but are likely representative of fundamental differences in what people think law should be, and these constructions are built on legal knowledge, victim perceptions, and moral concerns more generally. These findings, therefore, further support a lay theories interpretation of non-consensual penetrative sex constructions.

Although only conducted in a small sample, the findings show that professionals working in the field of sexual violence predominantly do not think the current legislation is appropriate, instead preferring a catch-all offence for all non-consensual penetrative acts, as opposed to the current more discreet categorisation. This contributes to and expands a wider conversation about the suitability of the current legislation from a range of practical and moral perspectives like those discussed in Chapter 1. In literature, this predominantly focuses on the potential to include forced-to-penetrate within the definition of rape (Anand, 2022; R. E. Anderson et al., 2020; Warburton, 2004; Weare, 2018b), but the participants in this sample would go further to also include assault by penetration. Further empirical research into understanding public and stakeholder attitudes and understanding of legislation would be needed to contribute to this discussion.

Finally, the findings could have broader implications for how we interpret research findings across sexual violence stakeholder samples. If the professionals in this sample did not always hold accurate knowledge or understand the legislation, then this may help contextualise research findings across research into psychologists, police, or judge attitudes to sexual violence. These samples may have a personal understanding of rape that is separate to their knowledge of the legal definitions, which may influence judgements, responses, or behaviours towards victims or perpetrators. For example, police investigations can sometimes be hindered by police officers who endorse rape myths, who disbelief victims or do not see the offence as a real rape/serious enough to be investigated (Davies et al., 2009; Javaid, 2015b; Lapsey et al., 2022; McMillan, 2018; McQueen et al., 2021; O'Neal & Hayes, 2020b, 2020a). In the context of lay theories, it may not be that these police officers have negative views of victims, but they may hold a narrow personal construction of non-consensual penetrative sex that is exclusive of some behaviours, leading to a subconscious dismissal of some factors.

6.4.3 Limitations and Future Research

While the findings present new and novel insights for the construction and understanding of non-consensual penetrative sex among an informed, professional sample, there are some limitations and opportunities for future research to consider. The present research was designed and conducted under an

(implicit) assumption that the group would have similar levels of familiarity with the law, even though it was expected that their opinions and perspectives would differ. From the findings, it is clear that some participants were far more familiar with non-consensual penetrative sex legislation than others, and some participants explicitly stated they did not need to understand the law to perform their role duties. Similarly, participants from different backgrounds (e.g. law vs psychology) demonstrated large differences in construction, which are interpreted to demonstrate different values across these disciplines, however, the current research does not have the power to comment on these differences in the wider population with any certainty. Further research could address both of these concerns by replicating the current research using members of specific professions or conducting a multi-perspective analysis focusing on exploring differences in constructions within and between professions. Based on the present findings, interesting comparisons could arise from using the perspectives of law enforcement and legal professionals compared with psychological researchers and professionals, as these showed the most notable differences in this sample.

Similarly, within the aims of the project, the sample was only derived from England and Wales, and the findings are therefore limited within this legal context. While overall findings of how constructions and perceptions can develop in response to professional experience may carry over to other legislatures, findings specifically concerning labelling and legal reform cannot be readily applied to other countries or alternative legislation. Future research could replicate the present research, while adapting the interview schedule and content to reflect their local laws.

6.5 Chapter Summary

Following Chapters 4 and 5, the present study used qualitative methods to explore an informed understanding of legislation associated with non-consensual penetrative sex, the process through which these develop, and perspectives on labelling and legal reform. The findings demonstrate a degree of individualisation within participants' understanding of the legislation and concepts of non-consensual penetrative sex, developed through education and professional experiences. The findings also discuss broader societal concerns related to the public perceptions of difference forms of sexual violence, and their relation to beliefs about victim experiences. Participants frequently discussed presumed differences between their perspectives and those of the public. The findings overall work to support a lay theories approach to understanding how people conceptualise sexual offending but highlight an issue that the definition of an offence is not the only consideration when applying labels to experiences.

7 Study 4: An Investigation into Rape Lay Theories: Content, Application, and Consistency

7.1 Introduction

This thesis has explored the prevalence of non-consensual penetrative sex; participant recognition and labelling of experiences with non-consensual penetrative sex, and public and professional definitions and conceptualisation of non-consensual penetrative sex. Across all of these studies, the prominent finding is that there are a range of unique and individualised concepts of what non-consensual penetrative sex is, and how it would be defined and labelled. The findings thus far support a lay theory approach as a possible explanation for fundamental differences in individual-level variance in understanding of non-consensual penetrative sex legislation and its constituent offences. This final study aims to provide an explicit account of these lay theories, explore their content and application, and observe whether they are changed following a short-term intervention in the form of exposure to vignettes describing sexual violence.

As discussed in previous chapters, lay theories are individualised understandings or conceptualisations of phenomena based on experience and intuition rather than information and facts (Busseri & Samani, 2023; Furnham, 1988; Harbridge & Furnham, 1991; Haugen et al., 2018). Lay theories were first applied to rape in the context of understanding what caused a perpetrator to commit rape (Harbridge & Furnham, 1991). But the application of lay theories to the area of conceptualisation and understanding came later with Peterson and Meuhlenhard (2004) who explored how people defined rape and how this related to their victimisation acknowledgement. While Peterson and Meuhlenhard's (2004, 2011) work was not strictly focussed on understanding lay theories, the underlying concepts discussed align with a lay theories-based approach: the process of defining rape through exposure and evaluation of rape experiences. Finally, Haugen et al. (2018) conducted research that explicitly explored the presence and content of lay theories of rape within a US sample. They found that definitions of rape were highly variable on almost all dimensions: victim, perpetrator, behaviour, and circumstance. These definitions did not always align with known legal definitions and so were suggested to support the idea of rape conceptualisation being lay theories. These definitions, however, were given without context and analyses only explored the content of the definitions, with comparisons drawn to legal definitions, so there is little evidence of how firm these definitions were, or how they might vary when applied to various scenarios, as suggested by Peterson and Muehlenhard (Peterson & Muehlenhard, 2004, 2007, 2011; Stubbs, 2013).

A core element of lay theories is that they can change, and these changes can be observed and measured. As lay theories are based on experience and logic, being exposed to new situations, information, or experiences can cause a person to re-evaluate (either actively or passively) their understanding and adapt to new circumstances (Francis & Job, 2018; S. R. Levy et al., 2006; Yeager et al., 2016). While the existing research into changing lay theories has predominantly used long-term interventions, this re-evaluation could, theoretically, occur as soon as new information is provided (Francis & Job, 2018; Karnaze & Levine, 2018;

Soliman & Wilson, 2017; Yeager et al., 2016). As an example, if a participant is exposed to media coverage of a crime that is behaviourally similar to rape, they may take this information and compare it to their current lay theory of rape and based on intuition adapt their understanding of rape to include this new information, or maintain their current lay theory and exclude the new information from the 'rape' category.

Beyond changeability, research has also suggested that definitions and terminology are applied inconsistently, and can change depending on circumstance, context, and offence details, as discussed in the appraisal research of Chapter 2. Definitions and applications of sex and sexual violence are often inconsistent within and between participants, with various demographic and psychological factors being found to influence what is categorised as sex/sexually violent and how consistently this is applied to similar scenarios (Byers et al., 2009; Hille et al., 2020; Horowitz & Spicer, 2013; H. E. Randall & Byers, 2003; Schick et al., 2016; Sewell et al., 2017). Others have shown that participant categorisation and labelling of sexual violence, particularly of rape, can vary across research into perceptions, judgement, and attitudes, as well as in mock juror research (Belyea & Blais, 2023; Schuller & Hastings, 2002; Wayne et al., 2001). Contextual factors such as having male victims, female perpetrators, character ethnicity and the behaviours involved can also influence how people categorise vignettes (R. E. Anderson et al., 2017; Bates et al., 2019; Davies et al., 2008, 2012; Mackelprang & Becker, 2017; McKimmie et al., 2013; Wayne et al., 2001; Wuensch et al., 2002). This spans both categorising the events as criminal or non-criminal and labelling the offence (e.g., as rape or sexual assault), but can also influence perceptions of harm and trauma inflicted (Berkland et al., 2022; Dardis et al., 2021; Larcombe et al., 2016; Peterson & Muehlenhard, 2004). Where this research is limited, however, is comparing these applications to a baseline understanding of the offences in question. The research cited above only compares answers given to other answers, and does not ask participants to define rape, for an example, before asking them to categorise the offences. As such, it is unclear whether their responses are consistent with their own decontextualized baseline definitions.

Finally, victim credibility is also a key factor in appraisal of non-consensual penetrative sex. As sexual violence is often committed without witnesses, jurors are often left with a conflict between the defendant and complainant, with little evidence beyond their testimonies (McGlynn & Munro, 2010; Temkin, 2002; Temkin & Krahé, 2008). As such, victim credibility is key in making this decision and appraising the scenario, such that victims who are perceived as more credible are more likely to receive support or guilty verdicts against their perpetrator(s) (Baldry & Winkel, 2011; Morabito et al., 2019; M. Randall, 2010). While many factors have been found to influence this credibility, such as emotionality, prior accusations, and trustworthiness, the medium in which the information is portrayed and verifiability can also be influential (Campbell et al., 2015; Gonzales-Quispe et al., 2023; Morabito et al., 2019; Nightingale, 2022; Sperry & Siegel, 2013; Whiting et al., 2021). In both general and sexual offence cases, there is a general distrust in social media posts due to the lack of verifiability in the content, and as such, sexual violence survivors face a litany of disbelief and speculation when reporting sexual violence through social media, rather than reporting to the police (Banet-Weiser & Higgins, 2023; Bogen et al., 2019; Gonzales-Quispe et al., 2023; L. Jones et al., 2022; Nightingale, 2022; Whiting et al., 2021). This research lacks a comparative

element, however, where social media disclosures are not directly compared to a more reliable, trustworthy or verifiable source, such as a police report.

Based on previous research and findings from this thesis, this study aims to understand the content, application, and changeability of lay theory definitions of rape. A secondary aim is to explore how consistently participants' definitions of rape are applied to sexually violent vignettes, with a comparison to the legal definitions. This is to expand arguments explored in relation to findings in Chapters 4-6, and in wider research, regarding how people define rape in principle compared to how this is applied in context. Tracking change and consistency over the course of the task would also help understand how these definitions develop over time and in response to new stimuli. Rape has been chosen as the sole offence-of-interest as it is clear from the findings of Chapters 4-6 that rape is sometimes used as a *de facto* label for non-consensual penetrative sex or serious sexual violence. The range of answers and definitions given in previous studies shows that to some participants rape is a broad and nebulous offence defined similarly to the concepts of non-consensual penetrative sex as defined in this thesis (I. Anderson, 2007; Haugen et al., 2018; Peterson & Muehlenhard, 2004). To others, rape is seen as a highly specific offence, with strict criteria (like stranger rape). Using rape as a title (over non-consensual penetrative sex, or sexual assault for example) allows participants to explore a range of potential definitions while not biasing participants to include/exclude certain behaviours by using a term they are not familiar with.

The research questions addressed in this chapter are therefore:

- a) How do participants define rape?
- b) How do participants categorise vignettes involving sexual violence compared to their definition of rape?
- c) How consistently do participants categorise sexual violence vignettes compared to their own definitions and legal definitions?
- d) Can differences in consistency be observed across source credibility, victim sex, perpetrator sex, and behaviours?

This study will help clarify whether lay theories are present in the context of non-consensual penetrative sex. This also builds on the findings of Chapters 4-6 to provide a more generalisable and informative account of what these lay theories are. Further, scoring for both pre-task and post-task consistency between definitions across the experiment will explore whether these definitions can change, and what may influence this change. In doing so, this study presents the final evidence for the thesis-wide research questions in understanding how non-consensual penetrative sex is defined, how these definitions may change, what models can be used to explain this process, and the potential outcomes of these variable definitions.

7.2 Methods

7.2.1 Design

This study utilised a number of experimental paradigms to test the consistency of lay theories. These included a comparison of before (pre-task) and after (post-task) exposure definitions of rape, to an examination of the consistency of pre-task and post-task definitions to judgements of a range of sexual violence vignettes, and an investigation into how accurate participants' definitions were to the legal definition of rape. All three of these were used as dependent variables in their respective models, where source credibility (high/low credibility), victim sex (male, female), perpetrator sex (male/female), and offensive behaviour (penile penetration/digital penetration/genital stimulation/sexual contact) were entered as independent variables designed to answer the exploratory questions above.

At the core of this study is the issue of definitional consistency. Consistency scores were given as a percentage and represent the degree to which participants' categorisations of the vignettes were correct relative to a given definition. Each participant had three computed consistency scores, each based on a specific definition of rape:

- (1) pre-task consistency (consistency of responding to the vignettes, relative to the definition of rape given by participants before seeing the vignettes)
- (2) post-task consistency (consistency of responding to the vignettes, relative to the definition of rape given by participants after seeing the vignettes)
- (3) legal consistency (consistency of responding to the vignettes, relative to the legal definition of rape).

7.2.2 Participants

An opportunity sample of the general public ($N = 313$) was recruited via the online recruitment service Prolific (<https://prolific.com/>). An a priori power analysis using G*Power indicated that a sample of 312 participants would allow for detection of effect sizes of 0.15 (in instances of two groups) or 0.17 (in instances of four groups), based on a prospective power of $1 - \beta = .95$ (Faul et al., 2009; Kang, 2021). It was also beneficial that a sample of 312 participants divides equally by four, meaning all four vignette sets were equally used. While 312 participants was the target, an error in Prolific's system caused an additional participant to be recruited. The final participant was compensated for their time but was not included in the final sample ($N = 312$).

Participant ages ranged from 18-78 ($M = 46.08$, $SD = 15.34$). Prolific was used to recruit a representative sample per UK census data, resulting in a sample that was mostly female ($n = 158$, 50.64%), white ($n = 263$, 84.30%), heterosexual ($n = 200$, 64.10%), and cisgender ($n = 309$, 99.04%). The sample contained people who identified as being a victim of a sexual offence since they turned 16 ($n = 48$, 15.34%). A full report of participant demographics can be found in **Table 7.a**.

Participants were required to be over 18, speak fluent English, and currently live in the UK. This is to ensure the participants were able to read and respond to the questions and vignettes and understand the participant information being provided to them. Being from the UK also implies a passing awareness of the rape laws of England and Wales, Scotland, and Northern Ireland (which are only slightly different between each legislature). Although this thesis primarily concerns the legislation of England and Wales, Prolific does not allow for such specificity within their recruitment requirements. Participants were compensated for their time with a £1.30 payment within Prolific.

Table 7.a: Participant Demographics for Chapter 7.

Demographic	<i>N</i>	%	England and Wales Census 2021 ¹ %
Sex			
Female	158	50.64%	51.04%
Male	151	48.40%	48.96%
Not disclosed	3	0.96%	-
Gender			
Cisgender	309	99.04%	93.46%
Self-ID: Non-binary	2	0.64%	0.07%
Transgender	1	0.32%	0.47 ²⁰ %
Sexuality			
Exclusively heterosexual	200	64.10%	Does not apply ³
Exclusively homosexual	46	14.74%	Does not apply ³
Predominantly heterosexual	39	12.50%	Does not apply ³
Equally attracted to both sexes	15	4.80%	Does not apply ³
Predominantly homosexual	6	1.92%	Does not apply ³
Self-ID: Various	5	1.60%	Does not apply ³
Not disclosed	1	0.32%	-
Ethnicity			
White	263	84.29%	81.71%
Asian ethnicities	23	7.37%	9.25%
Mixed/Multiple ethnicities	11	3.53%	2.88%
Black ethnicities	10	3.21%	4.04%
Not disclosed	4	0.96%	-
Self-ID: Arab/Middle Eastern	2	0.64%	2.11%
Victimisation			
No	249	79.81%	-
Yes	48	15.38%	-
Not sure	12	3.85%	-
Not disclosed	3	0.96%	-

Note: ¹Data collected from Office for National Statistics (various). ²Census data for transgender is collated from the categories of “trans woman” “trans man” and “Gender identity different from sex registered at birth but no specific identity given.” ³Sexuality questions in the census do not map onto this dimensional approach to sexuality questions

7.2.3 Materials

Demographic Questions. Participants were asked to provide information on their age (in years), their sex, gender, sexuality, and ethnicity. Participants were also asked whether they had been a victim of at least one sexual offence since they turned 16 years old. In all instances, a “*prefer not to say*” option was given.

Lay Theory Questions. To define rape, participants used dropdown boxes to complete sentences about the core elements of the offence: perpetration, victimisation, and behavioural definition. The questions are detailed below, **Table 7.b**.

Table 7.b: Questions to establish participant lay theories for Chapter 7.

Answers	
Question	<i>Bold indicates correct answer per Sexual Offences Act (2003)</i>
Perpetrator	
I believe rape can be...	Committed by only male perpetrators
	Committed by only female perpetrators
	Committed by anyone
Victim	
I believe victims of rape can...	Only be male
	Only be female
	Be anyone
Behaviour	
I would define rape as non-consensual...	Penetration with a penis
	Penetration with a penis or other body part
	Penetration with a penis, body part or object
	Any penetration and also genital stimulation
	Sexual contact of any kind

Participants were asked these questions before and after completing the vignette task. After the task, participants were also asked if they felt their understanding of rape had changed. If a participant changed their response between pre- and post-task questions, this change was noted in how they adapted their answer and whether they became more or less consistent because of this change. Given the number of options for each question, some participants changed their definitions but maintained the same consistency score, which was calculated as a percentage (0-100%) of vignettes correctly categorised as rape or not rape based on their answers to the above questions. That is, participants’ answers could become inconsistent in one dimension and more consistent on another or changing from one inconsistent answer to a different but still inconsistent answer.

Consistency Scores. The participants' consistency scores were generated from comparing their categorisation of the vignettes to their definitions of rape and the legal definition. Their response to each vignette is scored as either 1 (consistent) or 0 (inconsistent) according to each definition, resulting in a pre-task, post-task, and legal consistency score for each vignette. These were then averaged across all 16 vignettes (overall) as well as across each level of the independent variables (victim sex, perpetrator sex, behaviour). The mean of each score is hereafter described as their pre-task consistency, post-task consistency and legal consistency scores. These can range from 0% (no answers matching the corresponding definition) to 100% (all answers match the corresponding definition). This was used to comment on the congruence between the samples on-paper and practical-use definitions of rape. That is, what they think it is in theory vs how they use it in practice. Including their accuracy to the legal categorisation also allows for comparing their own usage to the legal usage.

Vignette Generation and Validation. A total of 64 unique vignettes depicting instances of *rape, assault by penetration, sexual assault, and causing a person to engage in sexual activity without consent* were generated for this study. These vignettes were separated into four groups of 16. Two of these groups were high credibility (police reports) and two were low credibility (social media posts). Respective groups (e.g., low credibility group 1 and high credibility group 1) from each credibility condition described the same combination of within-subjects independent variables (victim/perpetrator sex, behaviour) with near-identical wording, but presented in different visual formats, with minor narrative differences suitable for the format, see **Figure 7.i** and **7.ii**. The within-subjects independent variables were all presented evenly within each of the four sets. Each participant was presented with one contingent set of 16 vignettes (i.e., one of each of the four possible offender-victim sex combinations per offence type) from one source credibility condition only. Each vignette contained “non-consensual” or “attack” in some form when describing the events as a means of minimising the possibility that participants could judge the vignette as rape/not rape based on their perception/understanding of consent rather than the intended variables of behaviour and victim/perpetrator sex. Similarly, the social media posts take a stance of asking for advice, guidance or support from the community it is posted to, mirroring actual use of the targeted subreddit forums to maximise believability, and the police reports included statements indicating the victims had immediately approached police to improve victim believability and reduce rape myth bias in participant categorisation.

Generating 64 vignettes but only presenting 16 to each participant was decided as generating more vignettes allows for a greater degree of diversity within the narrative of the vignette, and showing a subset reduces the amount of cognitive load on the participant. Ethical considerations were also taken into account, as a reduction in experimental exposure in sensitive areas such as this reduces the likelihood of emotional distress (Baguley et al., 2022). As all possible levels of within-subjects independent variables were present within each group of vignettes, the D-optimality of the vignette universe was estimated at 100% ensuring all participants were seeing all variable levels evenly (see *Appendix H* for further analysis).

Figure 7.i: *Example of a high credibility vignette, group 1.*

Victim Details			
Name:	O.W	Address:	
DoB:		Age:	21
Sex:	Male	Ethnicity:	
Incident Details			
Incident Date:	07/03/2023	Time:	14:15 (approx.)
Report Date:	07/03/2023	Reporting to:	
<p>Incident details:</p> <p>The victim has reported that he has been attacked after leaving a date with the suspected perpetrator. The perpetrator, who is a male known to be [REDACTED], followed the victim home after their second date. The suspect was not invited into the victim's home, but entered anyway, and after a brief struggle, used his penis to forcibly penetrate the victim's anus. The attack continued until the suspect had ejaculated, at which point he fled the scene, and the victim phoned the police.</p>			

Figure 7.ii: *Example of a low credibility vignette, group 1.*

r/SexualHealth u [REDACTED]

I have been attacked – looking for advice if possible.

I (21, male) went on a date with another person (22, male) last night. We went on a date for some food, and he walked me home. I didn't invite him in but followed me anyway and attacked me. Without getting too graphic, during the attack he put his penis in my anus without my consent. He ejaculated inside me during the attack and now I'm not sure what to do – any advice is appreciated.

In the process of validation, vignettes were first shown to fellow researchers, university colleagues, and community members who reflected on the writing style and appropriateness of the text, such as “is this a reasonable description from a female perspective?” and “is this language accurate for how a gay man might talk about sex?” Vignettes were edited to be in line with this informal feedback before further validation procedures took place. The vignette universe was also validated for statistical similarity using both the English Lexicon Project (Balota et al., 2007) and the Lexical Suite (Rocklage, Fazio, et al., 2018; Rocklage, Rucker, et al., 2018). These two pieces of software allow users to input text and measure metrics such as emotional valence, commonality, and complexity. The English Lexicon Project was used to test the vignettes for emotional valence (how positively or negatively emotive the vignettes are), and emotional arousal (how

emotionally active a vignette is). The Lexical Suite was used to test the vignettes for valence (whether the word is seen as positive or negative), emotionality (whether the word is emotionally charged), and extremity (an index measure of how far both valence and emotionality are from their respective midpoints).

To ensure the vignettes were comparable on the variables above (valence, emotional valence, emotionality, extremity, emotional arousal), a series of 2 (source credibility) \times 2 (group) ANOVAs were conducted, and estimated marginal means collected for nuanced comparisons. This helped to ensure that no participant would receive a more evocative set of vignettes than any other, as this may impact the overall judgement of the participant more than the actual information being presented. On the majority of measures, the vignettes were not significantly different (i.e., $p > .05$), showing that the vignettes were consistent with their counterparts in both condition and set. The only exceptions were emotional valence and emotional arousal. It was found that low credibility vignettes were significantly more positive in emotional valence compared to high credibility vignettes: $F(1, 61) = 51.24, p < .001, \eta p^2 = 0.46$. Further, the high credibility vignettes were found to be significantly higher on emotional arousal: $F(1, 61) = 10.70, p = .002, \eta p^2 = 0.15$. Both of these show large (> 0.16) and medium ($> .06$) effect sizes (J. T. E. Richardson, 2011). While this does contradict the notion of consistency between the vignettes, the low credibility condition are first-person accounts of the events and are therefore bound to be more emotionally charged than the matter-of-fact, third-person police reports in the high-credibility condition. Similarly, the police report vignettes more often used the word “attack” compared to “non-consensual” and include the word “victim,” where non-consensual was not present in the software and so was not considered for arousal the analyses, and the third person use of “victim” rather than “I” in the low credibility vignettes would also bias the emotional arousal. Given the overall consistency, and the explainable and reasonable differences noted, the vignettes were not altered following this finding. Further analyses and outputs can be found in the *Appendix I*.

Before analyses were conducted, a series of six t -tests were performed on the pre-task consistency, post-task consistency, and legal accuracy for each group of vignettes within the source credibility conditions. This was to ensure the findings from each vignette group within the source credibility condition were comparable, and to check and reduce the potential impact of confounding variables that may have occurred during vignette generation. It was found that in the low credibility vignettes, set one and two were significantly different on pre-task consistency $t(154) = -2.04, p = .044, d = -0.31$. The remaining five t -tests were found to be non-significant. Due to the majority of these t -tests being non-significant, it was decided to combine the groups of vignettes for each source credibility level, despite the large effect sizes. This meant that there were only two levels of the between-subjects source credibility condition (high vs low), rather than four.

7.2.4 Procedure

After participants accessed the survey via Prolific, they were presented with an information sheet detailing the purpose and content of the study. They were then asked to give informed consent and presented with the demographic questions detailed above. Participants were then presented with the pre-task questions on defining rape. Each participant was then randomly assigned to one of the four vignette subsets (high

credibility/low credibility; group 1/group 2). The survey was programmed to allocate an approximately even number of participants to each condition to ensure a balanced sample size. A total of 156 participants were allocated to each credibility condition.

Each participant was then presented with instructions for how to read and engage with each vignette, and some information about the format (police report/social media post). They were then presented with the vignettes. The order of the vignettes was the same for every participant, starting with a male perpetrator-female victim penile penetration scenario through to a female perpetrator-female victim sexual contact scenario. The order was designed to gradually become more departed from a prototypical rape scenario (I. Anderson, 2007; Bows & Westmarland, 2017; Waterhouse et al., 2016). To test definitional consistency and potential change in their definitions, the order of vignettes could not be counterbalanced or randomised, and this ordering of the vignettes based around the concept of prototypicality was crucial for understanding how definitions shift as a result of exposure to less typical scenarios. While the lack of counterbalancing and randomisation could incur order effects, removing the ability to perceive and comment on the change over time (i.e. changing the order of vignettes one participant to the next) reduces the ability to understand how exposure to various types of offence impact the underlying concept of rape. After each vignette, participants were asked whether they felt the scenario depicted would or would not be classed as rape, per their understanding.

After all vignettes had been viewed, participants were asked if they felt their understanding of rape had changed during the course of the study. Regardless of how they responded to this question, they were asked to repeat the questions in which they defined their idea of rape. They were then debriefed and redirected to Prolific to validate their participation so they could claim their compensation.

7.2.5 Data Analysis Plan

The first analysis used descriptive statistics to explore how people define rape and how this changed over time. Descriptive statistics, t-tests and a repeated measures ANOVA were then used to explore which characteristics were more likely to be categorised as rape across the variables of victim sex (t-test), perpetrator sex (t-test) and behaviour (repeated-measures ANOVA, with post-hoc pairwise comparisons).

Next, a 3×2 within-between repeated measures ANOVA was used to investigate differences between pre/post/legal consistency (DV) and source credibility (IV). Due to significance, post-hoc t-tests were conducted to identify which consistency scores were significantly different based on source credibility. 24 Student's t-tests were also conducted to note any differences in overall consistency scores between source credibility conditions for individual levels of each variable (e.g., male victims, female perpetrators, genital stimulation). As a firm majority < 60% of these tests showed no significant differences between source credibility conditions for individual element of the vignettes (e.g., male perpetrators, female victims etc.), source credibility conditions were not included as a between-subjects factor for the following ANOVAs concerning victim sex, perpetrator sex, and behaviour.

Next, two 3×2 repeated measures ANOVAs were conducted. The first explored differences in pre/post/legal consistency (DV) depending on the victim's sex (two levels: male, female). The second also explored differences in pre/post/legal consistency (DV) but used perpetrator sex as the independent variable (two levels: male, female). A final analysis used a 3×4 repeated measures ANOVA to explore differences in pre/post/legal consistency (DV) across behaviour types (four levels: penile penetration, digital penetration, genital stimulation, sexual contact). For these repeated measures ANOVAs, post-hoc tests were conducted if the models were found to be significant. For all inferential statistics, appropriate tests of assumptions have been conducted and reported, and relevant corrections have been applied to significance and effect size estimations. No missing data was imputed, as there was no reasonable way to infer what a participant's response may have been based on prior or later answers, as all vignettes were unique.

7.3 Results

7.3.1 Definitions and Categorisation

Of the sample ($N = 312$), it was found that 10 (3.21%) had pre-task lay theories that were accurate to the legal definition, where 298 (95.51%) had definitions broader than the legal definition (e.g., rape is any form of sexual penetration and can be committed by anyone against anyone), and 2 (0.64%) had definitions more narrow than the legal definition of rape (e.g., rape is penile penetration committed by men against women.). It was also found that 9 (2.88%) had post-task lay theories that were accurate to the legal definition, where 301 (96.47%) had definitions broader than the legal definition, and 1 (0.32%) had a definition more narrow than the legal definition. The modal pre-task definition ($n = 109$) and modal post-task definition ($n = 113$) were identical:

Rape is any form of non-consensual penetration or genital stimulation committed by a person (of any sex/gender) against another person (of any sex or gender).

A full summary of the definitions given can be found in **Table 7.c**. In total, 120 participants (38.34%) selected "Yes" when asked if their definition of rape had changed since the pre-task question, however the data revealed that 125 (39.94%) participants had actually changed their definition. Among those who changed, the most common change observed ($n = 101$, 80.80%) was becoming more narrow on the basis of behaviour, opting for more specific (penetrative) over broad (genital stimulation/sexual contact) behaviours. A further 18 (14.40%) participants broadened their behavioural definitions after the task, 2 (1.60%) participants broadened both the perpetrator sex and behavioural definition, and 1 (0.80%) participant changed each of the following: perpetrator and victim sex broadened; victim sex broadened; victim sex (swapped female-male).

Table 7.c: *Description and contents of rape definitions given by participants.*

Dimension	Pre-task	Post-task
Legal Accuracy		
Broad	298	301
Accurate	10	9
Narrow	2	1
Mixed	2	1
Perpetration		
Only male	14	11
Only female	0	0
Anyone	298	301
Victimisation		
Only male	1	1
Only female	3	1
Anyone	308	310
Behaviours		
Penile penetration	19	28
Penetration with a body part	4	3
Any penetration	71	110
Genital stimulation	110	113
Any sexual contact	108	58

Descriptive analysis of how participants categorised the vignettes showed that as the vignettes grew more departed from stereotypical ideas of rape, the number of participants categorising the vignettes also went down. The number of participants who categorised each vignette as rape, and the order in which vignettes were presented, can be found in **Table 7.d**.

Table 7.d: *Participant-level categorisation of each vignette as ‘rape’.*

Perpetrator	Victim	Behaviour	N	Percentage
Male	Female	Penile	312	100
Male	Male	Penile	310	99.34
Female	Male	Penile	260	83.33
Female	Female	Penile	292	93.59
Male	Female	Digital	197	63.14
Male	Male	Digital	196	62.82
Female	Male	Digital	185	59.29
Female	Female	Digital	199	63.78
Male	Female	Genital	129	41.35
Male	Male	Genital	66	21.15
Female	Male	Genital	146	46.79
Female	Female	Genital	156	50.00
Male	Female	Contact	15	4.81
Male	Male	Contact	12	3.85
Female	Male	Contact	55	14.10
Female	Female	Contact	34	10.90

Across all participants, out of a possible total of eight vignettes, approximately half of the male-perpetrator vignettes ($M = 3.96$, $SD = 1.68$) and female perpetrator vignettes ($M = 4.22$, $SD = 2.16$) were categorised as rape. Using a paired samples t-test, this difference was found to be statistically significant, though had a small effect size: $t(311) = -4.05$, $p < .001$, $d = -0.23$, meaning more vignettes involving female perpetrators were categorised as rape. Similarly, out of a total of eight vignettes, around half of the male-victim vignettes ($M = 3.90$, $SD = 1.92$) and female-victim vignettes ($M = 4.28$, $SD = 1.90$) were categorised as rape. Using a paired samples t-test, this was also found to be statistically significant with a small effect size: $t(311) = -6.95$, $p < .001$, $d = -0.39$, this again means that more female-victim vignettes were categorised as rape.

Finally, categorisation on behaviour was more varied, from a possible four vignettes for each behaviour, penile penetration was the most common to be categorised as rape ($M = 3.76$, $SD = 0.51$), followed by digital penetration ($M = 2.49$, $SD = 1.80$), genital stimulation ($M = 1.59$, $SD = 1.56$), and sexual contact ($M = 0.34$, $SD = 0.92$). Using a Greenhouse-Geisser corrected repeated measures ANOVA, this difference was found to be significant $F(2.34, 730.14) = 584.58$, $p < .001$, $\eta^2 G = 0.48$, $\epsilon = 0.78$. Post-hoc Holm-corrected t-tests showed all comparisons were significant, this was such that each of the following was categorised as rape significantly more frequently than the next: penile penetration, digital penetration, genital stimulation, sexual contact. The post-hoc tests are summarised in **Table 7.e**.

Table 7.e: Summary of post-hoc comparisons for effect of behaviour on categorisation

Comparison		Mean Difference	SE	df	t	p _{holm}	d
Penile Penetration	Digital Penetration	1.27	0.10	311	13.33	< .001	0.75
	Genital Stimulation	2.17	0.09	311	25.40	< .001	1.44
	Sexual Contact	3.43	0.06	311	60.39	< .001	3.42
Digital Penetration	Genital Stimulation	0.90	0.09	311	10.43	< .001	0.59
	Sexual Contact	2.15	0.10	311	21.34	< .001	1.21
Genital Stimulation	Sexual Contact	1.26	0.08	311	16.65	< .001	0.94

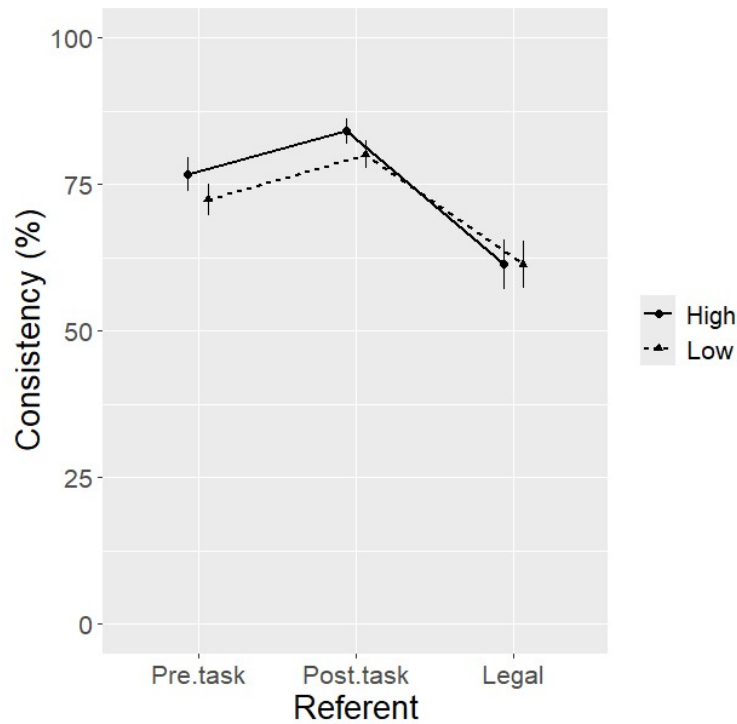
7.3.2 Consistency Scores and Comparisons

Overall Consistency Scores. The first analysis explored differences in the overall consistency of vignette categorisation for pre-task, post-task and legal consistency. Pre-task consistency ranged from 25.00% to 100% ($M = 74.59\%$, $SD = 18.28$), post-task consistency ranged from 31.25% to 100% ($M = 82.10\%$, $SD = 14.65$), and legal accuracy ranged from 6.25% to 100% ($M = 61.30\%$, $SD = 23.29$).

A repeated measures ANOVA with Greenhouse-Geisser corrections found these differences to be significant: $F(1.32, 409.97) = 85.31$, $p' < .001$, $\eta^2 G = 0.17$, $\varepsilon = 0.66$. Post-hoc, pairwise comparisons with Holm-corrected p -values showed that pre-task consistency was significantly lower than post-task consistency ($t[311] = -8.54$, $p' < .001$, $d = -0.48$), pre-task consistency was significantly higher than legal accuracy ($t[311] = 6.76$, $p' < .001$, $d = 0.38$), and post-task consistency was significantly higher than legal accuracy ($t[311] = 11.68$, $p' < .001$, $d = 0.66$). This shows that the participant's legal accuracy was significantly lower than their pre-task consistency, which was in turn significantly lower than their post-task consistency. That is, participants categorisation of the vignettes was more consistent with their definition given after seeing the vignettes than the definition given before seeing the vignettes, participants' categorisation was least consistent relative to the legal definitions.

Source Credibility. For the high credibility vignettes, it was found that pre-task consistency ranged from 25.00% to 100% ($M = 76.64\%$, $SD = 18.19$), post-task consistency ranged from 31.25% to 100% ($M = 84.09\%$, $SD = 13.63$), and legal accuracy ranged from 12.50% to 100% ($M = 61.30\%$, $SD = 24.91$). For the low credibility vignettes, it was found that pre-task consistency ranged from 25.00% to 100% ($M = 72.53\%$, $SD = 18.21$), post-task consistency ranged from 37.50% to 100% ($M = 80.11\%$, $SD = 15.40$), and legal accuracy ranged from 6.25% to 100% ($M = 61.29\%$, $SD = 21.63$). These statistics are visualised in **Figure 7.iii**.

Figure 7.iii: Estimated marginal means across consistency referents, separated by source credibility



The Greenhouse-Geisser corrected repeated measures ANOVA found no significant effect for the interaction of source credibility and consistency referent, $F(1.32, 409.00) = 1.05, p = .326, \eta^2 G < .01, \epsilon = 0.66$. As this was not significant, post hoc pairwise comparisons were not conducted. As this interaction was not significant, source credibility is unlikely to have a significant effect within future analyses, and as such source credibility has been excluded as an additional variable in forthcoming analyses.

Consistency and Victim Sex. For victim sex, overall consistency (mean-average across pre-task, post-task and legal) for male victim vignettes ranged from 41.67-100% ($M = 72.05, SD = 19.84$), and female victim vignettes ranged from 41.47-100% ($M = 73.27, SD = 19.57$). A Greenhouse-Geisser corrected repeated measures ANOVA exploring differences in consistency between victim sex showed a significant difference in the consistency scores between those involving female victims those involving male victims: $F(1, 311) = 19.58, p < .001, \eta^2 G < 0.01, \epsilon = 1.00$. Holm-corrected post-hoc pairwise comparisons found that vignettes involving female victims were more consistent than those involving male victims: $t(311) = 4.43, p < .001, d = 0.25$.

This model also explored the interaction between victim sex and consistency referent. The descriptive statistics for this model can be found in **Table 7.f**. This showed a significant interaction between victim sex and consistency referent: $F(1.31, 407.62) = 42.18, p < .001, \eta^2 G = .01, \epsilon = 0.66$.

Table 7.f: *Descriptive statistics for interactions of victim sex and consistency referent*

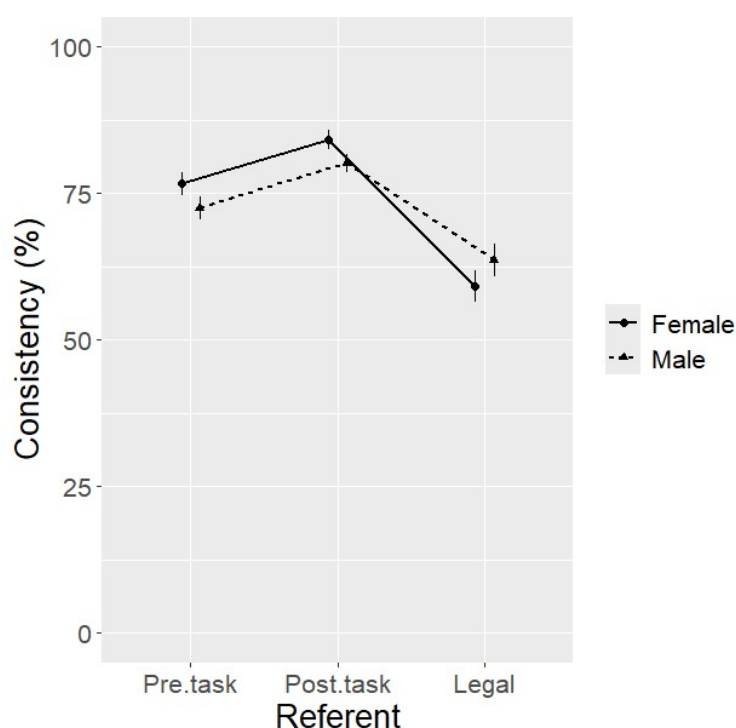
	Minimum %	Maximum %	Mean	SD
Pre-task Male Victim	12.50	100	72.50	19.60
Post-task Male Victim	25.00	100	80.12	15.72
Legal Male Victim	0.00	100	63.52	24.20
Pre-task Female Victim	25.00	100	76.67	19.11
Post-task Female Victim	25.00	100	84.08	15.73
Legal Female Victim	12.50	100	59.07	23.88

Holm-corrected post-hoc t-tests showed significant differences across all combinations of consistency referent and victim sex, all comparisons were found to be significantly different from one another. Female-victim consistency was higher than male-victim consistency for pre-task and post-task consistency, but lower for legal consistency. These statistics summarised in **Table 7.g** and the interactions are visualised in **Figure 7.iv**. This shows that consistency is generally higher post-task than pre-task or legal and is typically higher for female victims compared to male, with significant interactions of consistency referent and victim sex.

Table 7.g: *Summary of post-hoc comparisons for the interaction effect between victim sex and consistency referent*

Comparison		Mean Difference	SE	df	t	p _{holm}	d
Pre-task Male Victim	Pre-task Female Victim	-4.17	0.72	311	-5.83	<.001	-0.46
Post-task Male Victim	Post-task Female Victim	-3.96	0.64	311	-6.16	<.001	-0.35
Legal Male Victim	Legal Female Victim	4.45	0.67	311	6.62	<.001	0.37

Figure 7.iv: Estimated marginal means for consistency referent, separated by victim sex



Consistency and Perpetrator Sex. For perpetrator sex, overall consistency for male perpetrator vignettes ranged from 50.00-100% ($M = 73.96$, $SD = 18.88$), and female perpetrator vignettes ranged from 38.89-100% ($M = 71.41$, $SD = 19.76$). A Greenhouse-Geisser corrected repeated measures ANOVA exploring differences in consistency between perpetrator sex showed a significant difference in the consistency scores between vignettes involving male perpetrators compared to those involving female perpetrators: $F(1, 311) = 244.94$, $p < .001$, $\eta^2 G < 0.01$, $\varepsilon = 1.00$. Holm-corrected post-hoc t-tests found that vignettes involving female perpetrators were less consistent than those involving male perpetrators: $t(311) = 15.65$, $p < .001$, $d = 0.89$.

The model further explored the interaction between perpetrator sex and consistency referent. The descriptive statistics for this model can be found in **Table 7.h**. This showed a significant interaction between perpetrator sex and consistency referent: $F(1.40, 436.76) = 400.40$, $p < .001$, $\eta^2 G = 0.02$, $\varepsilon = 0.70$.

Table 7.h: Descriptive statistics for interactions of victim sex and consistency referent

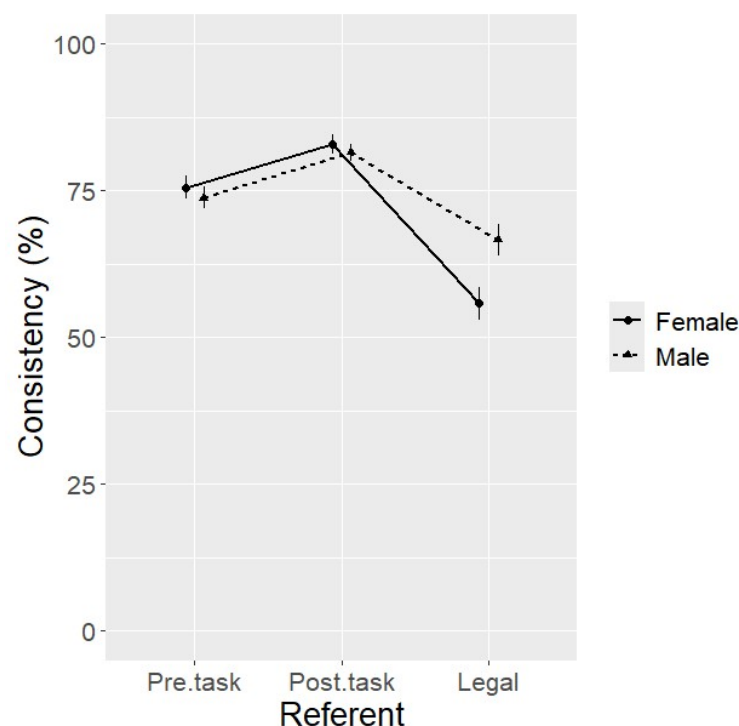
	Minimum %	Maximum %	Mean	SD
Pre-task Male Perpetrator	25.00	100	73.80	18.72
Post-task Male Perpetrator	33.33	100	81.50	14.87
Legal Male Perpetrator	8.33	100	66.59	23.05
Pre-task Female Perpetrator	25.00	100	75.57	18.94
Post-task Female Perpetrator	33.33	100	82.92	15.40
Legal Female Perpetrator	8.33	100	55.73	24.93

Holm-corrected post-hoc t-tests showed significant differences across all combinations of consistency referent and perpetrator sex, all comparisons were found to be significantly different from one another. Female perpetrator consistency was higher than for male perpetrators for pre-task and post-task consistency but was lower for legal consistency. These are summarised in **Table 7.i**. Estimated marginal means for these comparisons are also visualised in **Figure 7.v**. This shows that consistency is generally higher post-task than pre-task or legal and is typically higher for female perpetrators compared to male, with significant interactions of consistency referent and victim sex, the exception is legal consistency, which is higher for male perpetrators.

Table 7.i: Summary of post-hoc comparisons for the interaction effect of perpetrator sex and consistency referent

Comparison		Mean Difference	SE	df	t	p _{holm}	d
Pre-task Male Perpetrator	Pre-task Female Perpetrator	-1.78	0.35	311	-5.11	< .001	-0.29
Post-task Male Perpetrator	Post-task Female Perpetrator	-1.42	0.34	311	-4.20	< .001	-0.24
Legal Male Perpetrator	Legal Female Perpetrator	10.86	0.32	311	33.89	< .001	1.92

Figure 7.v: Estimated marginal means for consistency referent, separated by perpetrator sex



Consistency and Behaviour. For behaviour, overall consistency for penile penetration ranged from 66.67-100% ($M = 82.14$, $SD = 11.15$), digital penetration ranged from 33.33-100% ($M = 58.94$, $SD = 42.60$), genital stimulation ranged from 0.00-100% ($M = 65.85$, $SD = 36.48$), and for sexual contact ranged from (M

= 83.74, $SD = 31.49$). The Greenhouse-Geisser corrected repeated measures ANOVA for behaviour found a significant difference in the consistency scores between vignettes involving penile penetration, digital penetration, genital stimulation, and sexual contact: $F(2.40, 745.71) = 163.46, p < .001, \eta^2 G = 0.09, \varepsilon = 0.80$.

Holm-corrected post-hoc t-tests found that vignettes involving penile penetration were more consistent than vignettes involving digital penetration: $t(311) = 25.12, p < .001, d = 1.42$; and genital stimulation: $t(311) = 13.63, p < .001, d = 0.77$; but were no more consistent than sexual contact: $t(311) = -1.21, p < .619, d = -0.07$. Similarly, vignettes involving digital penetration were more consistent than vignettes involving genital stimulation: $t(311) = -4.86, p < .001, d = -0.28$; and sexual contact: $t(311) = -14.91, p < .001, d = -0.84$. Finally, vignettes involving genital stimulation were more consistent than those involving sexual contact: $t(311) = -12.21, p < .001, d = -0.69$. The post-hoc comparisons are summarised in **Table 7.j**.

Table 7.j

Table 7.j: Summary of post-hoc comparisons for the effect of behaviour on overall consistency

Comparison		Mean Difference	SE	df	t	p_{holm}	d
Penile Penetration	Digital Penetration	1.27	0.10	311	13.33	< .001	1.42
	Genital Stimulation	2.17	0.09	311	25.40	< .001	0.77
	Sexual Contact	3.43	0.06	311	60.39	< .001	-0.07
Digital Penetration	Genital Stimulation	0.90	0.09	311	10.43	< .001	-0.28
	Sexual Contact	2.15	0.10	311	21.34	< .001	-0.84
Genital Stimulation	Sexual Contact	1.26	0.08	311	16.64	< .001	-0.69

The model further explored the interaction between behaviour and consistency referent. The descriptive statistics for this model can be found in **Table 7.k**. This model showed a significant interaction between perpetrator sex and consistency referent: $F(2.93, 912.26) = 59.63, p < .001, \eta^2 G = 0.08, \varepsilon = 0.49$.

Table 7.k: Descriptive statistics for each behaviour, separated by consistency referent

Behaviour	Pre-task		Post-task		Legal	
	M	SD	M	SD	M	SD
Penile Penetration	95.19	10.65	95.65	9.96	55.58	12.83
Digital Penetration	68.08	41.72	70.97	41.09	37.77	45.00
Genital Stimulation	62.63	38.24	74.73	32.11	60.2	39.09

Sexual Contact	72.52	41.86	87.1	29.67	91.59	22.93
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Holm-corrected post-hoc t-tests showed significant differences across most combinations of consistency referent and behaviour. This was such that pre-task consistency for penile penetration was significantly higher than pre-task consistency for digital penetration, genital stimulation, and sexual contact. Pre-task consistency for digital penetration was not significantly higher or lower than any other variable comparisons. Further, post-task consistency for penile penetration was found to be significantly higher than post-task consistency for all of digital penetration, genital stimulation, and sexual contact. Post-task consistency for digital penetration was significantly lower than post-task consistency for sexual contact. Post-task consistency for genital stimulation was significantly lower than post-task consistency for sexual contact. Finally, legal consistency for penile penetration was found to be significantly higher than legal consistency for digital penetration, but lower than sexual contact. Legal consistency for digital penetration was found to be significantly lower than legal consistency for both genital stimulation and sexual contact. Legal consistency for genital stimulation was found to be significantly lower than legal consistency for sexual contact.

Overall, the general trend was that post-task consistency was higher than pre-task consistency, which was higher than legal consistency, following the overall trend noted in the initial analyses. The model is visualised in **Figure 7.vi** and full model summaries for post-hoc pairwise comparisons can be found in **Table 7.i**.

Figure 7.vi: *Estimated marginal means for consistency referents, separated by behaviour*

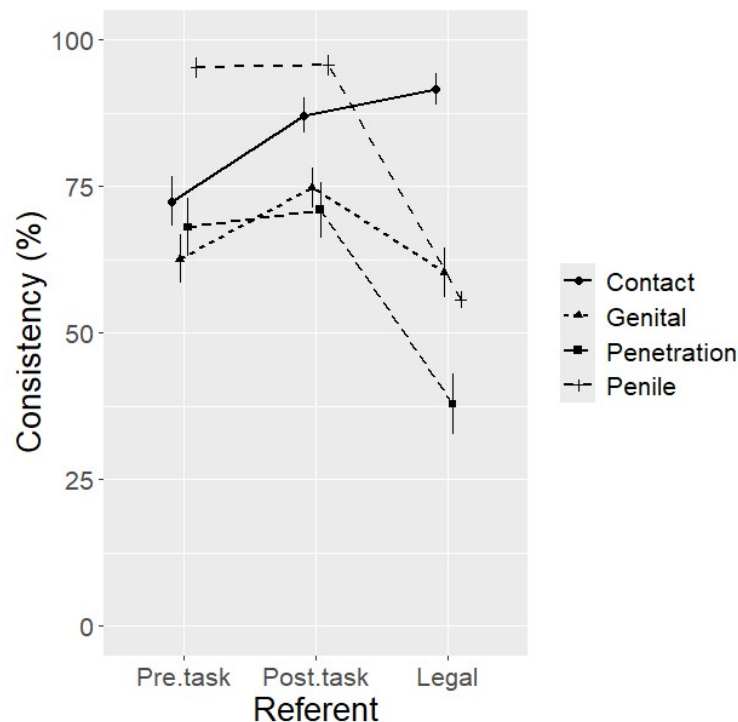


Table 7.1: *Summary of post-hoc comparisons for the interactions between behaviour and consistency referent*

Comparison		Mean Difference	SE	df	t	p _{tukey}	d
Pre-task Penile Penetration	Pre-task Digital Penetration	27.11	2.37	311	11.44	< .001	0.65
	Pre-task Genital Stimulation	32.56	2.29	311	14.21	< .001	0.80
	Pre-task Sexual Contact	22.68	2.54	311	8.92	< .001	0.50
Pre-task Digital Penetration	Pre-task Genital Stimulation	5.45	2.88	311	1.89	0.762	0.11
	Pre-task Sexual Contact	-4.43	3.64	311	-1.22	0.987	-0.07
Pre-task Genital Stimulation	Pre-task Sexual Contact	-9.88	3.01	311	-3.28	0.052	-0.19
Post-task Penile Penetration	Post-task Digital Penetration	24.68	2.36	311	10.47	< .001	0.59
	Post-task Genital Stimulation	20.91	1.94	311	10.79	< .001	0.61
	Post-task Sexual Contact	8.55	1.84	311	4.65	< .001	0.26
Post-task Digital Penetration	Post-task Genital Stimulation	-3.77	2.87	311	-1.31	0.977	-0.07
	Post-task Sexual Contact	-16.13	3.10	311	-5.20	< .001	-0.29
Post-task Genital Stimulation	Post-task Sexual Contact	-12.37	2.43	311	-5.10	< .001	-0.29
Legal Penile Penetration	Legal Digital Penetration	17.82	2.39	311	7.46	< .001	0.42
	Legal Genital Stimulation	-4.62	2.11	311	-2.19	0.561	-0.12
	Legal Sexual Contact	-36.00	1.38	311	-26.05	< .001	-1.47
Legal Digital Penetration	Legal Genital Stimulation	-22.44	2.15	311	-10.44	< .001	-0.59
	Legal Sexual Contact	-53.82	2.52	311	-21.35	< .001	-1.21
Legal Genital Stimulation	Legal Sexual Contact	-31.38	1.88	311	-16.67	< .001	-0.94

7.4 Discussion/Conclusions

7.4.1 Summary of Findings

Definitions and Categorisation. This study aimed to explore how participants defined rape and how they categorised sexual violence vignettes in relation to these definitions. This categorisation was explored as an overall categorisation, and separated by vignettes involving male/female perpetrators, male/female victims, and different behaviours (penile penetration, digital penetration, genital stimulation, and sexual contact).

Of the participants in this study, an overwhelming minority provided an accurate definition of rape, per the Sexual Offences Act (2003). By contrast, the substantial majority endorsed definitions that were broader than the legal definition. Between the pre-task and post-task definition, around two-in-five participants changed their definition of rape, with the majority of these changing their response to the behaviour sub-question to exclude any sexual contact. At both timepoints, rape was most frequently defined as *non-consensual penetration or genital stimulation committed by a person (of any sex/gender) against another person (of any sex or gender)*. Further, for any vignettes involving penetration, a majority of the sample categorised this as rape, and the consideration of female-female genital stimulation, exactly half of the sample categorised this as rape, but any other form of genital stimulation was only considered rape by less than half of the sample. These findings consolidate evidence that demonstrate that the sample broadly conceptualises rape as non-consensual penetrative sex, and that in some instances this definition can extend to non-penetrative acts, most notably when categorising offences between two female characters. These definitions and categorisations align with those given by the majority of participants in Chapters 5 and 6, and constructions of rape and sex found in wider research, and further in some legislation (Criminal Law Amendment Act, 2007; Rhode Island General Laws, 2021; Swedish Criminal Code, 2019; Haugen et al., 2018; Horowitz & Spicer, 2013; Peterson & Muehlenhard, 2004, 2007; Schick et al., 2016). That is, the data in this study support the view that, for many people, rape is conceptualised as non-consensual sex, in whatever form that takes for the perpetrator-victim dyad under consideration. This supports and lends credence to prior findings from Chapters 5 and 6 wherein the majority of participants also provided inaccurate definitions of rape, and defined rape as non-consensual sex, rather than penile penetration.

Finally, while there were found to be significant differences found in categorisation rates between male/female perpetrators and male/female victims, the small effect sizes indicate this may not be a practical difference. There were however significant differences in the categorisation based on behaviour which showed moderate effect size. As such, when considering categorisation behaviours, it is likely that participants prioritise information relating to the actions committed, rather than the characters involved. This is consistent with the definitions of rape that participants provided in this study, which most frequently included anyone as a perpetrator or victim. This further aligns with discussions from participants in Chapters 5 and 6, where victim/perpetrator sex was often overlooked in favour of providing behavioural definitions of rape. These finding of definition and categorisation demonstrate that the majority of participants either do

not know the legal definition of rape or disagree with its current definition. This is present in both the sample's explicit definition and also their categorisation of the offences. As such the findings provide strong support for a lay theories approach to the construction of non-consensual penetrative sex, through the discrepancies in personal and legal definition, the changes in definition, and the range of categorisation decisions across the vignettes. This will be discussed further in later sections.

Consistency and Comparisons. The second half of the study focussed on how consistently participants applied their definition of rape to the vignettes by comparing pre-task, post-task, and legal definitions to their categorisation of vignettes. Again, this was explored as an overall consistency, as well as how perpetrator sex, victim sex, and behaviour can influence consistency.

Between the consistency referents, legal consistency was found to be significantly lower than pre-task consistency, which was significantly lower than post-task consistency, showing that participants were likely using their own definitions rather than legal definitions to categorise offences, and that after reviewing various sexual offence scenarios, their understanding changed or became clarified. There were no significant differences between the high and low credibility conditions, and as such these were omitted as covariates for later analyses. As with the categorisation, there were significant differences in overall consistency between vignettes involving male/female victims (female victims being more consistent), but the effect sizes were small, indicating these may be statistical, but not practical differences. The largest effect size in post-hoc comparisons was found between pre-task consistency for male and female victim vignettes, showing a higher pre-task consistency for female victim vignettes. This indicates that participants' pre-task construction of rape was less likely to include male victim scenarios initially, but after seeing male victim scenarios this changed, as reflected in the smaller effect sizes in the post-task consistency scores for male and female victims. This suggests that exposure to vignettes that did not align with their pre-task thinking is likely to have changed their underlying lay theory.

Significant differences were also found for male/female perpetrators (male perpetrators being more consistent), with a large effect size, showing this may be a considerable difference. The largest effect size in post-hoc comparisons was between legal consistency for male and female perpetrators, with a more consistent categorisation of female perpetrators. This means participants were more frequently correct in categorising female perpetrators, according to their own definitions. This shows a large discrepancy between participant and legal categorisation of male and female perpetrators. This was such that participants were equally likely to categorise male or female perpetrator vignettes as rape, where the legal definition would not allow for female-perpetrator rape. Ergo, this significant difference is not representative of a difference in participant categorisation, but rather legal differentiation between perpetrator sex.

Finally, there were significant but small effects of vignette behaviour on consistency scores, such that consistency was highest for penile penetration, then sexual contact, digital penetration, and finally genital stimulation. This demonstrates that participants are most consistent regarding penile penetration being categorised as rape, and then most consistent about sexual contact not being categorised as rape, with

more contention and less consistency for digital penetration and genital stimulation. While most findings on consistency are significant, there are many small effect sizes that indicate there may not be meaningful differences across groups/conditions. However, there are some large effect sizes when comparing both consistency referent and an independent variable. Participants were more consistent when it came to female victims and male perpetrators, and were more consistent labelling penetrative offences as rape and sexual contact as not rape.

Overall. While most participants could not accurately define rape, per the Sexual Offences Act (2003), the majority of the sample were consistent when categorising vignettes compared to their own definitions. Both the definition, categorisation, and consistency data seem to demonstrate that the sample considered digital penetration as a form of rape, and in some circumstances also counted non-penetrative sexual acts as rape, despite the legal definition only accounting for penile penetration. Across both studies, categorisation and consistency vary most widely when considering the behaviours depicted in the vignette rather than the victim or perpetrator sex. In almost all instances, the pre-task consistency scores were larger for each pairwise comparison than for post-hoc comparisons. This means that after being exposed to the vignettes, participants' lay theories are more inclusive of a range of behaviours as they are reconsidering and reevaluating what they believe rape to be, as a direct result of being asked to categorise the vignettes.

7.4.2 Contribution and Applications

These findings support the arguments made in previous chapters for lay theories as a model of understanding individual-level differences in definitions and understanding of rape. The findings from the descriptive element of the chapter have shown similar findings to that of Chapters 5 and 6 wherein the majority of participants gave definitions of rape that were much broader than the current legal definitions. These explicit definitions provided show that participants mostly consider both penile and digital penetrative offences as rape, and in some contexts, genital stimulation can also be considered rape. The range of definitions given also reflect the variety of definitions found within previous research which differed on behaviour, victimisation, and perpetration (I. Anderson, 2007; Haugen et al., 2018; Larcombe et al., 2016; Peterson & Muehlenhard, 2004). The present research also adds additional context that these definitions can and will change, even after brief exposure to varied scenarios. As there were significant differences between the consistency scores relative to the pre/post-task definitions given, this shows that participants are adapting either their definition or application to accommodate or account for new information, i.e. the non-stereotypical vignettes. These small but significant changes in rape definition and consistency scores demonstrate that, like other lay theories, definitions of rape can change after exposure to alternative perspectives, which overall supports the conclusion that lay theories are an appropriate model through which to understand sexual offence conceptualisation (Haugen et al., 2018; Karnaze & Levine, 2018; Yeager et al., 2016).

One finding that is inconsistent with previous research, however, is the relation of broad legal definitions to the prevalence of unacknowledged victimisation. The present findings would suggest that *rape* would be over acknowledged, with behaviours such as *sexual assault* and *assault by penetration* being

categorised as rape by participants. While this was found to some extent in Chapter 4, unacknowledged rape victims were much more prominent. While some participants in Chapter 4 did mislabel *sexual assault* and *assault by penetration* experiences as *rape*, the proportion of unacknowledged victims suggest the presence of more nuanced elements within definitions. This is likely a reflection of the difference in process between construction and acknowledgement, ergo applying labels to others vs yourself. As acknowledgement relates to personal experiences and the vignettes in this study were all about other people, the cognitive process of categorising these are likely different (LeMaire et al., 2016; Peterson & Muehlenhard, 2011). It would seem that acknowledgement, rather than being a function of knowledge, is also a social and cognitive process in its own right, separate from conceptualisation and categorisation of others' experiences, much like the Match-and-Motivation model would suggest (McMullin, 2007; Orchowski et al., 2013; Peterson & Muehlenhard, 2011).

Overall, however, the findings have a significant impact on how researchers may interpret findings across the spectrum of sexual violence research. The present research shows the presence of individualised definitions of rape beyond the context of acknowledgement. Demonstrating that there is a potential for lay theories to be the underlying phenomenon that underpins models of acknowledgement, attitudes, and appraisal, such as the Match-and-Motivation model of acknowledgement (Peterson & Muehlenhard, 2011). Further, the findings validate research by Weare and colleagues (Bates & Weare, 2020; Weare, 2018a, 2018b, 2021a; Weare et al., 2017; Weare & Hulley, 2019) and Anderson et al. (2020) into forced-to-penetrate by showing that many participants consider forced-to-penetrate, *assault by penetration*, and *rape* as being one-and-the-same legally (Haugen et al., 2018; Peterson & Muehlenhard, 2004). Further, if participants in mock juror – or similar – research hold inaccurate concepts of what rape (or any other sexual offence) is, they may not be making a decision on whether the evidence is sufficient for conviction, but rather whether the behaviours being displayed align with their definition of rape. Future research into areas should be clear with participants in how they are defining the offences under investigation (if pertinent), which follows the current process for informing jurors of the legal definitions. Alternatively, it may be beneficial to define but not label the offence under investigation in order to not bias the participants responses of guilt by priming them to consider rape scripts, or that of another offence. This way, researchers can be sure it is the behaviours and evidence that are informing the verdict, rather than perceptions of severity, attitudes, or alignment with their definition that are being appraised.

7.4.3 Critical Evaluation and Future Research

The present study has contributed strongly to understanding how participants conceptualise rape, and the individual differences in these concepts. By collecting data that is both explicit and implicit in understanding how participant define rape and categorise sexual offences, the study has shown two participant constructions of rape in two congruous means. This two-layered investigation into definition and categorisation adds significant strength to the findings' validity. Further, by collecting data on both pre-task and post-task definitions, and scoring each independently, the findings demonstrate there are changes and that participants were either reconsidering their positions or clarifying their positions after receiving a range

of information. Collecting only one set of data (i.e. pre-task or post-task) would grant insight into the presence of lay theories and their application, but would not allow for inferring change over time, such as was done in previous research (Harbridge & Furnham, 1991; Haugen et al., 2018; Peterson & Muehlenhard, 2004). Similarly, the use of verifiably similar, long vignettes that differ on a range of factors allow the accurate inference of which elements were causing change. Using longer vignettes that provide a lot of detail – maintaining consistency and comparability – engages participants more and improves cognitive processing of the vignette (Skilling & Stylianides, 2020). This reduces the likelihood of knee-jerk categorisation, and cause participants to consider the scenarios more holistically in their behaviour and circumstances to make a decision (Skilling & Stylianides, 2020), potentially reducing the impact of pre-existing stereotypes, sex scripts, and general sexual violence attitudes.

A prominent limitation within the study design is that the questions used to parse the participant's definition of rape only considered factors of victimisation, perpetration, and behaviour. While these are the core elements of interest for this study, some participants may have a more nuanced understanding/perception of rape that includes or excludes certain behaviours, e.g. the way consent is given, marital rape, etc. This is demonstrated in Haugen et al.'s (2018) work, where definitions included specific mentions of coercive behaviours and consent practices, which may also play a role in juror decisions (Berkland et al., 2022; Larcombe et al., 2016). While this would not affect the clarity of the definitions collected here, such data may add more context to the findings in understanding why certain appraisals were made. That is, knowing these specific considerations could explain why certain vignettes were not considered rape, despite fitting their criteria. Future research may consider expanding the options provided to try and capture these specific beliefs, such as replicating the current method, but adding a scale involving questions such as "*I believe rape is always committed by strangers.*" or "*I believe unwanted sex between acquaintances/existing sexual partners can be rape.*" While the current methods were successful in achieving the present aims, future research could expand this to access a greater level of knowledge and specificity. Further, most research into lay theory change takes a longitudinal approach to their intervention (Karnaze & Levine, 2018; Yeager et al., 2016), with some exceptions which still showed significant results (Job et al., 2010, 2015). While the current study only aimed to investigate the potential for change in rape definitions, this may be reflected in the small, though theoretically important, effect sizes in consistency change.

As discussed, the current findings are both theoretically and statistically significant, in demonstrating the presence and changeability of lay theories however, future research could employ a longitudinal design, in delivering vignettes/information and exploring consistency across multiple occasions. For example, future designs could request a definition of rape, then deliver a subset of vignettes after some days, and then repeat this process, gaining new definitions and consistency scores from participants at each time point. This may also help reduce the minor ceiling effects noticed within the findings. While range restriction overall was not an issue, as participants achieved scores across the spectrum for both pre-task and post-task consistency,

changing the methods to deliver information at different intervals may foster a greater range of scores and facilitate more easily noticeable results with larger effect sizes.

Finally, a possible improvement to the design that could help interpret the current non-significant findings would be to ask participants to rate the vignettes for trustworthiness/credibility in each instance. At present, the labels of high-credibility or low credibility vignettes were applied a priori by the researcher in the design phase. A range of attitudes and perspectives of the participants that were not tested as part of this study could influence how credible they see the sources, for example participants who show high victim empathy could view the social media posts as more credible due to wanting to believe the victim or identifying with their experience. Similarly, participants who do not trust the police or have negative views of the police may see these vignettes as less credible. Similarly, credibility in the victims could be influenced by internal, participant-level attitudes/variables such as rape myth acceptance or victim blaming (Posch & Kemme, 2025; Sleath & Bull, 2017). While the allocation of high and low credibility to these conditions was justified and evidence-based, understanding the participants' perceptions of the vignettes would help to understand and contextualise the non-significant differences. Linear regression analyses of perceived source credibility and categorisation/consistency would help to understand if source credibility is truly inconsequential in categorisation, or if credibility itself is variable, which would explain the non-significant findings here.

7.5 Chapter Summary

Using observational and experimental methods, this study has shown that the majority of participants hold an understanding of rape that does not align with the legal definition. Further, it has shown that these definitions can change, and that these definitions are not always applied consistently to scenarios which match their definitions. The individual-level deviance from legal definitions, and the changes in definitions and consistency both strongly suggest the presence of lay theories as a model for understanding variance in knowledge, understanding, and attitudes of sexual violence. Findings from across the thesis, how they relate to one another and their collective implications on the field of sexual violence psychology will be discussed in Chapter 8.

8 General Discussion

8.1 Review of the Research

This thesis has explored individual level constructions of various sexual offences, focussed on non-consensual penetrative sex, defined as *any sexual act involving the non-consensual penetration of an adult's anus, vagina, or mouth with another adult's body part or object*. After reviewing current perspectives on sexual offence legislation from psychological and legal perspectives and reviewing the literature and research regarding sexual violence constructions, a series of research studies investigated these constructions. Firstly, Chapter 4 presented an investigation into prevalence and acknowledgement of sexual violence, demonstrating variance in constructions between legal and individual constructions, within the context of victimisation acknowledgement. As well as estimating the current prevalence of various sexual offences in the UK, Chapter 4 found that participants were more likely to report being victims of *rape* and *sexual assault* when presented with the description of the offence, rather than the label. This demonstrated a disconnect between participant understanding and construction of offence labels. This lack of clarity in the meaning of the previous findings then informed two qualitative investigations in Chapters 5 and 6. These gathered participant definitions of various sexual offences, but showed rape and sexual assault to be the two predominant labels given to sexual violence among the public and informed professionals. Across both samples, rape was most often constructed as non-consensual sex (most commonly requiring some penetration), and sexual assault was constructed as any non-consensual sexual contact that would not be seen as consensual sex. This supported the constructionist argument to explain findings of Chapter 4 but contradicted the overall trend of participants using labels more conservatively rather than liberally as these findings suggest. The final study, Chapter 7, aimed to clarify the previous findings by using an experimental design to explore constructions of rape, categorisation of sexual violence, and the consistency in these categorisations. This study found that ~95% of participants could not accurately define rape, the majority of participants categorise all penetrative sex as rape, and that 40% of participants changed their definition following exposure to the experimental vignettes. This clarified previous findings by suggesting that participants may hold broad definitions of rape that often include non-rape behaviours, however the acknowledgement context may change how this definition was used when referring to their own experiences. This chapter recaps the research aims and questions, synthesises the key findings from across the studies, and discusses their unique contributions and practical applications.

8.2 Overview of Key Findings

As well as specific research questions presented within the individual study chapters, three questions underpinned all of the research and drove the overarching narrative presented:

- a. How do individuals define and understand non-consensual penetrative sex offences?
- b. What is the process of conceptualising non-consensual penetrative sex?
- c. What models can be used to understand and explore this process of conceptualisation?

Each of these will be addressed with reference to synthesised findings from across and between studies to demonstrate how they have been answered.

8.2.1 How do individuals define and understand non-consensual penetrative sex offences?

This question aimed to explore what labels were used by participants in general use and when applied to personal and third-party experiences of sexual violence. The findings from Chapter 4 demonstrated that there was a significant difference between detected prevalence rates of *rape*, *sexual assault*, and *sexual harassment* among the sample, depending on how the victimisation questions were asked. This was such that these offences were more prevalent when described rather than labelled, indicating that participants have an inaccurate definition of *rape* that was more narrow than the legal definition. This led to variable levels of acknowledged victimisation, which in some cases also showed significant gender differences in acknowledgement outcomes with male participants being less likely to acknowledge sexual assault and sexual harassment. The majority of findings from Chapters 5, 6, and 7, however indicate that definitions of rape are generally more broad than the legal definitions.

Chapters 5 and 6 demonstrated that the majority of participants only categorised sexual offending (contact offending between adults, at least) into two labels: rape and sexual assault. This was such that rape was often defined as any form of non-consensual sex, and sexual assault was any sexual contact that was not perceived as sex. While the boundary between sex and non-sex was most commonly drawn at penetration, some participants explored more contextual definitions, such that would allow female-female oral sex to be considered rape, as many female same-sex couples would denote this as being sex (Derlega et al., 2001; Schick et al., 2016; Sewell et al., 2017). This was corroborated by findings from Chapter 7 where most participants provided a definition of rape that included all penetration ($n = 110$) or all penetration and genital stimulation ($n = 113$). This was also reflected in participants categorisation of sexually violent vignettes, where at least 59% of participants categorised any form of penetration as rape, and exactly 50% of participants categorised female-female genital stimulation as rape.

The findings therefore suggest that most participants understand rape to be synonymous with non-consensual penetrative sex (as defined in this thesis), but there were also some that include some forms of genital stimulation in their definition. That is, participants typically categorised rape as non-consensual penetrative sex but there may also be contextual reinterpretation of this definition to fit variable and contextual definitions of sex (Horowitz & Spicer, 2013; Peterson & Muehlenhard, 2007; Schick et al., 2016). This was further supported by research into defining rape by Haugen et al. (2018), which showed that rape was frequently described as non-consensual sex and where participants were more specific, penetration was often mentioned as a defining characteristic. Beyond the context of sexual violence or rape, penetration was similarly used as a boundary between sex and not sex, though there were some contextual limitations to this definition, such as female same-sex relationships (Byers et al., 2009; Horowitz & Spicer, 2013; Peterson & Muehlenhard, 2007; Schick et al., 2016; Sewell et al., 2017).

The findings of Chapter 4 contradict this view, however, as the above findings should indicate that *rape* would be over acknowledged and victims of *assault by penetration, causing a person to engage in sexual activity without consent*, and in some cases *sexual assault* should be identifying as rape victims. In reality, the findings showed that a significant proportion of the sample in Chapter 4 did not acknowledge their victimisation or mislabelled it as *sexual assault*. The contextual differences in the research may help to understand this. As Chapter 4 focused on acknowledgement of sexual victimisation, the context of the questions asked participants to reflect on their own experiences, which introduces a lot of additional variables that could influence categorisation compared to asking for broad, context-neutral definitions (R. E. Anderson et al., 2017; Griswold et al., 2020; Luetke et al., 2021; Ollen et al., 2017; Peterson & Muehlenhard, 2011; Stubbs, 2013; L. C. Wilson & Miller, 2016). A range of factors are known to influence acknowledgement, and as the Match-and-Motivational model of acknowledgement proposes, it may not be simply a question of whether the experience could behaviourally be categorised as rape, but rather a case of whether the victim feels the victim/perpetrator labels are appropriate or deserved for this infraction (Augustyn et al., 2024; Peterson & Muehlenhard, 2011; Williamson & Serna, 2018).

This was addressed by one participant within Chapter 6, Grace was a forensic psychology researcher who also had experience of non-consensual penetrative sex:

I've been in those situations where it has been coerced [...] but I would never define myself as a victim, or I've been a victim of rape, because I would say, "Well, I did say yes, and I don't feel violated," [...] I feel like that wouldn't entitle me to that sort of victim label. [...] I would never want to make them a perpetrator or be a sex offender, because that's a huge label as well [...] However, if we were talking about someone else, and they were saying they were coerced into sex, I would say "absolutely, that is a sexual offence."

- **Grace**

Grace explained that while her experiences would be categorised as a sexual offence, she would never call herself a victim, but if another person disclosed similar experiences they would be. This aptly reflects the proposition of the Match-and-Motivation model (Peterson & Muehlenhard, 2011). Although Grace's experience matches her understanding of a sexual offence, she was not motivated or willing to see herself as a victim or the other person as a perpetrator. As such, this summarises the above argument and supports a notion that participants can have a broad definition of rape (for example), and simultaneously exclude their own experiences, despite meeting this definition.

While the thesis overall has shown that public knowledge and constructions of non-consensual penetrative sex were broadly inaccurate to the legal definitions, Chapters 5, 6, and 7 have shown participants with a broader definition of rape, often including all forms of penetration, and Chapter 4 demonstrated an often more narrow concept of rape in the form of unacknowledged victims. As such, these findings suggest that while a person may hold an overarching construct of non-consensual penetrative sex, this definition can

be applied inconsistently to a range of experiences or scenarios as this can introduce motivational biases. That is, a definition in principle was not always their definition in practice or in context.

8.2.2 *What is the process of conceptualising non-consensual penetrative sex?*

The previous question asked how participants defined their constructions of non-consensual penetrative sex, where this question proposed to explore how these constructions develop and whether they change over time. The main answers to this were presented in the qualitative findings of Chapters 5 (public sample) and 6 (professional sample). These chapters found that participant constructions of rape and sexual assault changed over time through similar means, and also through the gaining of new knowledge or perspective on the phenomenon of non-consensual penetrative sex. The findings suggest that participants were directly or indirectly exposed to non-consensual penetrative sex and unconsciously compare their current understanding to this new scenario, either comparing the use of terminology to their understanding or by comparing the behaviour to other behaviours they were aware of. The participants, in describing this process were engaging in a heuristic evaluation of new and existing information, which may be changing their understanding or perception of non-consensual penetrative sex (Furnham, 1988; Harbridge & Furnham, 1991; Haslam, 2016, 2017; Karnaze & Levine, 2018; Peterson & Muehlenhard, 2011). As such, participants who recognised and reported changes in their definition were gaining new perspectives and being exposed to new, non-stereotypical scenarios of non-consensual penetrative sex, evaluating them to current understanding, and updating their definitions of rape to include all penetrative behaviours, viewing them all to be equal (see Chapters 5, 6). Similarly, this explains why some participants included female-female genital stimulation as rape, as their underlying concept of rape was likely “sex,” rather than “penetrative sex,” (Schick et al., 2016; Scott et al., 2018; Sewell et al., 2017).

This explanation also works to explain why some participants did not change their constructions of non-consensual sex over time. For participants who started with an already broad construction of non-consensual penetrative sex, the heuristic evaluation would not result in a changed definition, as the “new” information was already accounted for. These participants discussed how their definitions had become stronger over time, or become more clarified, indicating that this heuristic evaluation is assuring them of their construction. Conversely, for participants who did not change their definition, but had an accurate or narrow definition, any new information would be compared to either the law or deep-rooted stereotypes in the heuristic evaluation. For those with a definition that was aligned with the legal definition, the heuristic evaluation was not going to change constructions easily, because these participants view the law as absolute, and personal feelings/categorisation were irrelevant to the legal classification of a behaviour. While the evaluation may still be taking place, these participants may be weighting their knowledge of the law over their personal reflections, resulting in no change in construction. For those with narrow constructions (a significant minority in Chapter 7, and not present in Chapters 5 and 6), their construction is likely founded on stereotypes and rape myths (Belyea & Blais, 2023; Bhattacharya & Stockdale, 2016; McKimmie et al., 2013; Peterson & Muehlenhard, 2004; Ryan, 2011). Although these are not infallible and endorsement/belief in rape myths can change, rape myths and stereotypes are reinforced through media and cultural messaging

(Beshers & DiVita, 2021; Burt, 1980; Leone et al., 2021; Peterson & Muehlenhard, 2004; Ryan, 2011; Sacks et al., 2018). As such heuristic evaluation of new information may not be strong enough to result in a broader definition, though it is unclear if coming to understand the law would encourage a more accurate construction.

To provide an example in the context of harm evaluation, participants explored similarities in victim outcomes across the various penetrative offences and either concluded that they were similar or different, which then impacted their underlying construction of non-consensual penetrative sex. In this heuristic comparison, participants often associated the term rape with all significantly harmful sexual experiences, and those that saw similarities in the victim harm of non-consensual penetrative sex broadly advocated for aggregation of the offences. Conversely, those who considered more specific behavioural outcomes for penile penetration (i.e., STI contraction, non-consensual pregnancy) as being more severe than other forms of penetration, then constructed these behaviours under multiple different labels (i.e. continue the disaggregation of non-consensual penetrative sex offences).

Participants also explored how certain experiences and narratives also impacted their understanding and construction of rape and non-consensual penetrative sex more broadly. Members of the public from Chapter 5 explained how their personal experiences of non-consensual penetrative sex and the experiences of their friends/family, and portrayals in media all worked to influence their underlying construction. These participants compared their experiences to their extant construction and described their construct changing in response. Most notably, Reece (Chapter 5) explored news headlines used the word rape to describe object penetration, which he had then incorporated into his definition of rape, presuming this was used correctly. Sacha (Chapter 5) also explored how her experiences as a woman had impacted her understanding, as she was exposed to the realities of sexual violence (compared to myths) and was educated about consent and rape early in life. From Chapter 6, the participants who worked in the police and legal practice had constructions of rape that aligned perfectly with the law and explained that their constructions had not changed over time. This indicates that for these participants, comparisons were made not to an individualised construction of the legal terms, but rather to the accepted, legal construction, which to them was an objective truth. As such, internal heuristic comparisons did not amount to changing construction. Alternatively, participants like Holly and Sandra (Chapter 6) who worked with victims and perpetrators of sexual violence put less emphasis on the legal definitions and more emphasis on victim/perpetrator experiences. As such, these participants described changing and adapting constructions as they came to understand the similarities in the experience of non-consensual penetrative sex.

Overall, the findings support a notion that an individual starts with a concept of rape that is first defined within a specific context, and that over time additional contextual factors can cause a heuristic comparison of new information and the current construction. This comparison can be based on their understanding of the definition or a set of criteria that make up the offence. This comparison can then result in the inclusion or exclusion of the new information, working to expand, narrow or consolidate their construction. This is best contextualised within the findings of Chapter 7. In Chapter 7, participants defined

rape in their own terms and then were exposed to vignettes describing a range of sexually violent scenarios. After seeing these scenarios, approximately one-third of participants changed their definition of rape. It was proposed that within this study, participants pre-task definition represented their underlying construction of rape, this was then continuously compared to a range of scenarios that became gradually further from the legal definition of rape, and following these comparisons, the underlying construction of rape changed, reflected in their post-task definition. Based on the findings of Chapters 5 and 6, this was likely due to a comparison of the behaviours, or the perceived harm put upon the victim. Additionally, within the participants who did not change their definition, the heuristic comparisons did not work to alter their understanding, but to consolidate their construction by reinforcing their current understanding. That is, these comparisons did not cause them to recategorize the behaviours.

This can also be explored by comparing the findings of Chapters 4 and 7. While Chapter 4 found evidence that the rape label was applied more conservatively to behaviours (i.e. an overall narrow construction among participants), Chapter 7 showed the rape label was applied more liberally (i.e. an overall broad construction among participants). While it could be proposed that Chapter 4 also demonstrated a reconstruction of rape when reflecting on one's own experiences, it is more likely that, as discussed above, participants were simply unwilling to see themselves as victims for a range of reasons. While Morgan, Harriet (Chapter 5), and Grace (Chapter 6) directly commented on how their experiences have changed their understanding of non-consensual penetrative sex, some discussed how they do not have a broader understanding overall; Grace described how her construction was broad except when it came to her own experiences. Harriet also described meeting people who had narrow constructions of non-consensual penetrative sex that developed to exclude their own experiences. This reflects some extant literature that explores how certain victims can alter their constructions to avoid being seen as a victim or label their perpetrator as such, which would then be applied to others' experiences as well as their own (Augustyn et al., 2024; Berkland et al., 2022; Dardis et al., 2021; Holland et al., 2021; Peterson & Muehlenhard, 2004, 2011). This is more widely seen in research into constructing sex, where contextual and experiential factors can change the underlying construction of sex and how liberally 'sex' is applied to one's own and others' experiences (Byers et al., 2009; Derlega et al., 2001; Horowitz & Spicer, 2013, 2013; Schick et al., 2016; Sewell et al., 2017).

8.2.3 What models can be used to understand and explore this process of conceptualisation?

Building on the answers from the previous questions about what defines a participant's construction of non-consensual penetrative sex and how these constructions develop, this final question aims to relate these construction processes to known models in constructionism. Across the findings of the four studies presented, two key models have been identified that support understanding of how non-consensual penetrative sex was constructed: Concept Creep (Haslam, 2016) and Lay Theories (Furnham, 1988; Haugen et al., 2018). However, the Match-and-Motivation model (Peterson et al., 2011) can also be applied to understand how context can influence specific applications of construct, or a contextual construction that can change.

Concept creep represents a general societal shift towards a broader understanding or application of terminology to include a wider range of behaviours than originally intended/defined (Cascardi & Brown, 2016; Furedi, 2016; Harper et al., 2023; Haslam, 2016). While the thesis has focussed on the individual participants at each stage of the research, the general findings show that the majority of participants had a generally broad construct of rape which often included non-consensual penetrative sex (see Chapters 5, 6, and 7). This demonstrates a wide-ranging shift in perspective and understanding among community, public, and professional samples. The prominence of a broad construction is evidence that society may be gently moving towards a definition of rape that is more inclusive of a range of behaviours than the current legal definition (Cascardi & Brown, 2016; Furedi, 2016; Haslam, 2016; M. J. McGrath et al., 2019). That is, the social concept of rape is creeping towards non-consensual penetrative sex, while the legal definition remains as non-consensual penile penetration. Further, although not captured in any quantitative findings within this thesis, participants from Chapter 5 discussed how they observed generational differences between themselves and their parents or grandparents. This exemplifies the possibility of concept creep in action; younger generations (and ergo participants) have a broader understanding of rape as it is used more liberally among younger generations, compared to older generations who were exposed to more stereotypical and mythologised sexual violence messaging (P. B. Anderson et al., 2021; Cichy et al., 2007; Gallagher, 1979; Syme & Cohn, 2016). This perspective, however, is not supported by the findings from Chapter 7, which showed that participants from across the age and generation range had equally inaccurate definitions of rape, the majority of which were broad. While concept creep would not necessarily manifest as generational differences, there would be some notable separation between generations who were raised to understand rape as an exclusively male-perpetrated with female victims and later generations who are developing more broad concepts of rape and non-consensual penetrative sex (P. B. Anderson et al., 2021; Cichy et al., 2007; Furedi, 2016; Haslam, 2016). The concept creep approach is also contradicted by the evidence from Chapter 4 that the labels of rape and sexual assault are used less frequently than would be expected based on behavioural responses.

Lay theories, therefore, may be better placed to explain the full range of findings in the thesis. Lay theories describe an individual's process of developing an understanding of a phenomenon using experiential evidence and intuition rather than information or experimentation; this understanding is often misaligned with objective understanding (Furnham, 1988; Haugen et al., 2018). That is, where concept creep approaches societal changes in understanding of construction, lay theories explore individual-level differences in construction (Furedi, 2016; Haslam, 2016, 2017). In Haugen et al.'s (2018) research, a lay theories lens was applied to a qualitative survey in which participants were asked to define rape. Haugen et al. (2018) found that definitions of rape were highly varied and concluded that lay theories of rape and non-consensual penetrative sex was varied within their sample. Across qualitative and quantitative paradigms, findings from this thesis have supported Haugen et al.'s (2018) findings, as they show that participants have a highly varied understanding of what constitutes non-consensual penetrative sex, that these definitions are most likely individually constructed, and frequently inaccurate to the legal definitions. The findings that a majority of participants hold an inaccurate definition of rape and sexual assault (Chapters 5, 6 and 7), the descriptions

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(Chapters 5, 6) and observations of changes in definition in response to exposure and reconsideration of evidence (Chapter 7), and the varied application of labels to experiences (Chapters 4 and 7) all support a lay theories approach to understanding construction of non-consensual penetrative sex (Furnham, 1988; Haslam, 2017; Haugen et al., 2018; Yeager et al., 2016). This is because the findings mirror current understanding of how lay theories develop and change, based on available evidence and intuitive construction forming logical connections between phenomena, rather than considering factual information or reliable evidence, such as the law (Haslam, 2017; Haugen et al., 2018; Yeager et al., 2016). As participants had changing constructions of rape and sexual assault but showed little awareness of the law (both generally and for specific offences), this supports viewing construction of non-consensual penetrative sex through a lay theories lens. However, while lay theories explain individual level changing in constructions, it is less applicable when considering the wider consensus among participants and their definitions of rape. As such, it may be proposed that the individual lay theories, and the heuristic comparison of new information to existing internal models, may be a precursor to wider concept creep. In instances where lay theories generally trend towards broader concepts, through individual broadening of language, a generalised societal shift is observed in concept creep.

As discussed earlier, compared to the findings from Chapters 5, 6, and 7, which generally show a consensus on a broader definition of rape than the law prescribes, Chapter 4 stands out as contradicting these findings, showing evidence of a narrower construction of rape and sexual assault (and sexual harassment) when judging personal victimisation experiences. However, the disparity in the findings can be explained by the Match-and-Motivation Model (Peterson & Muehlenhard, 2011). While not introduced as a core model of constructing definitions of non-consensual penetrative sex, the Match-and-Motivation model can explain variations between an underlying definition and how this is applied in acknowledgement research (Peterson & Muehlenhard, 2004, 2007, 2011; Stubbs, 2013). The findings of Chapters 5, 6, and 7 explore definitions of rape departed from any personal or motivational context, such that participants were likely giving their true underlying and unbiased definitions of non-consensual penetrative sex. However, Chapter 4 explored these constructions through the lens of acknowledgement, asking participants to reflect on their own experiences, and the Match-and-Motivation model explains that for a victim to acknowledge, they must understand the event as an offence and be motivated to acknowledge the victimisation. While the Match element tackles differences between personal construction and legal definition, the Motivation element explains why there were differences between the findings across studies (Peterson & Muehlenhard, 2011; Stubbs, 2013). As participants were reflecting on their own experiences, they may recognise their victimisation as rape but not have been motivated or willing to adopt the rape victim label or may have considered other contextual factors, such as relationship status or wantedness when categorising the experience (Arttime & Peterson, 2015; Hills et al., 2020; Orchowski et al., 2013). This therefore introduces a new range of variables that were not applicable in the context of Chapters 5, 6 and 7. As such, while the Match-and-Motivation model cannot explain how or why people construct non-consensual penetrative sex, it can aid in understanding how these definitions were applied, and the contextual changeability of these constructions.

As such, based on the evidence from within this thesis, and the wider corpus, a lay theories approach is a better fit for developing a broader understanding of how participants have constructed their understanding of non-consensual penetrative sex in the context of the legal terminology (i.e., rape). That being said, the combined support for both lay theories and concept creep as models to understand conceptualisation suggest the two may be related, and this relationship is explored in the theoretical implications section.

8.3 Implications, Contribution and Novelty of the Research

The research presented in this thesis offers a uniquely nuanced perspective on constructionist positions related to non-consensual penetrative sex within the context of England and Wales. The following section explains these contributions, drawing on findings and methods from across all four studies and associated literature.

8.3.1 *Novelty and Contribution*

The sum of evidence from this research supports lay theories as the most appropriate means through which to understand construction of non-consensual penetrative sex, through finding that it is individualised and based on intuitive evaluation of information and heuristic comparisons. While a small amount of research has approached the issue of sexual offence conceptualisation (Haugen et al., 2018; Peterson & Muehlenhard, 2011), this thesis broadens this current understanding, having undertaken research on a range of offences and their relation to one another. Similarly, a combination of qualitative, observational, and experimental research methods was used, adding an enhanced level of generalisability to the predominantly qualitative literature base. The extant research by Haugen et al. (2018) and Peterson and Muehlenhard (2004) is also exclusive within the US context; within the context of federal or state law, the operational definition of rape may be entirely different to the operational definition here, which is narrower than the US Federal definition and the Kansas State definition (from Haugen et al., 2018 and Peterson and Muehlenhard, 2004; 2007; 2011, respectively). The thesis, as a collection of cohesive research projects, has provided novel, synthesised multi-context insights into conceptualisation of non-consensual penetrative sex, including generalised views, acknowledgement (perception of personal experience), and appraisal (perceptions of others' experience).

Chapter 4 provided a modern estimate of the prevalence of sexual violence across the United Kingdom within a large, nationally representative sample, explored the proportions of unacknowledged victimisation, introduced and explored mislabelling of victimisation on a large scale, and provided evidence that supports a behavioural approach to estimating prevalence and assessing victimisation for research purposes. This study also introduced a bespoke acknowledgement prevalence measure, in the use of dual-questioning. Originally based on more narrow and specific questions from acknowledgement research, this new model of questioning allows researchers to collect and comment on more nuanced data.

Chapters 5 and 6 presented the first qualitative interviews that explore how participants defined and constructed non-consensual penetrative sex, with elicitation techniques for understanding how their

constructions compared to legal definitions. While previous research has used qualitative methods to explore how people define rape (Haugen et al., 2018) and general research has explored how these definitions are constructed and used (Peterson & Muehlenhard, 2004, 2011), the current research is the first to include qualitative discussions of defining various sexual offences, the process of definition, and how these are justified. As such, these studies provided rich, detailed accounts of participant constructions and applications of non-consensual penetrative sex labels beyond the context of acknowledgement and appraisal.

Finally, Chapter 7 used a novel application of vignette elicitation to understand how participants define rape and categorise various sexual offences as rape. This is the first research within the UK to ask participants to explicitly define rape and categorise a range of sexual offences under non-consensual penetrative sex labels. This builds directly on the findings of Haugen et al. (2018) who conducted similar research by exploring how these definitions were used and broader appraisal designs such as Larcombe et al. (2016) who investigated categorisation and guilt judgements. From this study, it is now more clear why judgements of sexual offence scenarios are not always aligned with attitudes towards victims or perpetrators, as the underlying definitions may not be clear, extra-legal circumstances are being considered, or there may be an influence of motivational factors in acknowledgement. That is to say, inaccurate or mythologised rape scripts, inaccurate understanding of what rape is and how it is defined, and various sociodemographic and motivational factors could be related to overly broad or narrow (but ultimately inaccurate and biased) judgements of sexual violence scenarios (Augustyn et al., 2024; Campbell et al., 2023; LeMaire et al., 2016; McMullin, 2007; Peterson & Muehlenhard, 2007).

Combined, the findings provide a new and clear approach to understanding conceptualisations of non-consensual penetrative sex in the form of lay theories. Not only that, but there is now a foundation for approaching research into how these constructs are developed, what influences them, and how they are used to appraise experiences of sexual violence. There is also the consideration of the definitions themselves, in Chapters 5, 6, and 7 the most common definition of rape given was of non-consensual sexual penetration and genital stimulation, with no consideration for the directionality of this offence. As such, this suggests widespread public support for a redefinition of rape law and justifying further research that considers the impact and practicality thereof. Although only a small sample, there was also some calls from professionals in Chapter 5 to reconsider what should legally constitute rape. While the research presented has focussed on the phenomenon of non-consensual penetrative sex (rape, assault by penetration, and forced-to-penetrate), the definition of rape given by most participants clearly surpasses this, and while they included non-consensual penetrative sex in their definition, the rape label was also often extended to genital stimulation. According to the findings of Chapter 7, this was predominantly a concern for female-female sexual offending.

8.3.2 Theoretical Implications

Constructions of Non-consensual Penetrative Sex. In order to avoid confusion between legal definitions, non-consensual penetrative sex could be adopted as a descriptive, operational label for behaviours defined as rape, assault by penetration, and forced-to-penetrate. This should be adopted in future

studies to help clarify what is being discussed and avoiding potential biases of participants responding to surveys on attitudes or victimisation. In all findings, it was clear that definitions and constructions of rape were often different from the legal definition, with a significant degree of overlap of penetrative behaviours in participants' lay theories/constructions. In Chapters 5-7, where constructions were explicitly collected, the majority of participants in all samples offered constructions of rape that more aligned with the operational definition of non-consensual penetrative sex presented and defined in this thesis. Participants, unlike the law, grouped penetrative behaviours together under the label of sex, and therefore non-consensual penetrative sex was all constructed into the same label of rape. It is also noted that explanations of the contradictory findings in Chapter 4 are potentially explained by perceptions of the labels of rape and rape victim, rather than understanding of the terminology. As such, it is suggested that the label non-consensual penetrative sex may be a more accurate reflection of participants' understanding of various forms of sexual violence as a descriptive and informative label, less subject to bias and misinterpretation.

Lay Theories and Concept Creep. The research in this thesis has found evidence of both lay theories and concept creep within the findings. Lay theories were found in individual accounts of how constructs have developed and changed over time, but the overall picture of a wider shift towards a more open-ended and broad definition of rape and non-consensual penetrative sex are more aligned with understanding of concept creep (Furnham, 1988; Harbridge & Furnham, 1991; Haslam, 2016, 2017). As concept creep only accounts for the broadening of societal views, encouraged by individual change, lay theories may be a more appropriate and accurate model of how individual constructions develop. This is demonstrated by the findings from Chapters 5 and 6 that some participants showed no change in their construction but rather found clarity in their understanding rather than a marked broadening of their construction as was described by most participants. Similarly, in Chapter 7 a number of participants changed their definition of rape to be narrower at the post-task question compared to the pre-task definition. This, with findings from previous chapters, could be explained through participants finding clarity in their construction through exposure to various scenarios, and as such their definition and categorisation became narrower, but still broad compared to legal definitions (Furnham, 1988; Harbridge & Furnham, 1991; Haslam, 2017; Haugen et al., 2018). While this can potentially be understood through a concept creep lens, it is a noted and explained phenomenon within lay theories approaches (Furnham, 1988; Harbridge & Furnham, 1991; Haslam, 2016, 2017; M. J. McGrath et al., 2019).

Building on this, there were also many parallels in how participants described changing their construction and how lay theories are described in literature. Participants often described how experiences and exposure to sexual violence shaped their construction, and very rarely referenced actual knowledge of the law as a driving factor in their construction. Further, participants justified their constructions using intuition and logic (e.g., *if one form of penetration is rape, all penetration should be*), rather than legal knowledge or information. Lay theories are known to be constructed through inference and intuition rather than knowledge, and through the use of cognitive and heuristic shortcuts which is strongly supported by this finding (Furnham, 1988; Harbridge & Furnham, 1991; Haslam, 2017; Haugen et al., 2018). Previous

research has also shown that lay theories change over time, and this change can be intentionally and measurably manipulated, as found in Chapter 7 (Haugen et al., 2018; Karnaze & Levine, 2018; Yeager et al., 2016). As well as supporting a lay theories approach, the findings that intentionally exposing participants to sexual violence and asking them to appraise it can influence perceptions and categorisation of constructions of non-consensual penetrative sex, which has practical applications for research and practice.

Given the individual-level support for lay theories, and the wide-ranging and majority support for a broader concept demonstrating concept creep, it is also proposed that changing lay theories may be an individual-level precursor to the societal shift seen in concept creep (Cascardi & Brown, 2016; Furnham, 1988; Harbridge & Furnham, 1991; Haslam, 2016, 2017). As many individuals begin to change their lay theories, a wider societal shift can be observed, and this may be recognised as concept creep. As such, in finding evidence for lay theories, and a wider view of how constructions of non-consensual penetrative sex are more broad than legal definitions of *rape*, *assault by penetration*, and *causing sexual activity*, this thesis has shown evidence of concept creep. As such, the individual construction of lay theories through heuristic changes and intuitive grouping/categorisation may be a precursor to wider concept creep. This would need further, direct testing and theoretical basis to be further supported.

Lay Theories: Changing and Contextual. In addition to finding evidence of non-consensual penetrative sex constructions being analogous to lay theories, this project has also shown that these can change and may be context-dependent, building on similar findings from other fields (Busseri & Samani, 2023; Karnaze & Levine, 2018; Yeager et al., 2016). Firstly, evidence from Chapters 5-7 show that participants can change how they define rape and sexual assault, and how they justify and explore these constructions. Where participants in Chapters 5 and 6 explored their own attitudes and characteristics as drivers of change, participants in Chapter 7 demonstrated that merely being exposed to different and non-stereotypical sexual violence can change reported constructions. As such, reappraisal of non-consensual penetrative sex lay theories could be both passively and actively changed over time. As participants consider new perspectives, become more empathetic, or learn more about sexual violence as a concept they actively reconsider their position. Similarly, as participants were exposed to new scenarios or modalities of sexual violence they passively/unconsciously compare new information to extant definitions and consider where this new information fits (Haslam, 2017; Haugen et al., 2018; Peterson & Muehlenhard, 2004; Stubbs, 2013). While this process is known to lay theories researchers, this mixed methods insight from a novel context helps to clarify differences in participants' perceptions of this process and the theory behind it.

Similarly, while much research presented in Chapter 2 has found that attitudes and appraisal of non-consensual penetrative sex can be context dependent, based on circumstance, victim/perpetrator demography, and other characteristics, the present research has suggested that the underlying definition of non-consensual penetrative sex is context dependent as well. Chapters 5 and 6, but predominantly 5, found that some participants define rape contextually, and that what counts as rape in one instance may not count as rape in another. This perspective predominantly affected the classification of non-penetrative oral sex in female-female sexual encounters. Where this would not be considered rape by most participants if performed

on a female victim by a male perpetrator, this changes when both the victim and perpetrator were female. This reflects a contextual definition of sex, as heterosexual couples tend to define sex as penetrative, where female same-sex couples are more likely to use oral or digital stimulation as their definition (Horowitz & Spicer, 2013; Schick et al., 2016; Scott et al., 2018; Sewell et al., 2017). This is supported by findings from Chapter 7 where female-female genital stimulation was a divisive vignette, given exactly 50% of the sample classified it as rape. This finding of a contextual construction explains the found differences in contextual appraisal, acknowledgement, and categorisation. Where previous research has assumed this may be due to sex/rape stereotyping, current findings suggest that the context and framing of the question were the driving factors in variance. While stereotyping could explain some of the variance, it has been shown that the context of questions change how participants categorise consensual sexual acts, and as such it would stand to reason that, given the similarities between construction of sex and rape, that this context can also impact categorisation of non-consensual acts (Byers et al., 2009; Horowitz & Spicer, 2013; Sanders & Reinisch, 1999; Schick et al., 2016; Sewell et al., 2017).

8.3.3 Methodological Implications

Defining Offences in Research. The prevalent finding from this series of studies is that community, public, and professional samples were largely inaccurate in their construction of non-consensual penetrative sex, and their usage of legal terminology (predominantly, rape and sexual assault). As such, an immediate methodological implication of this finding is that research that references this terminology but does not define them for participants may not be internally consistent between legal/academic/operational definitions and participant understanding. As such, while researchers could be exploring rape per UK definitions (penile penetration), the participant could be thinking of their own definition, which could include genital stimulation and all forms of penetration. For example, the Rape Victim Empathy Scale (C. A. Smith & Frieze, 2003) uses questions such as “*I can understand how helpless a rape victim might feel.*” In this instance, the participant may have a range of answers depending on how they define rape, and whether they think there are differences in the different types of rape under their definition. The same can apply to any measure or scale which uses the term rape without a definition being presented, e.g. the Illinois Rape Myth Acceptance Scale (N. L. Johnson et al., 2021; Payne et al., 1999).

Additionally, this phenomenon of non-mutual understanding may not only impact researcher-participant interactions, but also researcher-researcher conversations. Excluding an operational definition of legal terminology within a research output may reduce the applicability or clarity of the findings when accessed by international researchers or, in the case of the US among other countries, researchers within one’s home nation. For example, research into rape conducted in England and Wales would have different meaning and implications compared to research conducted in India where marital and male-victim rape are precluded (Indian Penal Code, 2013; Sexual Offences Act, 2003). Further research into *sexual assault* in England and Wales would be drastically different to research on sexual assault in Türkiye or Rhode Island, US, where sexual assault is used to describe both penetrative and non-penetrative offences (Penal Code of Turkey, 2016; Rhode Island General Laws, 2021; Sexual Offences Act, 2003). As such, it is recommended

that researchers clearly define the offences being investigated using clear, behavioural definitions to both participants and fellow researchers, and including the legislature within which the research has been conducted in any outputs to ensure the research can be appropriately used and applied internationally.

Dual-questioning Options for Acknowledgement and Prevalence. As the research has shown that constructions of non-consensual penetrative sex, and more broadly sexual offences, were individualised, contextual, and variable, as discussed above, participants may not be responding to questions in the way researchers expect them too. It is recommended that in any research that expects participants to explore or label potential incidents of victimisation that they are presented with a range of behavioural questions and labelling questions in order to appropriately assess their acknowledgement status. As discussed in Chapter 4, most acknowledgement research limits participants to set labels and conflates mislabelling and minimising behaviours as non-acknowledgement. This therefore overlooks the nuance of experience of participants who recognise their victimisation but would not categorise it under the correct legal label. By providing a number of behavioural and labelling questions, the participant has the freedom to identify how they would like and captures this nuance of minimisation/mislabelling. The methods of Chapter 4 do not solve all of the problems with this nuance, however. This method could be further improved by asking for individual labelling of each behaviour experienced, and it would be more beneficial to include non-criminal labelling options (e.g., unwanted, miscommunication) for experiences to further understand the nuance and trends in minimisation.

Novel Application of Vignettes. The use of vignettes in sexual violence is not novel, and they are applied frequently in appraisal and mock-juror style research (Abrams et al., 2003; A. Anderson et al., 2018; Belyea & Blais, 2023; Goodman-Delahunty & Martschuk, 2020; Schuller & Hastings, 2002). Chapter 7, however, applied vignettes in a novel fashion by not exclusively comparing judgements of the vignettes to legal-operational definitions, but judging responses within the context of the participants' understanding. In assessing categorisation in this context, and comparing categorisation personal and legal definitions, it has become clear how variable these definitions can be, how they can change over time, and how inaccurate individual constructions can be to the law. In demonstrating this, through the use of vignettes, it has become clear that it is vital for research to understand the participants' perspective and constructions when approaching research into non-consensual penetrative sex, especially when vignettes may be used as a research tool. Gaining an understanding of how participants were constructing non-consensual penetrative sex adds a deeper level of insight into appraisal, categorisation, acknowledgement, and stereotyping. Similarly, tracking responses over the course of a study where participants see a number of vignettes can provide researchers with an understanding of what participants are considering when judging vignettes and making judgements on cases of non-consensual penetrative sex. The methods used in extant literature tend to assume participants understand the law, and are judging the vignettes by contextual clues, or more subtle elements, however the current research suggests that judgements may be founded in a more fundamental difference in how the law is constructed. As such, research methods should be adapted to account for this.

8.3.4 *Practical and Policy Implications*

Jurors and Legal Practice. As the findings suggest that participants are not able to correctly define rape, per the legal definition, this could have significant implications for empirical legal research and legal proceedings. While it is currently illegal for a juror to research legal definitions for a case they are trying, it may be a case that if they do not understand the law, they may be basing verdicts on a faulty or inaccurate understanding. The current legal process outlines that judges should provide a summary of the laws to participants, however the level of detail, purpose and benefit of this is debated. While there are some that argue the role of the jury is to decide on facts, not pass legal judgement, understanding of the law is necessary to determine whether the jury feel the law is fair and being fairly applied in an individual case (Zander, 2007). The present findings would support continuing the process of informing jurors of the legal definitions of sexual offences to ensure deliberations and verdicts are founded in legal definitions, not inaccurate presumptuous constructions of the legal terminology.

Education and Primary Prevention. The findings have shown that constructions and understanding of non-consensual penetrative sex can change over time. With the evidence suggesting that accurate and broad constructions being associated with acknowledgement and responses to disclosure (and corollary positive outcomes), the findings surrounding change could be used to encourage less narrow lay theories through education. By including discussions of legal definitions and myths of sexual violence in classrooms, this would encourage and facilitate both an increased knowledge of the law, likelihood of acknowledgement, and victim empathy, while potentially decreasing myth acceptance and offending, as proposed in Chapter 2 (Arttime et al., 2014; Behler & Berry, 2022; Carmody, 2006; Clements & Ogle, 2009; Davies et al., 2012; Fullwood & Birch, 2020; Jerman, 2019; Kassing et al., 2005; Marine & Nicolazzo, 2020). This being said, more research into the efficacy of specific prevention paradigms would be needed to appropriately assess the effectiveness of this suggestion.

Legal Reform. Across all four studies, the findings have shown that there is both an implicit and explicit disagreement with the current provision of the Sexual Offences Act (2003). Studies 1 and 4 show that participants are misusing labels, relative to their legal definition, with Study 4 showing a strong preference for a broader definition of rape that encompasses all forms of penetration, if not also some non-penetrative sex acts. Studies 2 and 3 further this by showing not only a lack of knowledge of the law, but an active disagreement with the legal definitions. Specifically, participants from both the public and relevant professions called into question the justifications for separating *rape*, *assault by penetration* and forced to penetrate, despite behavioural similarity. While the current research stands as only a single piece of evidence from which conclusions should not be drawn, a number of questions are asked which future research should explore:

- 1) Is the Sexual Offences Act (2003) congruent with public, professional, and scholarly opinion of what constitutes rape or what offences are categorised together?
- 2) Should the Sexual Offences Act (2003) be reviewed with an eye to change the legislation to better fit both public, professional and scholarly opinions?

- 3) Are the justifications for separating *rape, assault by penetration* and forced-to-penetrate in the Sexual Offences Act (2003) still relevant and defensible in a more modern understanding of sex and sexual violence, following recent research findings?

Given the research and scholarly arguments presented through Chapters 1-7, I argue that the Sexual Offences Act (2003) is not congruent with public opinion, but that professional and scholarly opinions are more contentious. This thesis, however, presents a good justification and starting point for reviewing the Sexual Offences Act (2003) through a critical and modern lens, and a good opportunity to begin formally looking at sexual offences within England and Wales, assessing their suitability and potentially reforming the legislation.

8.4 Critique of the Research and Future Directions

8.4.1 General Limitations

While the research within this thesis was rigorous in its application of research methods and design, there were some general limitations to the findings and applications thereof that need to be discussed. Firstly, the research findings are specific to the legislature of England and Wales. While the findings of how participants define and categorise offences could be applied beyond England and Wales, any findings around legal accuracy, comparisons to legal definitions, and the acknowledgement data is highly specific as it has used non-consensual penetrative sex legislation from the Sexual Offences Act (2003) to inform the discussions and comparisons. As such, care should be taken when applying these findings to countries/legislatures wherein rape/sexual assault are defined differently, or where these terms are absent from the law entirely. However, the evidence supporting individuality, changeability, and lay theories approach to constructions of non-consensual penetrative sex is individually constructed may be more liberally applied as these are not necessarily attached to legislation, exemplified by findings from Haugen et al. (2018) and Peterson and Muehlenhard (2004) in the United States. Similarly, discussions with participants in Chapters 5 and 6 also showed that the law showed little bearing on participants, even for those who were accustomed with the legislation through their professional experiences. As such, more research would be needed to explore constructions across cultures and legislatures to further understand this phenomenon, and whether legal knowledge may influence or guide construction. For example, in legislatures with broader definitions, such as Sweden or various States in the US, would definitions of rape (or a comparable offence) contrast the legal definition so starkly, or would lay theories of rape be even more broad than those found in this study? Haugen et al. (2018) used the Uniform Crime Reporting definition given by the Federal Bureau of Investigation (2013), which is broadly comparable to the operational definition of non-consensual penetrative sex presented here. In Haugen et al. (2018), it is noted that while constructions of rape still varied from the legal definition, variations were centred more on constructions of consent, and the circumstances and outcomes of rape, rather than the behaviours. Some variation however did also reflect rape myths around victimisation, such as ‘only men can commit sexual violence’ (Haugen et al., 2018).

Secondly, due to the nature of researching individualised constructions of non-consensual penetrative sex, there are a range of factors, variables, and contexts that may influence one's reported construction. It is known that circumstantial and contextual elements can influence constructions, acknowledgement, or labelling, and that constructions can change over time, and as such the constructs found within the research may not be consistently applied across different research paradigms (Berkland et al., 2022; Franklin, 2010; LeMaire et al., 2016; McKimmie et al., 2013; Peterson & Muehlenhard, 2011; Wuensch et al., 2002). Although the purpose of the qualitative studies was to engage in rich and detailed discussions on the specificities and nuances of these constructions, there were still limits in what could be gleaned from these interviews. For example, the implied contradictions between the findings from Chapter 4 and Chapters 5, 6, 7 have been explained through the unique position of acknowledgement research and the various motivational biases that can influence acknowledgement outcomes. The qualitative interviews conducted within this thesis could not account for every context which may influence the definitions and constructions of non-consensual penetrative sex, yet still provided a strong and nuanced account of constructions within the context of the wider thesis. Similarly, in Chapter 7, while the vignettes were intended to be neutral and clear instances of sexual violence, participants may have used stereotypes or unintentional details to influence their categorisation, rather than the observed variables of credibility, victim/perpetrator sex, and behaviours. Future research might address these issues by using qualitative interviews that adopt elicitation techniques using different offence scenarios that isolate and focus on individual contexts. Examples might include asking participants about victim non-acknowledgement or having them take the perspective of the perpetrator. These methods could help us to understand how these factors may interact with constructions, applications, and categorisation. That said, the current findings have shown good, high-quality evidence for the content of these constructions in a neutral context, provided some evidence that these constructions can change and they may be contextually variable, offering a good basis for more specialised or focused research in other contexts.

Finally, while a substantial portion of the research has discussed how construction can change over time, which is key to the lay theories interpretation, the methods used to comment on this either rely on short-term interventions (Chapter 7) or participants' own accounts of how and why their constructions have changed (Chapters 5 and 6). As such, while the conclusions of change were reasonable in the context of this data, further research utilising longitudinal methods or repeating measurement of constructions/categorisation over longer periods would allow for more rigorous conclusions to be drawn on the changeability of constructions. This would also grant further insight into the construction processes and potential influences as well.

8.4.2 Methodological Rigour and Limitations

Quantitative Rigour. Exhibiting rigour in quantitative research hinges on transparency in both data quality and characteristics, and avoiding bias within the data collection itself, supporting an aim for reliability, validity, and rigour (Beauchamp, 2023; Bijak, 2019; Pesämaa et al., 2021). Throughout the quantitative studies, the principles of triangulation (discussed earlier) were also applied to understanding and

contextualising findings that were both supporting and opposing current understandings of sexual violence psychology.

Transparency of methods and data is a key factor in modern social science research against a backdrop of a replication crisis that has hit many disciplines, including psychology (Bijak, 2019; Bosma & Granger, 2022; Pesämaa et al., 2021; Shrout & Rodgers, 2018; Tuval-Mashiach, 2021). By declaring methods/materials, aims, and hypotheses of the research prior to conducting the research, researchers are beholden to justify any deviations in these aspects, and discourages unethical research practices such as p-hacking (i.e., adding or removing variables to manipulate whether a result is ‘significant’), hypothesis switching (i.e., changing predictions once results are known), and data slicing (i.e., dividing up datasets to maximise career capital in the form of research outputs, at the expense of a more comprehensive coverage of a topic). While not strictly an issue of rigour, publishing one’s methods, anonymised datasets, and code can ensure a researcher can be held to account, and encourages honesty in the conducting and reporting of quantitative findings, for the same benefits as listed above. Where appropriate, studies were pre-registered through the Open Science Framework to maximise transparency.

In quantitative research, sample sizes can often be adjusted to end early/collect additional data if findings are not supportive of hypotheses, find larger effect sizes (or an effect at all), or be drastically overestimated to all but ensure a significant finding is present. In aiming to avoid this, across Chapters 4 and 7, sensitivity power analyses were conducted using G*Power (Faul et al., 2009; Kang, 2021) to calculate appropriate sample sizes for each study to achieve high statistical power to detect medium effect sizes (which are commonly used in atheoretical areas, or areas with limited existing data). As all data analysis has taken place after the conclusion of recruitment, no supplemental data have been collected to replace missing data, nor was data collection closed early to protect preliminary analyses (significant or otherwise). Participants were only excluded if they failed attention checks or were missing significant data in key areas. It was decided before data collection that missing data would never be imputed, and instances of participants missing individual questions would have final scores calculated without this data, where appropriate. Imputing data was deemed inappropriate because the core question of the studies lay in witnessing and understanding variability in answers, which could not be assumed, and imputation would therefore be antithetical to this aim. Fortunately, the vast majority of participants completed the studies sufficiently and minimal data was missing. In Chapter 4, 89 participants were removed (failing an attention check) and in Chapter 7, only one participant was removed (for being recruited in error). No participants were removed for missing or suspicious data.

To aid transparency, full statistical outputs were provided – including exact p-values and effect sizes – for all non-exploratory analyses, including non-significant analyses. This includes reporting effect sizes, exact p-values, and confidence intervals where appropriate (Bijak, 2019). These have been reported precisely within each respective chapter to provide a robust and holistic picture of the data and the key findings, rather than relying solely on statistical significance to draw conclusions. Similarly, 95% confidence intervals have been reported where appropriate as a representation of the precision of the data and the findings (Bijak,

2019). This was to ensure the data was fully comprehensive without additional comments, and to ensure no unexpected findings are being withheld to craft a narrative. Further, parametric assumptions were tested across all appropriate analyses to ensure the correct statistical tests were being conducted (Blanca et al., 2013; Orcan, 2020; Pallant, 2013).

Qualitative Rigour. Qualitative research is often criticised for being subjective and open to interpretation (Creswell, 2012; Haven & Van Grootel, 2019; Morrow, 2005; G. A. Tobin & Begley, 2004; Varpio et al., 2017). As such, it was necessary to implement a number of rigour-assurance techniques to maximise the trustworthiness of the findings, and their accuracy to the participants' constructions, perspectives, and accounts (Fereday & Muir-Cochrane, 2006; McDonald et al., 2019; Morse et al., 2002; G. A. Tobin & Begley, 2004). This section discusses the three main rigour assurance techniques used, and explains how they were used and for what purpose, following guidance from critics that state qualitative rigour is often unexplained, inadequately described, and poorly justified (Nowell et al., 2017; Varpio et al., 2017).

Member checking is a common quality-assurance technique in which researchers seek feedback on interpretations and findings from the participants, giving them an opportunity to reflect on the researchers' perspective and clarify misinterpreted points (Leech & Onwuegbuzie, 2007; Morse et al., 2002; Motulsky, 2021). In this thesis, member-checking was conducted within the interviews themselves by asking participants to clarify statements, reconcile contradictions, and provide more justifications for their points. Brief summaries and interpretations of answers were provided to the participants to ensure accuracy and provide opportunity to reflect on the conclusions being drawn (DiCicco-Bloom & Crabtree, 2006). While member checking is normally conducted during the analysis phase and feedback is gained through written means, this opens up the analysis to revisionism and social desirability bias, as participants may not like how they sound or come across, rather than disagreeing with the interpretations (Hunt & Silverman, 2021; Leech & Onwuegbuzie, 2007; C. McGrath et al., 2019; Morrow, 2005; Motulsky, 2021). For example, some participants presented implicit victim-blaming behaviours, and if this was identified in the analyses, the participant may change their answers to make themselves look better (C. McGrath et al., 2019; Morrow, 2005; Motulsky, 2021). In this thesis, participants were told interpretations and asked for feedback if these were an accurate reflection of the participant's true feelings and given the opportunity to explain any differences between the researcher's interpretation and their intended meaning. Further, the final question in all interviews asked participants if they had any final thoughts that they had not had the opportunity to express, or anything they would like to clarify or redact from the transcript before ending the interview. In all instances, when clarifications were requested, interpretations given, or challenges presented, participants were assured these were exclusively to ensure their positions were accurately presented and had the necessary depth to fully understand their answers. This process ensured that the interview contained the necessary clarity, nuance, and detail to make analysis more accurate and reduce the possibility for later misinterpretation or researcher influence on the data. As such, the researcher and participant co-generated the data, where the participant validated surface-level analyses and more complex interpretations. Participant

influence however was removed from the researcher-led analysis, meaning they did not have the opportunity to retract answers or statements that they felt were undesirable, but ensured their attitudes, experience, and knowledge were accurately represented. This overall adds to the trustworthiness and accuracy of the findings presented in Chapters 5 and 6.

Triangulation adds rigour through exploring the data with independent sources, rather than the participant as member checking does. Triangulation explores the findings from data and compares them to a range of sources to help form more reasonable, accurate, and defensible conclusions (J. B. Brown et al., 2015; Farquhar & Michels, 2016; A. Jones & Bugge, 2006; Leech & Onwuegbuzie, 2007; Morrow, 2005). Although more often used in quantitative research, qualitative research can utilise the principles to help reduce researcher bias and add trustworthiness, clarity and nuance to findings (Nimmon & Stenfors-Hayes, 2016; Varpio et al., 2017). In this thesis, qualitative findings were discussed with the supervisory team, interpreted in the context of other data in the thesis, and compared with findings from previous research and key theories in the area of constructionism and sexual violence (Nowell et al., 2017). It is important to note that triangulation does not aim to prove or contradict interpretations, but to add necessary context and compare findings, ensuring the conclusions are reasonable, were not being swayed by bias, and encourage reflection and consideration of alternative explanations for findings.

In Chapters 5 and 6, the data and findings were first considered in relation to literature and previous research in the area, with considerations given to acknowledgement and appraisal research, constructionist theory, and general findings around non-consensual penetrative sex. Core elements of each were considered and related directly to the findings during the analytical phases of reflective thematic analysis (Farquhar & Michels, 2016; A. Jones & Bugge, 2006; Morrow, 2005). These findings were then discussed with the supervisory team, conclusions and findings were justified and clarified and then re-compared to theory and literature again. These discussions held the purpose of ensuring the findings were data-driven and not being influenced by biases or preconceptions from the principal researcher (Morrow, 2005; Nowell et al., 2017; Varpio et al., 2017). Finally, the data were compared to both the other qualitative findings and quantitative findings, drawing complex conclusions that are presented above. Drawing on both qualitative and quantitative findings during triangulation helps to ensure the findings and conclusions are strong and data-driven (Farquhar & Michels, 2016; A. Jones & Bugge, 2006; Morrow, 2005; Morse et al., 2002; Varpio et al., 2017). As such, this three step process of triangulation adds credence to the quality of the research and the resultant findings, by demonstrating a marked commitment to considering a range of explanations and perspectives on what the data could mean, while remaining data-driven and not looking to confirm or refute findings using alternative findings, as would be found in positivist research (Braun & Clarke, 2022; J. B. Brown et al., 2015; Nowell et al., 2017; Varpio et al., 2017).

Reflexivity, similar to triangulation, is a rigour-assurance technique that supports reducing bias, encouraging introspection and considerations of potential biases and influences (Braun & Clarke, 2021b; DiCicco-Bloom & Crabtree, 2006; MacLeod et al., 2022). As both a researcher and co-generator of data, qualitative investigators need to take a step-back from the data and consider their position in the data

collection and analytical process and understand how bias can inhibit the quality of the findings (Braun & Clarke, 2021a, 2021c). Reflexive practice took the form of involving the supervisory teams in all steps of the qualitative research – from developing the interview schedule to developing and finalising themes – to ensure the findings were representative of the data and not influenced by personal opinions from the principal researcher. Individually, throughout the interview and analytical process, the principal researcher periodically reflected on questions, codes, and themes by asking the following questions: *are my assumptions fair; do my themes represent the codes well; does this reflect the spirit of the interview well; are my personal opinions influencing my interpretation of this data?* This forced the researcher to take a step back and allowed a more objective perspective on the data. The member-checking discussed above also allowed participants to correct interpretations *in situ*, providing a further protection from prejudicial analysis and correcting the researcher's thinking and allowing for more objective and non-leading questions to be asked. Similarly, throughout the PhD process, a reflexive journal was kept wherein details of each interview were recorded, and the researcher reflected on the findings from said interview, and the interview itself, with a view to improve the quality of the procedure and findings. While this journal was important and critical in the early stages of the research, the researcher became more adept at recognising and reflecting and the journal was used only to record more high-level introspective thoughts and reflections on methodology.

Methodological Limitations. The research in this thesis, for the most part, aimed to capture a view of the general public's perspectives and constructions, with the exception of Chapter 6 wherein informed professionals were sampled. While the study was successful in achieving this overarching look at public constructions, it is noted that there were subgroups within the samples that may hold different constructions and should therefore be researched separately in future research. For example, many of the participants from Chapters 5 and 6 disclosed victimisation experiences (though not all acknowledged this) which may influence their understanding and construction of non-consensual penetrative sex. As experiencing sexual violence was discussed as an influential factor in developing constructions, replicating the initial methods but with a unique focus on victims and non-victims would support more nuanced and richer understanding of the construction process, and possibly the role of victimisation within this. This limitation of not separating victims was accounted for within Chapter 7, but as only 15% of the sample reported being victims of non-consensual penetrative sex, the Chapter was not able to conduct meaningful analyses comparing definitions of victims and non-victims. Further research conducting specific investigations into the constructions of non-victims and victims separately would be beneficial in enriching understanding of victimisation on constructions and categorisation of non-consensual penetrative sex.

8.4.3 Future Research

Having found that rape is often defined in terms of sex, a further study could replicate the methods of Chapter 7 but rather than exploring definitions and categorisation of rape, the design could compare definitions and categorisation of sex and rape, by using equivalent vignettes involving consensual and non-consensual acts. In doing so, this may clarify the relationship between constructions of rape and sex, and whether there were differences in each construction, as well as clarifying how (non-)consent is constructed.

This will bridge a gap between the findings of Chapter 7 and the qualitative findings of Chapters 5 and 6. Knowing that categorisation of sexual violence scenarios is variable and inconsistent when measured using binary categorisation (i.e., rape or not rape), mainly changing on the basis of behaviour, replication of Chapter 7's design using a more gradated/hierarchical categorisation may open up new analytical possibilities and deepen understanding of both constructions and perceptions. For example, using a Likert-style question for categorisation (e.g., definitely not rape – definitely rape) would allow for a factor analysis of the categorisations to see trends in how participants categorise victimisation. This graded approach to categorisation could also be applied in acknowledgement research to deepen understanding of mislabelling, as uncertainty or mislabelling could be more easily detected, while factor analysis may not be appropriate here, a range of generalised linear models could be applied to analyse this data. This approach would greatly improve understanding of the findings from Chapters 4 and 7. Further replication of Chapter 7's methods wherein participants are either told the legal definition or are asked to give their own definition, could also provide key insights into the possible effects of juror instruction during legal cases, providing insight into whether telling participants the legal definition could change categorisation as an analogue for juror-decision making.

Finally, given the unique findings of Chapter 4, showing narrow definitions in the context of acknowledgement, compared to Chapters 5, 6, and 7, research could replicate the definition and vignette methods of Chapter 7, but rather than the vignettes depicting a third person event, they could ask the participant to consider the event as if it had happened to them, or be written as a second person perspective to help them identify more with the characters. A direct comparison between categorisation of vignettes written from first, second, and third person perspectives would demonstrate whether differences in categorisation could be influenced by the presentation of the event, and whether the participant is encouraged to reflect on their experiences. This could also be repeated to place the participant in the perspective of the perpetrator. Similarly, the dual-questioning approach to acknowledgement presented in Chapter 4 could be replicated with the addition of the definitional questions of Chapter 7 to assess both participant constructions of non-consensual penetrative sex and their acknowledgement of events. In this way, it would be easier to discern whether non-acknowledgement or mislabelling was a function of misunderstanding the law or motivation to not recognise the experience as a crime.

8.5 Concluding Remarks

The research in this thesis aimed to explore and understand how participants constructed and defined sexual offences involving non-consensual penetrative sex, with a view to contextualise and explain findings from a range of research including victimisation acknowledgement and appraisal. While some research has explored constructionist approaches to definition, acknowledgement and appraisal, no research has taken a mixed-methods approach to truly reflect changing, nuanced and context-specific constructions.

Using mixed-methods approaches, the research has found that the majority of participants hold a construction of rape that was inaccurate to the legal definition per the Sexual Offences Act (2003) and

contains all forms of non-consensual penetrative sex, as well as some forms of genital stimulation. In Chapter 7, where participants were removed from the scenarios, this definition was applied consistently, however findings from Chapter 4 indicate that labels were applied more conservatively when considering one's own experiences and victimisation. This demonstrates that there was widespread misunderstanding of the legislation and that participants generally disagree with the current legal constructions of *rape*, *assault by penetration*, and *causing sexual activity*. However, in this, participants also did not recognise their own victimisation as *rape*, *sexual assault*, or *sexual harassment*. This further impacts the interpretation of research focussed on prevalence of rape in which participants were asked to label behaviours as rape, as these findings may underestimate the prevalence of non-consensual penetrative sex.

These findings offer a fresh and novel insight into perceptions of sexual violence, how people construct and interpret legal terminology, and victimisation acknowledgement, as well as providing a modern and recent estimate of the prevalence of sexual violence and a validation of a newly conceived concept of mislabelled victimisation as an extension of non-acknowledgement. A series of methodological and theoretical implications have been discussed and demonstrate a need for new and further research that considers a constructionist approach when interpreting designing research and interpreting findings. Individually unique constructions have the potential to influence attitudes, victimisation outcomes, perceptions, and stereotypes around sexual violence and need to be considered in future research. It is also recommended, through findings in this research and wider literature, that the label non-consensual penetrative sex is adopted in research that aims to be conducted or applied in multiple countries to ensure transferability and reliability of findings and conclusions drawn.

9 References

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10 Appendices

Appendix A: *Links to Pre-registrations for Chapters 4, 6, 7*

Chapter 4: https://osf.io/qe5hz/?view_only=7a4fa18e06c3431ea473091af455f1c9

Chapters 5 and 6: https://osf.io/qy58h/?view_only=369ed306ec734fb1a2aa3b91b6cbca5e

Chapter 7: https://osf.io/6e7yp/?view_only=be8333e7c8b14bb397ec989a44fc3f00

Appendix B: *Participant Documents for Chapter 4*

Information sheet:

Project Title: Views and Experiences of Crime and Related Topics

Thank you for your interest in this research. We are investigating a range of topics related to sexual crime and associated topics (e.g., sex, personality). After providing some information about yourself (e.g., age, sex) you will be presented with a series of questionnaires measuring things related to your relationship history, sexual history, and personality, as well as your opinions on different topics (including those related to sexual offences). Instructions will be made clear throughout the survey. Your participation in this study should take approximately 20 minutes. No questions in the survey are mandatory.

Please note that the survey does ask about your experiences and views about the following topics:

- Sexual assault
- Suicide
- Abortion and miscarriage
- Intimate partner violence
- Paedophilia

You will also be asked for your judgements of different scenarios that might be seen as violent, including in sexual contexts. You will also be asked about your level of agreement or disagreement with a range of statements related to sexual assault, such as “If both people are drunk, it can’t be rape” and “If the accused ‘rapist’ doesn’t have a weapon, you really can’t call it rape”.

If you have been affected by these topics and consider this to be something you would not like to think about, please consider not taking part.

In order to protect your right to withdraw your data, you will be asked to provide a unique identifier. This should be your Prolific ID, which will allow us to pay you for your time. You have the right to withdraw at any time during the study, and for up to one week (7 days) after your participation in the survey. You will never be asked for a reason for withdrawing. To do this, you can send an email (or a posted letter, if you wish to remain completely anonymous) with your Prolific ID.

As a thank you for taking part in the project, you will be provided with payment of £2.25 at the end of the survey. This will be paid into your Prolific account.

Data from this project will be stored using password-protected storage platforms, including a secure institutional storage system. The data will be analysed and written up to be published in student projects, academic journals, and presented at professional conferences. Anonymous versions of the data files (without your Prolific ID) will be published publicly via the Open Science Framework.

If you want to speak with someone who is not directly involved in this research, or if you have questions about your rights as a research subject, please contact Suvo Mitra (Associate Dean for Research) at Nottingham Trent University. You can contact them at suvo.mitra@ntu.ac.uk.

Please contact the Data Protection Officer at DPO@ntu.ac.uk if:

- you have a query about how your data is used by the University
- you would like to report a data security breach (e.g., if you think your personal data has been lost or disclosed inappropriately)
- you would like to complain about how the University has used your personal data

The project has gone through the relevant NTU research ethics procedures and has been given a favourable ethics opinion by Nottingham Trent University's Schools of Business, Law and Social Sciences Research Ethics Committee. If you have any questions regarding the nature of the research, please feel free to contact the research team using the contact details below:

Research Leads:

Dr. Craig Harper (craig.harper@ntu.ac.uk)
Dr. Rebecca Lievesley (rebecca.lievesley@ntu.ac.uk)

Other Researchers Involved:

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Consent form:

With the above information in mind, are you happy to take part in this research?

1. Yes, I would like to take part
2. No, I do not wish to take part

Appendix C: Participant Documents for Chapter 5

Information Sheet:

Exploring Construction, definition, and understanding of non-consensual penetrative sex.

Thank you for considering taking part in this research project. Before you decide whether you would like to grant us an interview, I would like to take some time to explain the project, and your rights and role within it.

The purpose of this study is to begin to explore how people understand different sexual offences, their attitudes towards them, and what things may influence these factors. This study forms one part of a series, which contributes towards a PhD project.

The main aim of the study is to begin to understand the internal process of defining penetrative sexual offences, what things may influence these definitions, and how well these definitions match the current definitions. The objective is to produce a series of recommendations for legislation, education, and research that will improve understanding and awareness of penetrative sexual offences at all levels of society.

Who is running the study?

The study is being led by Tadgh Tobin, a postgraduate researcher at Nottingham Trent University. The project is being supervised by Dr Craig Harper, Dr Rebecca Lievesley, and Dr Jennifer Mackay.

Do I have to take part?

Your participation is entirely voluntary. If you do decide to take part, you will be given this information sheet to keep, and you will also be asked to sign and return a consent form. If you would like to withdraw your data, we request you do this within four weeks of your interview. You may still request to withdraw after this date; however, this will not be possible if the researcher has begun the analytical process. Your results however will be excluded from any further analysis in future projects. If you decide not to take part, or to withdraw at any stage, you will not be asked to give a reason.

What do you want me to do?

We would like you to take part in an interview lasting approximately an hour. It will take place online on a service of your choice (Skype, Zoom, MS Teams, Discord) and will be arranged at a time that works well for you. The topics to be covered are: What You Know About Sexual Offences, Your Attitudes Towards Sexual Offences, and Your Opinions on Legislation. The interview will be carried out by Tadgh Tobin. There will be time for you to ask questions and discuss your answers within the interview. Audio (but not video) will be recorded during the interview to ensure that the information you give us is accurately recorded.

What will happen to the information I give in my interview?

The recording of your interview will be transcribed. The data you provide will be analysed and used to inform conclusions that the researcher will present in their thesis, the researcher will also be aiming to publish the results in academic journals and may present it at Academic conferences. Throughout these processes, your anonymity will be protected as far as possible. Quotes from your transcript may be used in the resulting thesis, publications, and conference talks, but all identifying information will be removed or changed to protect anonymity.

How will you protect my confidentiality and anonymity?

The researchers cannot ensure your data will be confidential. The recording and resulting transcript will be handled only by members of the research team, in line with data protection principles and our approved research protocol. All data will be kept in encrypted, password protected and hidden files in secure cloud locations. Quotes from your data will be used in publications, and in the researchers PhD Thesis.

You will not be named or otherwise identified in any publication arising from this project. Quotes from your transcript will be used, but the researchers will ensure that no data that could be used to identify you will be published, therefore we cannot ensure your data will be confidential.

We will exercise all possible care to ensure that you cannot be identified by the way we write up our findings. There are circumstances in which we cannot guarantee anonymity, such as indications that crimes have been committed, or there is significant risk of harm to yourself or others. Risk of serious harm, or criminal activity, past present or future, will be discussed with the supervisory team, and if it is felt necessary, reported to the police.

What are the possible disadvantages and risks in taking part?

The main cost to you will be the time needed to be interviewed. If you are uncomfortable discussing sexual offences, there is a small risk of emotional distress. We strongly recommend that you should not take part in this research project if you know, or suspect, that discussions of sexual offences make you uncomfortable or upset.

What are the possible benefits?

We hope that you will find the interview interesting and will take satisfaction from helping to develop knowledge of this important topic. Participants who complete an interview will also be entitled to a £10 Amazon voucher, you will still receive this compensation if you withdraw from the study while, or after, completing the interview. If you withdraw during the interview, you will only receive compensation if your participation was meaningful, and in good faith; meaning if the researcher believes you participated for the sole purpose of receiving compensation, without engaging fully in the study, you may not receive compensation if you withdraw before completion of the interview.

What will happen to the results?

The results will be written up and will contribute to the completion of the researcher's PhD Thesis and may also be published in an academic journal. The results may also be presented at academic conferences.

Contact and Approval:

You can find out more about this study by contacting the researchers below. The project has been reviewed and approved by the researcher's supervisory team, an independent assessor, and the University Ethics Committee from Nottingham Trent University.

Principle Researcher:

Tadgh Tobin

PhD Candidate at Nottingham Trent University

Tadgh.tobin2016@my.ntu.ac.uk

Director of Studies:

Dr Craig Harper

Senior Lecturer in Psychology at Nottingham Trent University

Craig.Harper@ntu.ac.uk

Chaucer Building, Nottingham Trent University

Goldsmith Street

NG1 5LP

Consent Form

Please read and confirm your consent to being interviewed for this project by placing your initials in the appropriate space(s) before signing and dating this form.

1. I confirm that the purpose of this project has been explained to me, that I have been given information about it in writing, and that I have had the opportunity to ask questions about the research.

Initial: _____

2. I understand that my participation is voluntary, and that I am free to withdraw at any time without giving any reason and without any implications for my legal rights.

Initial: _____

3. I give permission for the interview to be recorded by the researcher, on the understanding that this recording will be deleted at the end of the project.

Initial: _____

4. I agree to take part in this project.

Initial: _____

Name of respondent

Date

Signature

Name of researcher taking consent

Date

Signature

Researcher contact information:

Principal Researcher:

Mr Tadgh Tobin, Tadgh.Tobin@ntu.ac.uk

Director of Studies:

Dr Craig Harper, Craig.Harper@ntu.ac.uk

Debrief Form

Thank you very much for taking part in my research. The data you contributed will help me to complete my PhD Project with Nottingham Trent University, which is aiming to explore how people define and understand Penetrative Sexual Offences, and what factors people consider when constructing these definitions.

What happens now?

Once all data is collected from all participants, I will begin the process of analysing and gaining understanding of the topics based on the group data. If you decide that you no longer want your data to be used in the study, we request you contact the researcher by email within four weeks ([Date]) of your interview.

If you know anyone else that may be interested in participating in this study and meets the inclusion criteria, it would be nice if you would kindly share initial advertisement through which you found the study. I encourage you in the first instance to share the initial advertisement to ensure potential participants can contact myself with questions and receive the same information you did prior to participating. You are not required to do this; however, it would be greatly appreciated by the researchers.

What if I would like to remove my data from the study?

If you wish to remove your data from the study, we request you do this within four weeks of interview, by emailing the principal researcher stating your desire to withdraw. To withdraw your data, please email the researcher and state your desire to withdraw. You do not need to provide a reason for wanting to withdraw. Withdrawing at any point until the withdrawal deadline will not impact your compensation.

What if I need to speak with someone following participation?

I hope you found participating in this study a positive and interesting experience. If, however, the experience has brought up difficult feelings, or left you feeling upset, please could you let me or my supervisor know so that we can identify appropriate support options for you. Additional support can be found below:

Safer Living Foundation – Aurora Project (for Troubling Sexual Thoughts)

<https://www.saferlivingfoundation.org/what-we-do/adult-projects/aurora-project/>

0115 848 4707

Survivors Trust (Victims and Survivors help)

<https://www.thesurvivorstrust.org/>

08088 010818

If you would like a summary of the results, I would be happy to send this to you once the study has been completed. Please let me know if you would like this summary so I can make a note and ensure that I send it to you.

Finally, if you have any further questions, or want an update on the research, please feel free to contact me or my Director of Studies using the details provided:

Principal Researcher:

Tadgh Tobin

Tadgh.Tobin@ntu.ac.uk

Director of Studies:

Craig Harper

Craig.Harper@ntu.ac.uk

0115 848 4718

Chaucer Building, Nottingham Trent University

Goldsmith Street

NG1 5LP

Thank you again for taking part, your input was invaluable.

Appendix D: Participant Documents for Chapter 6

Information Sheet:

Exploring construction, definition, and understanding of non-consensual penetrative sex.

Thank you for considering taking part in this research project. Before you decide whether you would like to grant us an interview, I would like to take some time to explain the project, and your rights and role within it.

The purpose of this study is to begin to explore how people understand different sexual offences, their attitudes towards them, and what things may influence these factors. This study forms one part of a series, which contributes towards a PhD project.

The main aim of the study is to begin to understand the internal process of defining penetrative sexual offences, what things may influence these definitions, and how well these definitions match the current definitions. The objective is to produce a series of recommendations for legislation, education, and research that will improve understanding and awareness of penetrative sexual offences at all levels of society.

Who is running the study?

The study is being led by Tadgh Tobin, a postgraduate researcher at Nottingham Trent University. **The project is being supervised by Dr Craig Harper**, Dr Rebecca Lievesley, and Dr Jennifer Mackay.

Do I have to take part?

Your participation is entirely voluntary. If you do decide to take part, you will be given this information sheet to keep, and you will also be asked to sign and return a consent form. **If you would like to withdraw your data, we request you do this within four weeks** of your interview. You may still request to withdraw after this date; however, this will not be possible if the researcher has begun the analytical process. Your results however will be excluded from any further analysis in future projects. If you decide not to take part, or to withdraw at any stage, **you will not be asked to give a reason.**

What do you want me to do?

We would like you to take part in an interview lasting approximately an hour. It will take place online on a service of your choice (Skype, Zoom, MS Teams, Discord) and will be arranged at a time that works well for you. The topics to be covered are: *What You Know About Sexual Offences, Your Attitudes Towards Sexual Offences, and How Your Work Influences Attitudes*. **The interview will be carried out by Tadgh Tobin.** There will be time for you to ask questions and discuss your answers within the interview. **Audio** (but not video) **will be recorded** during the interview to ensure that the information you give us is accurately recorded.

What will happen to the information I give in my interview?

The recording of your interview will be transcribed. The data you provide will be analysed and used to inform conclusions that the researcher will present in their PhD thesis, the researcher will also be aiming to publish the results in academic journals and may present it at academic conferences. Throughout these processes, your anonymity will be protected as far as possible. **Quotes from your transcript may be used** in the resulting thesis, publications, and conference talks, but **all identifying information will be removed** to protect anonymity.

How will you protect my confidentiality and anonymity?

The researchers cannot ensure your data will be confidential. The recording and resulting transcript will be handled only by members of the research team, in line with data protection principles and our approved research protocol. **All data will be kept in encrypted, password protected and hidden files** in secure cloud locations. Quotes from your data will be used in publications, and in the researchers PhD Thesis.

You will not be named or otherwise identified in any publication arising from this project. Quotes from your transcript will be used, but the researchers will ensure that no data that could be used to identify you will be published, therefore we cannot ensure your data will be confidential.

We will **exercise all possible care to ensure that you cannot be identified** by the way we write up our findings. **There are circumstances in which we cannot guarantee anonymity**, such as indications that crimes have been committed, or there is significant risk of harm to yourself or others. Risk of serious harm, or criminal activity, past present or future, will be discussed with the supervisory team, and if it is felt necessary, reported to the police.

What are the possible disadvantages and risks in taking part?

The main cost to you will be the time needed to be interviewed. There is minimal risk of emotional distress unless you are uncomfortable discussing penetrative sexual offences. **We strongly recommend that you should not take part** in this research project if you know, or suspect, that **discussions of sexual offences make you uncomfortable or upset**.

What are the possible benefits?

We hope that you will find the interview interesting and will take satisfaction from helping to develop knowledge of this important topic. Participants will be entered into a prize draw to win one of 2 £50 Amazon Vouchers. You may opt out of this prize draw if you would like, to do so, please email the researcher. The prize draw will take place once all data collection is complete. You may be entered into the prize draw even if you withdraw or do not complete the interview. If you withdraw during the interview, you will only be included in the prize draw if your participation was meaningful, and in good faith; meaning if the researcher believes you participated for the sole purpose of receiving compensation, without engaging fully in the study, you may not receive compensation if you withdraw before completion of the interview.

What will happen to the results?

The results will be written up and will contribute to the completion of the researcher's PhD thesis and may also be published in an academic journal. The results may also be presented at academic conferences.

Contact and Approval:

You can find out more about this study by contacting the researchers below. The project has been reviewed and approved by the researcher's supervisory team, an independent assessor, and the University Ethics Committee from Nottingham Trent University.

Principal Researcher:

Tadgh Tobin
PhD Candidate at Nottingham Trent University
Tadgh.tobin2016@my.ntu.ac.uk

Director of Studies:

Dr Craig Harper
Senior Lecturer in Psychology at Nottingham Trent University
Craig.Harper@ntu.ac.uk
Chaucer Building, Nottingham Trent University
Goldsmith Street
NG1 5LP

Consent Form

Please read and confirm your consent to being interviewed for this project by placing your initials in the appropriate space(s) before signing and dating this form.

1. I confirm that the purpose of this project has been explained to me, that I have been given information about it in writing, and that I have had the opportunity to ask questions about the research.

Initial: _____

2. I understand that my participation is voluntary, and that I am free to withdraw at any time without giving any reason and without any implications for my legal rights.

Initial: _____

3. I give permission for the interview to be recorded by the researcher, on the understanding that this recording will be deleted at the end of the project.

Initial: _____

4. I agree to take part in this project.

Initial: _____

_____	_____	_____
Name of respondent	Date	Signature

_____	_____	_____
Name of researcher taking consent	Date	Signature

Researcher contact information:

Principal Researcher:

Mr Tadgh Tobin, Tadgh.Tobin@ntu.ac.uk

Director of Studies:

Dr Craig Harper, Craig.Harper@ntu.ac.uk

Debrief Form:

Thank you very much for taking part in my research. The data you contributed will help me to complete my PhD project with Nottingham Trent University, which is aiming to explore how people define and understand Penetrative Sexual Offences, and what factors people consider when constructing these definitions.

What happens now?

Once all data is collected from all participants, I will begin the process of analysing and gaining understanding of the topics based on the group data. **If you decide that you no longer want your data to be used in the study, we request you contact the researcher by email within four weeks of your interview.**

The prize draw for the £50 Amazon Vouchers will take place once all data collection is complete. Your participation has automatically enlisted you in the draw, if you do not wish to be considered for the prize, please let the researcher know by email.

If you know anyone else that may be interested in participating in this study and meets the inclusion criteria, it would be nice if you would kindly share initial advertisement through which you found the study. I encourage you in the first instance to share the initial advertisement to ensure potential participants can contact myself with questions and receive the same information you did prior to participating. You are not required to do this; however, it would be greatly appreciated by the researchers.

What if I would like to remove my data from the study?

If you wish to remove your data from the study, we request you do this within four weeks of interview, by emailing the principal researcher stating your desire to withdraw. To withdraw your data, please email the researcher and state your desire to withdraw and include the pseudonym assigned to you in this email. You do not need to provide a reason for wanting to withdraw.

What if I need to speak with someone following participation?

I hope you found participating in this study a positive and interesting experience. If, however, the experience has brought up difficult feelings, or left you feeling upset, please let me or my supervisor know so that we can identify appropriate support options for you. The best support may come from those within your organization; however, additional support can be found below:

Safer Living Foundation – Aurora Project (for Troubling Sexual Thoughts)

<https://www.saferlivingfoundation.org/what-we-do/adult-projects/aurora-project/>

0115 848 4707

Survivors Trust (Victims and Survivors help)

<https://www.thesurvivorstrust.org/>

08088 010818

If you would like a summary of the results, I would be happy to send this to you once the study has been completed. Please let me know if you would like this summary so I can make a note and ensure that I send it to you.

Finally, if you have any further questions, or want an update on the research, please feel free to contact me or my Director of Studies using the details provided:

Principal Researcher:

Tadgh Tobin

Tadgh.Tobin@ntu.ac.uk

Director of Studies:

Craig Harper

Craig.Harper@ntu.ac.uk

0115 848 4718

Chaucer Building, Nottingham Trent University

Goldsmith Street

NG1 5LP

Thank you again for taking part, your input was invaluable.

Appendix E: Interview Schedule for Chapters 5, 6

Indicative Interview Schedule for Both Studies

Information and Ethics Recap: *Have you got any questions about:*
Information?

Consent?

Data management?

Things I need to let you know:

Break/stop

Question issues – can't/won't answer

Withdrawal

Taking the elephant out of the room

Explicit language

Only talking about events between adults

Complicated topics

Not knowing things (even opinions)

'Correctness'

Ask questions whenever

Establishing Rapport:

About you:

Age?

Work?

[Start recording]

What got you interested in the study?

Can you describe how your work relates to the topic area?

Existing Knowledge:

What comes to mind if when I say [adult] sexual offences?

What crimes come to mind?

Who is involved?

Where does it happen?

What sort of things happen?

If struggling ask about specific crimes they can name and re-prompt.

How would you describe consent?

Example?

What's the opposite of consent?

How important is consent in the law?

How would you describe coercion?

Example?

What can coercion look like?

Different types?

Do you think these two things can interact?

Mutually exclusive?

Can you have one with the other?

Are both equally important?

Current Legislation:

What crimes can you name that you think would class as sexual offences?

How would you define this?

What do you think this is?

How serious a crime is it?

Rape:

Initially, what do you think rape would be?

How does that fit with your original view?

Does this agree/disagree with you?

Is anything surprising?

Does it include anything you hadn't thought of?

Is it missing anything you think is necessary?

Has anything in here changed your view on anything else?

Assault by Penetration:

Initially, what do you think Assault by Penetration would be?

What are your initial thoughts?

Is anything surprising?

What does this cover?

How is this different to any other crimes?

Does this agree/disagree with your initial views?

Does it include anything you hadn't thought of?

Is it missing anything you think is necessary?

Has anything in here changed your view on anything else?

Sexual Assault:

Initially, what do you think Sexual Assault would be?

What are your initial thoughts?

Is anything surprising?

What does this cover?

How is this different to any other crimes?

Does this agree/disagree with your initial views?

Does it include anything you hadn't thought of?

Is it missing anything you think is necessary?

Has anything in here changed your view on anything else?

Causing Sexual Activity Without Consent:

Initially, what do you think Sexual Activity without Consent would be?

What are your initial thoughts?

Is anything surprising?

What does this cover?

How is this different to any other crimes?

Does this agree/disagree with your initial views?

Does it include anything you hadn't thought of?

Is it missing anything you think is necessary?

Has anything in here changed your view on anything else?

Attitude and Construction:

How do you think other people would think about the definitions you gave?

Why might people's views differ on this?

How would they feel about the legal definitions?

How do they feel about these opinion's others may have:

All penetrative sexual offences should be rape

Being forced-to-penetrate is not as serious as being penetrated forcibly

Anyone can be a victim of sexual offences

Men aren't victims of sexual offences

[edited from: Men cannot be victims of sexual offences - - too similar to previous statement]

[added after 3 interviews] If a person puts themselves in a vulnerable situation, they are at least somewhat to blame if they are a victim of a sexual offence

[added after 5 interviews] A woman forcibly giving oral sex to another woman isn't rape

Have you come across any views that oppose yours?

Social media?

Family/Friends?

Has your line of work affected how you views on victims or perpetrators of sexual offences?

Improved? Distorted?

More or less certain of things?

Where do you think this image has come from?

TV Shows?

Education?

Books?

Fiction/Non-fiction?

Can you identify anything specifically that has influenced your knowledge/perception?

Work?

A specific piece of media?

Try to stay away from personal experiences

What kind of things do you hear other people say when they talk about sexual offences?

News, TV, social media?

Positive? Negative?

Is this a common influence?

How has this changed over time?

Debrief:

Thank you for taking part in this study.

Go over rights.

Any questions.

[End recording]

How are they?

Need support?

Relevant Services?

Legislation, for interview elicitation:

Rape

(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.

***Rape** is punishable up to life imprisonment.*

Assault by penetration

(1) A person (A) commits an offence if—

- (a) he intentionally penetrates the vagina or anus of another person (B) with a part of his body or anything else,
- (b) the penetration is sexual,
- (c) B does not consent to the penetration, and
- (d) 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.

***Assault by Penetration** is punishable up to life imprisonment.*

Sexual assault

(1) A person (A) commits an offence if—

- (a) he intentionally touches another person (B),
- (b) the touching is sexual,
- (c) B does not consent to the touching, and
- (d) 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.

*Depending on severity, **Sexual Assault** can be punishable by either (a) up to 6 months imprisonment or a fine of up to £5,000 OR (b) up to 10 years imprisonment.*

Causing a person to engage in sexual activity without consent

(1) A person (A) commits an offence if—

- (a) he intentionally causes another person (B) to engage in an activity,
- (b) the activity is sexual,
- (c) B does not consent to engaging in the activity, and
- (d) 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.

If the crime involves:

- (a) penetration of B's anus or vagina,
- (b) penetration of B's mouth with a person's penis,

- (c) penetration of a person's anus or vagina with a part of B's body or by B with anything else, or
- (d) penetration of a person's mouth with B's penis,

The offence is punishable by up to life imprisonment.

Otherwise, the offence is punishable by either (a) up to 6 months imprisonment or a fine of up to £5,000 OR (b) up to 10 years imprisonment.

Appendix F: Participant Documents for Chapter 7

Information Sheet:

Exploring the changeability of sexual violence lay theories.

Thank you for considering taking part in this research project. Before you decide whether you would like to participate, I would like to take some time to explain the project, and your rights and role within it.

The purpose of this study is to begin to **explore how people understand the sexual violence, and how they categorise different situations**. This study forms one part of a series, which contributes towards a PhD project. The aim is to begin to understand how individuals define rape and what factors are important in these definitions, and whether these definitions vary between people.

Who is running the study?

The study is being led by Tadgh Tobin, a postgraduate researcher at Nottingham Trent University. **The project is being supervised by Dr Craig Harper**, Dr Rebecca Lievesley, and Dr Jennifer Mackay. Contact details are listed at the bottom of this page, the final page of the study, and throughout the survey.

Do I have to take part?

Your participation is entirely voluntary. If you do decide to take part, you will be asked to complete the consent form on the next page. **You may, at any time, withdraw from the study** by closing the tab this study is open in. Prolific's terms of service indicate that if a participant does not complete the study, they are not entitled to compensation. For SONA participants, you will not be entitled to credits if you do not complete the study. For Prolific, SONA, and any other participants **if you would like to withdraw your data after the study, you may do so by getting in contact with the researcher and providing your unique ID (generated within the study) within two weeks of your participation.** You may still request to withdraw after this date; however, this will not be possible if the researcher has begun to analyse the data. Your results however will be excluded from any further analysis in future projects. **If you decide not to take part, or to withdraw at any stage, you will not be asked to give a reason.**

What do you want me to do?

The experiment should last approximately 20 minutes. After completing the consent form, you will be asked to provide some general information about yourself (age, gender, sexuality). You will then be asked to provide some information about how you personally define the offence of rape. You will then be presented with a series of short, written pieces that depict an act of sexual violence, and be asked to categorise it as either rape or another sexual offence. You will then be asked to restate your personal definition, and be presented with a debrief sheet that reiterates your rights, the aims of the study, and provides some critical information about the study.

What will happen to the data I provide?

The data you provided will be exported and analysed using a range of quantitative methods. **The data will be anonymised, and your Prolific ID will not be included in any data sets to prevent potential anonymity breaches.** The findings from this analysis will be included in the thesis, and may be published in an academic journal, or presented at an academic conference. Throughout these processes no individual's data will be shared, only statistical data derived from the data set as a whole. **The dataset will also be made available to other researchers** through the Open Science Framework. This data will be completely anonymous, but may be used by other researchers to check my working and ensure. **Your Prolific ID will be not be included in this dataset, so you cannot be identified.**

The Research Privacy Notice outlines what NTU does with personal data and how we protect personal data and the rights of research participants during research activities in accordance with UK GDPR/ Data Protection Act 2018. For more information regarding the RPN, please click on the following link: <https://www.ntu.ac.uk/policies/research-privacy-notice>

How will you protect my confidentiality and anonymity?

During the study, no identifiable information will be collected. Your Prolific ID will be used to validate your participation and issue payments, where appropriate, but this will not be connected to your data except in the circumstance you wish to withdraw your data from the study entirely. In this instance, you will need to disclose your unique identifier to the researcher via email, and your data will be removed. This will breach your anonymity, but only the principal researcher will see your data, and it will be immediately removed from the data set. **Therefore, in no data (published or otherwise) will you ever be identified except by your unique identifier,** which will not be linked to any identifiable information.

What are the possible disadvantages and risks in taking part?

The study requires reading some short blocks of text about sexual violence scenarios. While they don't contain any graphic details, some people may still find this upsetting or disturbing. **If you feel you may be distressed by the content of these, we strongly recommend that you carefully consider whether taking part** in this research project will affect you negatively. If you do take part, and find yourself becoming upset, **you may close the survey and withdraw from the study at any time,** there is no need to carry on in this instance. **Although you will not be compensated, please do not continue with the study if you do feel yourself becoming distressed or upset.**

What are the possible benefits?

We hope that you will find the study interesting and will take satisfaction from helping to develop knowledge of this important topic. **By completing the study through Prolific you will be entitled to [approx. value].** During the study, **you will be required to pass a number of attention checks** in order to receive payment. This is to verify you have taken part in the research in good faith and are applying yourself fully. Compensation may be withheld if the researcher has reason to believe you have not participated in good faith (e.g., too fast a completion time). Prolific's terms of service also dictate that participants who do not complete the survey are not entitled to compensation.

What will happen to the results?

The results will be written up and will contribute to the completion of the researcher's PhD thesis and may also be published in an academic journal. The results may also be presented at academic conferences. The findings and analysis will be made accessible via the Open Science Framework. The Open Science Framework allows researchers to store data and findings for others to analyse and ensure the quality of the work, reducing data fabrication and misuse. No identifiable information (including your Prolific ID) will be made available to anyone other than the principal researcher (Tadgh Tobin).

Contact and Approval:

You can find out more about this study by contacting the researchers below. The project has been reviewed and approved by the researcher's supervisory team, and the University Ethics Committee from Nottingham Trent University.

Principle Researcher:

Tadgh Tobin

PhD Candidate at Nottingham Trent University

Tadgh.tobin2016@my.ntu.ac.uk

Nottingham Trent University, 50 Shakespeare Street, Nottingham, NG1 4FQ

0115 848 4718

Director of Studies:

Dr Craig Harper
Associate Professor in Psychology at Nottingham Trent University
Craig.Harper@ntu.ac.uk
Nottingham Trent University, 50 Shakespeare Street, Nottingham, NG1 4FQ
0115 848 4718

Supervisors:

Dr Rebecca Lievesley
Associate Professor in Psychology at Nottingham Trent University
Rebecca.Lievesley@ntu.ac.uk

Dr Jennifer Mackay
Principal Lecturer in Psychology at Nottingham Trent University
Jennifer.Mackay@ntu.ac.uk
Nottingham Trent University, 50 Shakespeare Street, Nottingham, NG1 4FQ

The project has gone through the relevant NTU research ethics procedures and has been given a favourable ethics opinion by Nottingham Trent University's Schools of Business, Law and Social Sciences Research Ethics Committee.

If at any stage you have any concerns or complaints regarding the project and would like to speak with someone at NTU who is not directly involved in this research, or if you have questions about your rights as a research participant, please contact:

Professor Suvo Mitra

Associate Dean for Research
School of Social Sciences
Nottingham Trent University
50 Shakespeare Street
Nottingham, NG1 1FQ
Tel: +44 (0)115 848 6803
Email: suvo.mitra@ntu.ac.uk

NTU Data Protection Officer

Please contact the Data Protection Officer if:

- you have a question/query about how your data is being used by NTU;
- you would like to report a data breach (if you believe that your data has been lost or disclosed inappropriately);
- you would like to raise a complaint about how your personal data is being used by NTU.

Address: Data Protection Officer,
Nottingham Trent University,
50 Shakespeare Street,
Nottingham, NG1 4FQ.
Email: DPO@ntu.ac.uk

Consent Form

Please read and confirm your consent to participate in this project by placing your initials in the appropriate space(s) before signing and dating this form.

5. I confirm that the purpose of this project has been explained to me, that I have been given information about it in writing, and that I have had the opportunity to ask questions about the research.

Yes/No

6. I understand that my participation is voluntary, and that I am free to withdraw at any time without giving any reason and without any implications for my legal rights.

Yes/No

7. I understand what will happen to the data I provide during this study, and give consent for it to be used in these ways by the researcher.

Yes/No

8. I understand the risk of emotional distress and understand that, if I do become upset, I may withdraw my participation by closing the study.

Yes/No

9. I am aged 18 or over.

Yes/No

10. I agree to take part in this project.

Yes/No

Researcher contact information:

Principle Researcher:

Tadgh Tobin
PhD Candidate at Nottingham Trent University
Tadgh.tobin2016@my.ntu.ac.uk
Nottingham Trent University, 50 Shakespeare Street, Nottingham, NG1 4FQ
0115 848 4718

Director of Studies:

Dr Craig Harper
Associate Professor in Psychology at Nottingham Trent University
Craig.Harper@ntu.ac.uk
Nottingham Trent University, 50 Shakespeare Street, Nottingham, NG1 4FQ
0115 848 4718

Debrief Form

Exploring the changeability of sexual violence lay theories.

Thank you for taking part in my research. The data you contributed will help me complete my PhD Project with Nottingham Trent University, which is aiming to explore how people define rape, and what factors people consider when constructing their definition of rape. The research was designed to see whether people apply their own definitions of rape consistently, and whether or not exposure to new and potentially unexpected information would influence understanding of sexual violence.

In the interest of transparency, I'd like to outline the legal definitions of certain sexual offences, so you a) have an accurate legal knowledge of the offences we've discussed today, and b) do not feel misled by the purpose of the research.

- **Rape** is legally defined as the **non-consensual penetration** of a victim's **vagina, anus, or mouth** by the perpetrator's **penis**.
- **Assault by penetration** is legally defined as the **non-consensual penetration** of the victim's **vagina or anus** by an **object or body part** (except the penis).
- **Sexual assault** is **non-consensual touching** of a victim by a perpetrator, which must be **reasonably considered sexual in nature** (sexualised body parts or in a sexual manner).
- **Causing a person to engage in sexual activity without consent** is legally defined as **any sexual contact, activity, or penetration** that is **non-consensual**, and **not listed in any previous category**.

Further, the texts that you read were fabricated, and none were from real survivors, police reports, or posted by real people. They were generated by the researcher for the purposes of this study. Any resemblance to real people or events were purely coincidental.

It is likely that before, during, or after the study you have been confused by the legal definitions, or your personal definitions. This is normal, as it is apparent in academic literature and other findings from my PhD research that public knowledge of the nuances of the Sexual Offences Act (2003) can be blurred and many understand there to be grey areas in the law and in their understanding. If you have any questions about anything discussed in the experiment, please reach out to the principal researcher (Tadhg Tobin).

What happens now?

Once all data is collected from all participants, I will begin the process of analysing and gaining understanding of the topics based on the groups data. **If you decide that you no longer want your data to be used in the study, we request you contact the researcher via Prolific within two weeks of today's date.** The findings will be used within my thesis and may be published in an academic journal or be presented at an academic conference.

What if I would like to remove my data from the study?

To withdraw your data, please contact the researcher via Prolific or email and state your desire to withdraw as well as your unique identifier. You do not need to provide a reason for wanting to withdraw from the study. Please do this within two weeks of today's date. After this point, withdrawal may not be possible if analysis has begun.

The Research Privacy Notice outlines what NTU does with personal data and how we protect personal data and the rights of research participants during research activities in accordance with UK GDPR/ Data Protection Act 2018. For more information regarding the RPN, please click on the following link: <https://www.ntu.ac.uk/policies/research-privacy-notice>

What if I need to speak with someone following participation?

I hope you found participating in this study a positive and interesting experience. If, however, the experience has brought up difficult feelings, additional support can be found below:

Safer Living Foundation – Aurora Project (for Troubling Sexual Thoughts)

<https://www.saferlivingfoundation.org/what-we-do/adult-projects/aurora-project/>

0115 848 4707

Survivors Trust (Victims and Survivors help)

<https://www.thesurvivorstrust.org/>

08088 010818

Rape and Sexual Abuse Support Line (Victim and Survivors help)

<https://www.247sexualabusesupport.org.uk/>

0808 500 2222 (24-hour assistance)

Finally, if you have any further questions, or want an update on the research, please feel free to contact me or my Director of Studies using the details provided:

Principle Researcher:

Tadgh Tobin

PhD Candidate at Nottingham Trent University

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Nottingham Trent University, 50 Shakespeare Street, Nottingham, NG1 4FQ

The project has gone through the relevant NTU research ethics procedures and has been given a favourable ethics opinion by Nottingham Trent University's Schools of Business, Law and Social Sciences Research Ethics Committee.

If at any stage you have any concerns or complaints regarding the project and would like to speak with someone at NTU who is not directly involved in this research, or if you have questions about your rights as a research participant, please contact:

Professor Suvo Mitra

Associate Dean for Research

School of Social Sciences

Nottingham Trent University

50 Shakespeare Street

Nottingham, NG1 1FQ

Tel: +44 (0)115 848 6803

Email: suvo.mitra@ntu.ac.uk

NTU Data Protection Officer

Please contact the Data Protection Officer if:

- you have a question/query about how your data is being used by NTU;
- you would like to report a data breach (if you believe that your data has been lost or disclosed inappropriately);
- you would like to raise a complaint about how your personal data is being used by NTU.

Address: Data Protection Officer,

Nottingham Trent University,

50 Shakespeare Street,

Nottingham, NG1 4FQ.

Email: DPO@ntu.ac.uk

Thank you again for taking part, your input was invaluable.

Appendix G: Vignettes for Chapter 7

High Credibility, Set 1:

1. The victim has reported that he has been attacked after leaving a date with the suspected perpetrator. The perpetrator, who is a male known to be [REDACTED], followed the victim home after their second date. The suspect was not invited into the victim's home, but entered anyway, and after a brief struggle, used his penis to forcibly penetrate the victim's anus. The attack continued until the suspect had ejaculated, at which point he fled the scene, and the victim phoned the police.
2. The victim reports that she was walking home from seeing friends in the town centre, approx. postcode [REDACTED]. She was getting her keys out of her bag and dropped them onto the floor, when she reached down to collect them, she was struck from the side by an unidentified male. The man pushed her into a small alley between buildings, pushed her to the ground and used his penis to forcefully penetrate her vagina, ripping some clothes in the process. The victim reports the attack lasted for approximately 5 minutes. After the attack, the suspect ran away from the scene and the victim called her flatmate, and then the police. As it was dark, the victim could not identify the suspect.
3. The victim reports that he was attacked by a female, suspected to be [REDACTED]. The suspect's relation to the victim is a friend-of-a-friend, but the victim would not call them friends. The victim reports that, after a dinner party at a mutual friend's home, the victim provided the suspect a lift home. The victim was invited in for a cup of tea offered as a thank you for the lift. After the victim entered the suspect's home, she made some sexual advances, which the victim refused. The suspect pushed the victim down and used the victim's penis to penetrate herself. The suspect reportedly stated, "If you tell anyone, I'll say you raped me."
4. The victim reports that she has been attacked by a coworker, who used a strap-on dildo to forcibly penetrate the victim's vagina. The victim reports that the two of them were working at the suspect's home on a shared project for work that was due soon. The two admitted a mutual attraction and began to kiss passionately. The suspect tried to advance the affection, when the victim expressed that she did not want to engage in anything penetrative, as she finds it painful. The suspect is reported to have ignored this and used her strap-on dildo to penetrate the victim's vagina, after overcoming the victim's resistance.
5. The victim has reported that they were attacked by a subordinate in their office at work. The victim stated that the suspect was called into the victim's office for a one-to-one meeting about a recent success in a project they were working on. The victim reports that the two of them kissed during the meeting, and the suspect tried to advance the kissing, which the victim refused, stating it was inappropriate and unprofessional to be doing this with someone he manages. The suspect ignored this and proceeded to insert his fingers into the victim's anus. After the suspect left the office, the victim called their security team and then the police.

6. The victim reports they were attacked by a friend while they were studying at the victim's home. The suspect is reported to be [REDACTED], a close friend of the victim. The victim reports that she had invited the suspect over to study for an upcoming exam. During the session, the suspect made multiple comments about the attractiveness of the victim. After the comments, the victim asserted that she would prefer studying alone. The suspect then proceeded to forcefully kiss the victim, put his hand up her dress, and forced his fingers into the victim's vagina. The victim then managed to remove his fingers, and remove him from her home, before phoning the police.
7. Suspect is reported to have attacked victim by digitally penetrating [using fingers to penetrate] his anus. The victim has reported that the suspect struck up a conversation with him while they were at the same bar. The suspect suggested the victim come home with her to which he agreed. At the suspect's home, the pair began kissing, and the suspect, without warning, used her finger to penetrate the victim's anus. The victim asked her to stop and remove her finger, which she did not. The victim pushed her away, and he left the home before finding his way to the police station to seek advice for what happened.
8. The victim reports she was attacked by her date (a 26-year-old female) in the toilets of a small restaurant. The victim reports she met the suspect, [REDACTED], on a dating app. The pair agreed to meet at a restaurant for their first date. The victim, at the end of the meal, visited the toilet. She reports that the suspect followed her in and began to kiss her in the cubicle. The victim resisted the kiss, but due to the confined space, found it difficult. The suspect unbuttoned the victim's jeans and used her fingers to penetrate the victim's vagina. The victim left the toilet with the suspect and waited until the suspect had left before phoning the police to report the attack.
9. The victim reports that an individual known to his friend attacked him while at a coffee shop with their mutual friend. The victim and suspect were familiar with each other, but not friends themselves. The victim states that the suspect, [REDACTED], was seated next to the victim at a coffee shop and began rubbing the victim's penis through his jeans. The victim was uncomfortable with this, and asked the suspect to stop, which the suspect refused. At this point, the victim stood to leave the coffee shop, and reported this encounter the following day, upon realising it may be a criminal offence.
10. Victim has reported an attack by a male they went on a date with. The victim matched with the suspect on a dating app, and agreed to meet the perpetrator, Kevin Spacey, at a restaurant. After their date, the victim expressed that she didn't wish to engage in any sexual activities, but that the suspect was welcome to come back to her flat for a cup of tea. At the victim's home, the victim and suspect sat on the sofa, the suspect proceeded to grab and kiss the victim and put his hands down her trousers. Despite her resistance, the suspect began to rub her clitoris with his fingers. The victim managed to get the suspect off of her, and after a verbal altercation, he left. The victim, after collecting her thoughts, called the police the following day (today).
11. The victim has reported that the suspect, a 27-year-old female named [REDACTED], attacked him at a work event. The suspect is a member of a team that the victim manages. The victim stated that the

suspect, seated next to him at the social, began to unbutton his trousers, and placed her hand around his penis and began rubbing it. Victim stated he was frozen with panic, uncomfortable and unsure of what to do in the situation. The victim stated he was uncomfortable and wanted her to stop, but she refused. The victim then grabbed her hand and removed it from his trousers, and promptly left the event.

12. The victim is reporting an attack on her by an unidentified female at a local music venue. The victim reports that the suspect followed her into the toilet in between acts at a concert. The suspect reportedly stated that the victim was “coming on to her” and “giving her ‘fuck me’ eyes” during the show. The suspect then pushed the victim into cubicle and proceeded to rub her clitoris with her fingers. The attack lasted for about 5mins, before the suspect left as the main act came on the stage. The victim left the venue immediately and decided to report the attack the following day.
13. This report concerns the attack on the victim by a male suspect whose identity is unknown to the victim. The victim was at a football match with some friends. The group of friends were walking into the stadium, and the victim was at the back of the group. The victim felt a sharp pinch to his buttocks and turned to see the suspect who then winked at him. Unsure of what to do, the victim attended the football match, and decided to report the incident to the police following a conversation with a friend the following day.
14. This report concerns an attack on the victim (details above) by her colleague, a 25-year-old male named [REDACTED]. The victim was stood collecting some documents from the office printer, where the suspect walked past. As he passed the victim, the suspect firmly patted her bum and stated, “That skirt looks good on you.” The victim has rarely spoken to this coworker, and has only communicated with him in a professional manner. The victim immediately reported this event to HR and decided to report to the police the following day.
15. The report concerns an attack on the victim (details above) by a female suspect named Holly Willoughby. The victim reports that the attack happened during his second date with the suspect. While waiting in line to purchase tickets at the cinema, the suspect made comments about how excited she was to have sex with the victim. The suspect proceeded to grab and squeeze the victim’s penis from over his jeans. The victim was unsettled by this, but it wasn’t until after getting home and thinking about the event that he realised how distressed it made him. He decided to contact the police to report the attack the next day.
16. The report concerns an attack on the victim (details above) by a female suspect named [REDACTED]. The victim and suspect were together in a park with mutual friends, but were left alone when the rest of the group dispersed due to it getting late. The suspect, seated next to the victim, proceeded to comment on how attractive she was and how nice her breasts were. The suspect then proceeded to grab and squeeze the victim’s breasts, without warning. The victim quickly left the park and reported the events to the police the next day (today).

High Credibility, Set 2

1. Victim reports being attacked by a man who he was on a date with. The victim reports that he had been on a date with the suspect, whom he met on a dating app some days earlier and has been on one prior date with. He reports that the perpetrator followed the victim into his home after giving him a lift home from a date and insisting on walking him to his door. The victim tried to ask the suspect to leave, but the suspect attacked him. The victim has reported that the perpetrator penetrated his anus using his penis and did not pause the attack until he had ejaculated. The perpetrator then left, and the victim has not had contact from him since. The suspect is a 28-year-old male by the name of [REDACTED].
2. The victim has reported that they have been attacked by an unidentified male after meeting him at a coffee shop she was working at. The man reportedly approached the victim and struck up a conversation, after politely telling the man she had to leave, the victim left to walk home, but was followed by the suspect. The suspect, upon getting to the victim's home, forced his way into the home. The victim tried to refuse, but felt unsafe as he got angry. The victim was followed into her home by the suspect, where he attacked her and used his penis to penetrate her vagina. After ejaculating, the suspect fled the scene and the victim immediately phoned the police to make this report.
3. Victim reports they have been attacked by a female assailant who is a close friend of the victim [REDACTED]. The victim was working alongside the suspect in the suspect's home office, when she started making comments on how lonely she had been since her partner left her. The victim tried to comfort her, but the suspect reportedly took this as flirting, and made advances on him. She threatened to tell his girlfriend that he had cheated on her if he told anyone what had happened, and forced him to penetrate her vagina until she had orgasmed. After the attack had concluded, the victim hurriedly left the house and came to the police after consulting with a friend in the police.
4. The victim reports a female coworker penetrated her without consent. The victim is the line manager of the suspect. The victim invited the suspect out for dinner to celebrate a recent promotion the suspect had received. After dinner, the victim and suspect both returned to the suspects home, and the suspect made sexual advances on the victim. The victim engaged with the sexual advances, but denied any penetrative sex, as she experiences a lot of pain during it. The suspect, ignoring this, proceeded to forcefully penetrate the vagina of the victim with a strap-on [wearable dildo]. The victim was in a great deal of pain and made this clear to the suspect, who did not remove the strap on. The suspect eventually stopped, and let the victim up; the victim left immediately, and contacted the police to make the report.
5. Victim reports being attacked by a coworker at their office while working late. The victim has stated that he and the suspect were working at the office after hours to complete a project they were working on with a short deadline. The suspect apparently followed the victim into the stationery cupboard and began to kiss the neck of the victim. The victim explained that this was inappropriate and tried to move away from the suspect. The suspect held the victim into the corner of the small cupboard and put his hand down the victim's trousers and put his fingers in the victim's anus. The

victim repeatedly asked the suspect to stop and tried to push him away but failed. The victim stamped the suspect's foot and managed to leave the cupboard and the office before contacting the police.

6. The victim reports that she was attacked at a small gathering at a friend's home. The suspect, [REDACTED], is friend of the host. The victim stated that she excused herself from the dinner party to take a call from a relative, and she heard the suspect excuse himself by stating he needed to go to the toilet. The victim went into the host's bedroom and was followed by the suspect. The suspect reportedly said, "I've been waiting for us to be alone," and grabbed the victim's waist and kissed her, before putting his hand up her skirt and using his fingers to penetrate her vagina. The victim tried to resist the attack but was caught off-guard by the speed of it. She managed to fight the suspect off and told the hosts what had happened, the host then called the police.
7. The victim reports that an unidentified woman fingered him without consent. The victim entered the clothing shop to be fitted for a new suit. The suspect approached the victim and led him into a backroom for a measuring. She assured him this was normal procedure. The victim reports that the suspect was taking longer than usual taking some measurements, and the process was more tactile than previous fittings. The suspect, while measuring the waist, used her fingers to penetrate the anus of the victim. The victim, taken by surprise, was unsure of how to react and froze in fright. After the measuring was finished, he asked his other male friends if this had happened, and on hearing no one else had experienced this, he decided to report to the police.
8. The victim alleges she was attacked by a woman by the name of [REDACTED]. The victim was on her second date with the suspect, and after leaving the restaurant, the victim was invited to the suspect's home to meet her pets. The victim agreed, and planned to stay for an hour before returning home as she had work early the next day. She made this clear to the suspect. Upon arriving at the suspect's home, she pushed the victim against the wall and began to kiss the victim. When the victim explained she did not want to do anything sexual, the suspect stated "Playing hard to get? You know you want this too," and put her hands down the victim's trousers and penetrated the victim's vagina with her fingers. The victim tried to resist, but her arms were trapped against the door. The suspect eventually relented, and the victim left, and immediately called the police about the event.
9. The victim reports that he was non-consensually groped by a close male friend. The victim and suspect were together in the cinema, the pair were sat on the backrow. The victim was holding popcorn, and the suspect reached over and put his hand on the victim's crotch. The victim assumed this was a mistake and notified the suspect, trying not to make it awkward. The suspect indicated he was not mistaken, and began to massage the victims penis through his jeans. The victim, uncomfortable, explained he had to go to the toilet and did not return to the cinema. The victim notified a member of staff at the cinema who then contacted the police, with the victim's consent.
10. The victim reports that she was attacked by the suspect while on a date with him. The victim was with the suspect, [REDACTED], and this was their second date. The pair were at a restaurant and the suspect insisted the victim sit next to him on the booth seat. The suspect placed his hand on the thigh

of the victim, who asked him politely to remove it. He did not remove his hand, and stated he was just being friendly. The victim was uncomfortable, and requested he move it again, but did not want to cause a scene in public by escalating her request. He proceeded to slide his hand up her leg, and under her skirt. Before the victim could react, he was using his finger to stimulate her clitoris. She pushed him away and left the restaurant immediately. She contacted the police as soon as she got home from the restaurant.

11. Victim reports that he was attacked by female coworker. The victim is a nurse and was doing an overnight on-call shift at [REDACTED]. The victim fell asleep in the on-call room, which, though unusual for him, is not unusual for staff generally. The victim reports waking up from the sleep to another on-call nurse performing oral sex on his penis. This made the victim incredibly uncomfortable. The victim pulled back from the suspect quickly and left the on-call room. After another member of staff noted he looked distressed and questioned the victim on what happened, the victim chose to report the event to the police.
12. A victim has reported that she was forced into non-consensual sexual activity by another woman (the suspect) in the suspect's home. The victim has stated that she was on a date with the suspect, and had accepted an invitation to the suspect's home following the date. The suspect indicated that there were no sexual intentions behind the invite, and the victim agreed, stating she was both tired and on her period, and did not like having sex under either circumstance. The victim slept on the suspects sofa, and the suspect in her own bed. During the night, the victim woke up to find the suspect performing oral sex on the victim, without her consent. The victim pushed the suspect away and left after getting dressed, phoning the police on the way home.
13. Victim reports that he was attacked by a member of his staff at the restaurant he works at. The victim reports that he was briefing his team ready for the evening shift at the restaurant he manages. When leaving the office, one of the waiters slapped the victim's buttock hard enough to leave a bruise. The victim had made it clear to the suspect that he became incredibly uncomfortable whenever someone was near his buttocks, and he reports that he was very emotionally distressed by the event. He stated that he could not leave the shift to report the offence, but would have reported immediately if he could.
14. The victim reports that she was attacked by an unidentified man on the street on which she lives. The victim was walking home from work on a well-lit and normally quiet street. She reports that a group of young men (aged between 25-30) rounded a corner onto the street and were running down the middle of the road. One of the men slapped the victim's buttock with enough force to make her stumble as they ran past. The men all fled the scene, laughing. The victim, disturbed by the event, called the police immediately upon getting home.
15. Victim reports he was attacked by an unidentified woman at his job. The victim works security for a local bar and a woman waiting in line for entry was flirting and was touching his arms and shoulders and commenting how strong the victim must be. The victim repeatedly asked the suspect to stop, and that she wouldn't be allowed in if she was acting inappropriately already. The suspect then reached

out and grabbed the victim's groin, squeezing his penis through his trousers. The victim immediately removed the suspect from the line and went into the office to log the incident. The bar's manager recommended he report this to the police. The victim reports the suspect was in no way acting intoxicated, by alcohol or otherwise.

16. The victim has reported that she was non-consensually groped yesterday by a female acquaintance. The victim reports that she was visiting a mutual friend of hers and the suspects at the friend's home. The host left to run to the shop and get milk for coffee, leaving the victim and suspect alone. The suspect began to ask the victim personal questions about her sexual preferences. Uncomfortable, the victim tried to redirect the conversation, but the suspect then made some direct comments on the victim's chest size, comparing them to her own. The suspect reached over and squeezed the victim's breasts strongly, without asking for permission or indicating they were about to do this. The victim reacted angrily, leaving the home and after consulting with the host, contacted the police.

Low Credibility, Set 1

1. **I have been attacked – looking for advice if possible.** I (21, male) went on a date with another person (22, male) last night. We went on a date for some food, and he walked me home. I didn't invite him in but followed me anyway and attacked me. Without getting too graphic, during the attack he put his penis in my anus without my consent. He ejaculated inside me during the attack and now I'm not sure what to do – any advice is appreciated.
2. **Help please – non consensual sex.** Yesterday I (22, female) was walking home from seeing some friends in the centre of my town and as I was getting my keys out of my bag I dropped them – I bent down to pick them up and a guy (male, unsure of age) came up beside me and pushed me into an alley between the buildings. He pushed me onto the floor and forced himself on me. The whole thing was a blur, but his penis definitely entered my vagina and he ripped some of my clothes. How do I go about reporting this? I've already told my flatmate, but I don't know what to do. It was also dark out and I couldn't see anything of the man's face.
3. **Seeking advice on reporting non-consensual sex.** I (22, male) was attacked by a friend of a friend (25, female) after a dinner party at our mutual friend's home. I offered her a lift home as it was on the way to mine anyway. She invited me in for tea as a thank you for the lift but started flirting with me. I told her I didn't want to do anything sexual, but she pushed me down and forced my penis into her vagina. I tried to get her off of me, but she said, "If you tell anyone, I'll say you raped me." Where does this stand legally? What should I do from here?
4. **I (23, female) was attacked by a coworker (25, female) recently and need help.** We were working on a project at her house – after hours, but we had a deadline – we admitted to each other that we both thought the other was hot and started kissing. The kissing progressed, and she pulled out a strap-on and asked if I'd used one. I said I hated penetrative sex because it was really painful for me. She ignored this, and proceeded to force the strap-on into my vagina, overcoming my resistance.

5. **Non-consensual sexual acts by a subordinate – how do I approach HR?** I (23, male) had a one-to-one with a member of the team I manage. He (23, male) had recently done a great job on a big project, and I invited him to my office to celebrate. During the meeting, he kissed me, and I kissed back. He tried to advance the kissing by unbuttoning my trousers and I told him it was inappropriate and to leave. He ignored this and put his hand further into my trousers, and put one of his fingers in my anus. I immediately pushed him away and called security, but I'm not sure how much to tell HR.
6. **Attacked by a friend while studying.** I (24, female) was attacked by one of my close friends (24, male) while we were studying for an upcoming exam that we both have. He kept making comments about how attractive I am, and it made me uncomfortable, so I told him I wanted to finish studying alone. He then forcefully kissed me and put his hands up my dress. One of his fingers even entered my vagina. Once I had gotten him off of me and out of my home, I was really shaken by it. What can I do to help the police with this case?
7. **Woman at the bar attacked me – what is this legal?** I (24, male) was at a bar with some friends and a woman (late 20s, female) approached me and we started talking and she invited me home with her. At hers, we got kissing, and she put her hands down my pants, but without warning she put her fingers in my anus. I was not expecting this, and she didn't ask me if she could. I asked her to stop and get her finger out of me, but she didn't. I got away from her, left her house and now I'm on my way to the police to report it, but what should I say?
8. **Fingered without consent – what do I do?** I (25, female) was on a date with a girl (26, female) I met on Tinder. We were at a small local restaurant and had a nice time, after we paid, I told her I was going to the toilet. She followed me into the toilet, which I wasn't surprised by, but she followed me into my cubicle before I could close the door and began kissing me. I asked her what she thought she was doing, but because it was a tight space I couldn't get her off me. She managed to undo my jeans and started fingering my vagina. I kinda froze and she stopped eventually, leaving the cubicle and the restaurant. I waited for her to leave before rushing out and calling my friend. My friend thinks I should phone the police but I'm not sure what they'd do?
9. **Non-consensual handjob – how to proceed?** I (25, male) went for coffee with a friend and they brought one of their other friends (24, male who I don't really know). I was sat next to the other friend, and he started rubbing my leg and then moved up to my penis. Though I was uncomfortable, I thought the leg touching was just friendly, but I removed his hand from my penis – then he kept reaching back for it. I said, "Could you stop that?" but he kept grabbing and rubbing it. I eventually left and now it's the next day. I don't know how to describe exactly how I felt, but I know I hated the experience and didn't want it. Could someone give me some advice?
10. **Date rubbed my clitoris without my consent - how do I explain this to the cops?** I (26, female) went on a date with a man (25, male) and it went well, I guess. He walked me home and I did the polite thing and invited him in for a cup of tea, but directly expressed this wasn't a sexual invitation. Upon sitting on the sofa with him, he immediately grabbed me and kissed me, and immediately unbuttoned my jeans and began to rub at my clitoris. When I actually realised what had happened –

it was a blur – I pushed him away and shouted at him to leave immediately. I was dazed at first but decided to report it to the police but am unsure of what to tell them.

11. **Inappropriate conduct at work's do (TW non-consent).** While at a work's do, celebrating the end of a rough quarter, a member of my team (27, female) sat next to me (28, male) and started talking. There were a few of us around the table, and as it was bench-seating, I couldn't move easily. The woman in question started unbuttoning my jeans and started rubbing my penis. I was initially frozen with panic and felt extremely uncomfortable. I told her that I was uncomfortable, and told her to stop, but she refused. I then grabbed her hand, removed it myself, and then left the venue immediately. How could I go about dealing with this?
12. **Attacked at a gig – how can I identify the suspect?** I (26, female) was at a gig with some friends, and in between the support act and the main act, I went to the toilet, which was really quiet, given the size of the venue. Another girl (25ish, female) followed me in, and cornered me into a cubicle, saying things like "I saw you coming onto me," "you gave me 'fuck me' eyes" etc. She pushed me into a cubicle, and I struggled to fight back because of the closed space. She managed to get her hand in my trousers and started rubbing my clitoris. I think the whole thing lasted maybe 5 minutes and she left as the main act came on. I left immediately and want to report to the police, but I have no idea how to identify this person?
13. **Pinched bum at football game – no consent asked for or given, was this okay?** I (27, male) went to my local teams' derby yesterday and when we were walking to the stands I felt a strange pinching sensation on my bum. I turned around and some guy (20s, male) slinking away from me, but as he did, he winked at me. It kind of disturbed me that someone would grab someone else's bum like that, and after talking with some friends after the match, I think I'm going to report it. But I want to know if this is an appropriate reaction.
14. **Coworker grabbed my bum at the office printer – this wasn't consensual.** A coworker (25, male) walked past me (28, female) while I was getting some printing from the office printer. The printer is in the corner of the room and isn't private, but not highly visible. As he walked past me, he firmly patted my bum and said, "that skirt looks good on you." Now I barely know this man, and only ever communicate in a professional capacity, never as a friend or anything. I immediately went to our manager who recommended going to HR. Would reporting to the police be too far for this kind of incident?
15. **Penis grabbing in cinema (TW – lack of consent).** I (28, male) went on a date with a girl (26, female). This was our second date, and we went to the cinema. In the line for the tickets, she was quietly making comments about how excited she was to have sex with me for the first time. I politely redirected the comments into casual conversation, but then she reached out and grabbed my penis through my jeans. This really unsettled me and took me by surprise – I was really uncomfortable for the rest of the date and after getting home and realised how distressed I was, I've decided to go to the police. Before I go, I want to know if this a normal thing to happen?

16. **Girl grabbed my breasts without consent – what do I do?** I (29, female) went for a weekend walk in a park with some friends including my friend (27, female) who we'll call Becky. Becky and I are close friends, but nothing more. All our friends left, but Becky and I decided we wanted to stay out a bit longer before going home. Becky then started telling me how attractive I was and paid a lot of close attention to how nice my breasts were. I got a little uncomfortable and made an excuse to leave, but as I did Becky reached over and squeezed my breasts quite hard. Shocked, I turned and walked quickly away. Unsure of whether to go to the police, I've come to reddit for advice.

Low Credibility, Set 2

1. **Attacked by Date.** I (21, male) was on a date with a guy (28, male) from a dating app. This was our second date. He gave me a lift home, which was welcomed, but then he followed me into my house after insisting on walking to my door. I tried to be polite about it, but I told him to leave. He then pushed me into the house, closed the door, and attacked me, pulled my trousers down and used his penis to penetrate my anus. I'm pretty sure he finished [ejaculated] in me too. He left after that, and after regaining my composure I reported to the police. Should I get checked by medical professionals too?
2. **I got followed home and attacked – what do I do from here?** A guy (20s, male) at a coffee shop I (22, female) was working at struck up a conversation with me, simple enough. When I was going to leave, I politely told him I was going and that it was nice to meet him. He started following me home though, and it's only a short walk to my place. He followed me to my door and pushed past me while maintaining the conversation. I tried to refuse him, but he got angry and I was scared. After he got into the house, he attacked me and used his penis to penetrate my vagina. After he finished [ejaculated] in me, he ran off. I want to phone the police, but I don't know what the process is like, anyone done this before and could help me?
3. **A female friend attacked me because her partner left her.** Me (22, male) and my friend (23, female) were working together in her home office, as we frequently do since we work for the same company. Just after lunch, she started talking about how lonely she'd been since her partner left her. I tried to comfort her, but she seemed to think I was flirting with her (we've never been anything but friends), and she made advances on me. I tried to refuse but she said she would 'tell my girlfriend I had cheated on her' if I told anyone what was about to happen. She grabbed my penis and forced it into her vagina and didn't let go until she had orgasmed. I was dazed throughout, and didn't know what to do, but left as soon as she let me. What can I do here? I seem to be stuck in a corner.
4. **My staff member attacked me with a strap-on [wearable dildo].** I (23, female) took a member of my staff out to celebrate her (24, female) recent promotion. We went for dinner, and decided to go back to her flat, where she made sexual advances towards me. While I engaged in these advances, I made it clear that we couldn't use any penetrative toys (it really hurts me, and I made this clear). During the course, she pulled on a strap-on [a wearable dildo] and held me down while she forced it into my vagina. I was in a lot of pain, and repeatedly asked her to remove it, but she didn't. When

she eventually stopped and let me up, I left immediately and called the police. My question is: Is this a criminal offence and how do I describe it to the police?

5. **Non-consensually fingered by coworker in store cupboard.** I (23, male) was working late on a project with my coworker (25, male). A project we were both working on had a short deadline, and we both decided to stay later at work to finish it. At one point, I went into the store cupboard to get something, and he followed me in. He began to kiss my neck, but I asked him to stop and told him it was inappropriate. I tried to move past him, but he blocked the way. He cornered me, held me in the cupboard and put his fingers down my trousers. He then put his finger in my anus. I tried to get him to stop both verbally and physically, but I couldn't. After about a minute, I managed to stamp on his foot and push him away. I left and immediately called the police. If I've gone to the police, do I still need to tell HR?
6. **Attacked at a friend's house. What's the legal process?** I (24, female) was attending a dinner party at a friend's house. I got a call from a family member and left the table to take it. I heard one of the host's friends (23, male) (also an acquaintance of mine) also excuse himself. I went into a bedroom to take the call but was followed by this man. He said, "I've been waiting for us to be alone," and grabbed my waist and kissed me. He then put his hand up my skirt and used his finger to penetrate my vagina. I tried to resist, but he caught me so off-guard I just froze. I managed to fight him off, and told the host, who then called the police. After making my report, what does the process look like for me? I want to know what will be expected of me from here.
7. **Non-consensually fingered while getting a suit fitted.** I (24, male) went to get my measurements taken for a new suit. A staff member (late-20s, female) led me into a backroom for my fitting. I saw other fitting rooms, and asked if they were in use, but she said this was normal procedure. She seemed to be taking longer-than-usual around my in-seam and waist measurements, and was touching me much more than other tailors had before. While she was measuring my hips and bum, she used her fingers to penetrate my anus. This took me by surprise and I did not know how to react – I just froze. After the measuring was finished, I left and asked my friends if this had happened to them. They say it hasn't. Do I have grounds to report this to the police at all?
8. **Attacked by a date after going home with her.** I (25, female) was on my second date with another woman (23, female). We went to dinner and then she invited me back to hers to meet her pets. I said yes, but told her I'd only stay for a little bit as I needed to get to work early in the morning and wanted to sleep in my own bed. When we arrived at her home, as soon as the door closed she pushed me against it and began kissing me. I told her I didn't want to do anything sexual, but she replied "Playing hard to get? I know you want this too." She then put her hands down my trousers, and used a finger to penetrate my vagina. I tried to resist, but my arms were trapped against the door. When she stopped, I left immediately. I've reported to the police, but I want to know if this is a common experience for anyone else?
9. **Groped without consent in a cinema.** My friend (25, male) and I (also 25, male) went to the cinema together, and we sat on the back row, as we always do. I was holding the popcorn we'd bought

together, and my friend reached over for what I thought was the popcorn, but he put his hand directly onto my crotch. I assumed he'd made a mistake, and told him to move it, but tried not to make it awkward. He then said he'd made no mistake, and began to massage my penis over my jeans. I didn't know how to react, so I just said I needed the toilet and left. I told a member of staff after they asked what was wrong (I must have looked upset). They then contacted the police after I said it was okay. Police recommended an STI check, but this seems overkill given the circumstances, what do y'all think?

10. **Attacked in a restaurant by my date.** I (26, female) was on a date with a man (26, male). This was our second date. We went to a restaurant and I tried to sit opposite him, but he insisted we sat next to each other. After ordering, he placed his hand on my thigh, and I asked him to move it. He didn't and said he was "just being friendly". I was really uncomfortable with this, but I would have been embarrassed to cause a scene by escalating it. He then slid his hand up my leg, pushed my skirt up, and was rubbing my clitoris with his finger. I immediately pushed his hand away and left the restaurant with no explanation. I've already contacted the police and plan to tell them everything, I'd just like validation that this was the right thing to do.
11. **Attacked while sleeping during an on-call shift.** I (27, male) am a nurse and was working an overnight, on-call shift at my hospital. I fell asleep, which I don't normally do, but isn't unheard of among other staff. At some point, I woke up and found another nurse (26, female) performing oral sex on my penis. Horrified, I quickly pulled back and left the room. Another member of staff saw me looking distressed and asked what was wrong. I told them, and they told me I should call the police. The police may want to know if this has happened to anyone else, so do I go ahead and ask them myself, or wait for them to come forward?
12. **Date gave me oral sex non-consensually.** I (27, female) went on a spontaneous date with a girl (26, female) I'd just met at a bookshop. After the date, she invited me back to her home, and I accepted, but made it clear this was not going to result in sex. I told her that I was a) on my period, and b) very drained after a long, sociable day. I told her I don't like having sex in either circumstance, never mind both. I ended up sleeping on her sofa, while she slept in her bed. During the night, I awoke to her between my legs, performing oral sex on my clitoris. She had not asked me if she could do this, and I was quite clear I didn't want it, so I immediately pushed her off and left after getting dressed. I've called the police, but do I need to get any medical checks done at all?
13. **A coworker slapped my bum without my consent.** I (28, male) am a manager at a restaurant. We were having a team meeting before our evening shift, and as we left the team room, one of the waiters (24, male) slapped my bum. The hit was hard enough that it left a bruise. I had already had conversations with this particular guy about how uncomfortable I felt when someone was even near my buttocks, nevermind touching them. The slap has really distressed me, but I finished my shift because I couldn't leave. Do you think I should contact the police about this, or is this a HR-level incident?

14. **Attacked by group of boys who I don't know – how do I report/identify them?** I (28, female) was walking home from work (around 6pm). I was on the road I live on, when a loud group of boys (mid-20's) rounded the corner behind me. They were running down the middle of the road laughing with each other and shouting. One of the men ran towards me and without stopping, slapped my bum. It had enough force behind it that I stumbled, but didn't fall over. The men then all continued running to wherever they were going. I've called the police to make a report, but I don't really know how to identify them – any ideas?
15. **I'm a security guard and got attacked by a girl in the queue.** I (28, male) work security at a local bar. We were at maximum capacity, so I had to put a hold on the door. A girl (late 20s, female) at the front of the queue was trying to flirt with me, and was touching my arms and shoulders, making comments about how strong I must be. I'm somewhat used to this, but still insisted the woman stop what she was doing or she wouldn't be allowed in. She was not visibly drunk, and I wouldn't be surprised if she was stone sober. She then reached over the railing and grabbed my penis over my trousers. I immediately grabbed her hand and removed her from the line, and went to the office to report the incident. The bar manager recommended I contact the police, but I'm not sure – what does Reddit think?
16. **A friend of a friend grabbed my boobs without consent – what do I do?** I (28, female) went to my friend's (27, male) house for an afternoon coffee. When I got there, he had another friend (26ish, female) over who I'd briefly met previously. My friend ran to get milk for our coffee, and when he left, his friend began to ask me personal questions about my sexuality and sex preferences. I was uncomfortable, so tried to redirect the conversation, but she began to make direct comments about my breasts, comparing them to her own. She then reached over and squeezed my breasts strongly, without asking for permission or indicating she was going to. I shouted at her, and immediately left. I told another friend what happened, and he recommended calling the police. How do I tell the host that his friend attacked me?

Appendix H: Additional Analyses – D-optimality, Chapter 7

Vignette Dims: 4 variables being manipulated (Perpetrator, Victim, Behaviour, Credibility)

Unique combinations of variables: 32

	D	I	A	Alias
Overall (With Interactions)	100	0.77	100	18
Overall (No interactions)	100	0.51	100	12
Between Conditions (With Interactions)	100	0.36	100	6.19
Between Conditions (No Interactions)	100	0.34	100	5

Appendix I: Additional Analyses – Vignette Validation, Chapter 7

The Lexical Suite

	High Credibility		Low Credibility	
	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>
Valence	3.55	2.11	4.13	2.22
Emotionality	4.52	1.22	4.76	1.23
Extremity	2.47	0.72	2.60	0.70

	Set 1		Set 2	
	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>
Valence	4.41	2.45	3.36	1.78
Emotionality	4.60	1.42	4.71	1.03
Extremity	2.75	0.64	2.35	0.72

Valence ANOVA:

	<i>df</i>	Sum Sq.	Mean Sq	<i>F</i>	<i>p</i>	η^2P
Condition	1	3.82	3.82	0.84	0.365	0.02
Set	1	11.46	11.46	2.52	0.120	0.06
Residuals	43	195.73	4.55			

Emotionality ANOVA:

	<i>df</i>	Sum Sq.	Mean Sq	<i>F</i>	<i>p</i>	η^2P
Condition	1	0.67	0.67	0.44	0.512	0.01
Set	1	0.20	0.20	0.13	0.723	<0.01
Residuals	43	66.27	1.54			

Extremity ANOVA:

	<i>df</i>	Sum Sq.	Mean Sq	<i>F</i>	<i>p</i>	η^2P
Condition	1	0.19	0.19	0.40	0.533	<0.01
Set	1	1.70	1.70	3.36	0.065	0.08
Residuals	43	20.36	0.47			

English Lexicon Project

	High Credibility		Low Credibility	
	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>
Emotional Valence	5.24	0.29	5.75	0.28
Emotional Arousal	4.40	0.22	4.24	0.17

	Set 1		Set 2	
	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>
Emotional Valence	5.52	0.42	5.48	0.35
Emotional Arousal	4.35	0.23	4.29	0.18

Emotional Valence ANOVA:

	<i>df</i>	Sum Sq.	Mean Sq	<i>F</i>	<i>p</i>	η^2P
Condition	1	4.20	4.20	51.24	<.001	0.46
Set	1	0.03	0.03	0.37	0.546	<0.01
Residuals	61	5.00	0.08			

Contrasts		Estimate	<i>SE</i>	<i>df</i>	<i>t</i>	<i>p</i>
High 1	Low 1	-0.51	0.07	61	-7.16	< .001
High 1	High 2	0.04	0.07	61	0.61	.999
High 1	Low 2	-0.47	0.10	61	-4.63	< .001
Low 1	High 2	0.56	0.10	61	5.49	< .001
Low 1	Low 2	0.04	0.07	61	0.61	.999
High 2	Low 2	-0.51	0.07	61	-7.16	<.001

Emotional Arousal ANOVA:

	<i>df</i>	Sum Sq.	Mean Sq	<i>F</i>	<i>p</i>	η^2P
Condition	1	0.40	0.40	10.70	0.002	0.15
Set	1	0.06	0.06	1.68	0.200	0.03
Residuals	61	2.30	0.04			

Contrasts		Estimate	<i>SE</i>	<i>df</i>	<i>t</i>	<i>p</i>
High 1	Low 1	0.16	0.05	61	3.27	0.011
High 1	High 2	0.06	0.05	61	1.30	0.503
High 1	Low 2	0.22	0.07	61	3.23	0.011
Low 1	High 2	-0.10	0.07	61	-1.40	0.503
Low 1	Low 2	0.06	0.05	61	1.30	0.503
High 2	Low 2	0.16	0.05	61	3.27	0.011