ARTICLES

Susan LEA and Timothy AUBURN

The Social Construction of Rape in the Talk of a Convicted Rapist

The study used a discursive approach to explore the rape narratives of a convicted rapist. These narratives were recounted during the group therapy sessions of a prison-based Sex Offender Treatment Programme (SOTP). The analysis suggested that the offender drew on two main practical ideologies (Wetherell et al., 1987) in recounting his version(s) of the rape. These practical ideologies, which often embodied popular rape myths, served to construct the incident as ambiguous. In particular, this ambiguity called into question whether the incident constituted rape or consensual sexual intercourse. These findings lend support to feminist writers' assertions that there is no clear distinction between rape and sex. The implications of the research for sex offender treatment programmes are discussed.

Key Words: *discourse analysis, discursive psychology, sexual violence*

A world without rapists would be a world in which women moved freely without fear of men, according to Brownmiller's (1975: 209) seminal work on rape. However, 25 years on, rape statistics are not encouraging. Figures on sexual violence suggest that one in four women are the victims of rape, or attempted rape, during their lifetime (Lizak, 1991). For example, Koss and her colleagues (Koss et al., 1987) in their US national survey of 6200 college and university students found that 53 percent had experienced some degree of sexual coercion, and 15 percent reported being raped and 12 percent reported attempted rape. In England and Wales, despite a range of initiatives to improve the criminal justice system's response to rape cases, the conviction rate for rape continues to fall. In 1985 this rate stood at 24 percent nationally, whereas in 1997 it stood at a mere 9 percent (Harris and Grace, 1999).

  Before the 1970s, little research focused on rape. However, the second wave

of feminism saw research into sexual violence flourish in the social sciences, including psychology. Feminist literature challenged the view that rape is simply another form of heterosexual sex committed by one individual on another (for example, Brownmiller, 1975; Griffin, 1971; Russell, 1975) and made explicit the conceptualization of rape as involving issues of male power and violence (Edwards, 1987). Feminist work recognized that women's lived experiences of rape did not necessarily coincide with society's dominant conceptions thereof. As the volume of research in this field increased and awareness of the extent of sexual violence grew, feminist conceptualizations shifted too. Increasingly, feminist scholars highlighted the lack of distinction between rape and sex, between victim/survivor and 'other' women (for example, Kelly, 1987; MacKinnon, 1983, 1988). Research revealed that many women's 'ordinary' sexual experiences involve elements of dominance, power and coercion. Gavey (1992), for example, argues that women are positioned as relatively passive subjects who comply with sex with men, irrespective of their desire for sex. Hence, 'male dominance can be maintained in heterosexual practice often in the absence of direct force or violence' (Gavey, 1992: 325). In other words, what has typically been perceived as 'normal' heterosexual sex is itself subject to critical interrogation.

Despite the rise of feminist and what may loosely be called 'critical' approaches to the study of sexual violence, there remains in psychology a steadfast tradition of research that seeks to reduce this phenomenon to an individual level of analysis. The area in which this type of research is perhaps most prevalent is in research on the perpetrators of rape and their 'treatment'. Most practice associated with sex offenders remains firmly informed by one of two possible models: a medical/clinical model and a cognitive-behavioural model. Either way, allied research tends to offer studies of the identified traits or characteristics of convicted sex offenders, sometimes compared with so-called normal controls. Results tend to indicate higher levels of 'psychopathology', 'hostility', 'denial' and 'minimization' in the sex offender group (for example, Kennedy and Grubin, 1992; Marshall, 1994; Wasyliw et al., 1994), thereby serving to reinforce the view that sex offenders are different to, and distinct from, 'normal' men. Such research, then, stands in direct contrast to current feminist thinking and continues to maintain 'the status quo by promulgating the view that sexual violence is a psychopathologically isolated, idiosyncratic act limited to a few "sick" men' (Scully, 1994: 161). Unfortunately, it is these ideas that continue to inform much of the work of professionals and para-professionals working with sex offenders (Lea et al., 1999). For example, this is the case in prison-based treatment programmes such as the Sex Offender Treatment Programme (SOTP) that has been progressively implemented in prisons in England and Wales since 1991 and is based on a cognitive-behavioural paradigm.

The lack of attention paid to feminist ideas in sex offender treatment programmes may, in part, be because victims or survivors of sexual violence are the major focus of much feminist work. Indeed, the few researchers who represent exceptions to this 'rule' (Adams et al., 1995; Hearn, 1996) would argue that

feminist scholars have paid too little attention to the male perpetrators of violence against women.

A FRAMEWORK FOR ANALYSIS

Feminists have challenged dominant conceptions of rape and argue that rape is usually something that men do to women in societies characterized by a patriarchal order. Consequently, to understand why men rape, one needs to look beyond the personality traits of individual rapists to the 'practical ideologies' that govern acts of rape. As Parker has noted: 'the nature . . . of individuals at any time flow(s) not so much from their "attitudes" or "motivation" . . . , but from the overall ideological context' (Parker, 1992: 32). In other words, subjectivity is 'a socially constituted product' (Henriques et al., 1984: 24) and is, therefore, inseparable from the social domain.

The overall ideological context in which rape is perpetrated, in the United Kingdom at least, is one in which various 'rape myths' (Burt, 1978, 1980) freely circulate. These rape myths operate as 'practical ideologies' (Wetherell et al., 1987), by which is meant 'the often contradictory and fragmentary complexes of notions, norms and models which guide conduct and allow for its justification and rationalisation' (Wetherell et al., 1987: 60). Practical ideologies, then, comprise ways of accounting for social interactions that may be considered to constitute rape.

Rape, therefore, is *constructed* through discourse. Both women and men become positioned in relation to these practical ideologies and, in this way, rape myths (such as 'women who wear short skirts and tight tops are asking for trouble'; see Brownmiller [1975] and Burt [1980] for more comprehensive lists) serve to sustain gendered relations of power. A 'discursive approach' seeks to understand human action in terms of the language used to account for that action. Such accounts are not seen to lay bare the true motivations of the speaker but are understood to be oriented to the social context in which they are produced. Speakers draw on the practical ideologies available in their language community in order to render their social action intelligible. Thus, rape is contained not in the events themselves but in the descriptions used to account for an event. In this way, human subjectivity and the broader ideological context are inextricably interrelated.

Discursive approaches have the potential to contribute significantly to our understanding of sexual violence, not least in the way in which they draw attention to the socially constructed nature of sexual practices. However, it has been argued (for example, Danzinger, 1997; Gill, 1995; Lather, 1992) that these approaches, although seeming to have a critical agenda, actually render the analyst theoretically and politically impotent. The Achilles' heel of much discursive work is the epistemological position of radical relativism (see Edwards et al., 1995; Potter, 1996) on which it is premised. The view that since the world is

always accessible only through discourse and that, therefore, it is not necessary to postulate or consider an independent reality leads to the inevitable co-existence of multiple potential discursive realities. Moreover, we have no way of distinguishing between versions, of ascertaining 'what really happened'. Hence, we 'must treat everyone's views as equally valid' (Edwards et al., 1995: 39), for it is not possible to privilege one version over another (Burman, 1990). Thus, on what basis does one distinguish between the rape victim's version of coercive sexual intercourse and the rapist's version of the event as mutual seduction (Jackson, 1992)? As Gill (1995: 177) points out, 'There is no principled way in which . . . [to] intervene, choose one version over another, argue for anything'.

Recently, a number of authors (for example, Cromby and Nightingale, 1999) have begun to discuss ways in which to overcome the consequences of relativism without retreating into a realist ontology. A theoretical framework is needed that acknowledges that reality is fundamentally dependent on discursive relationships and that when meaning is made, it embodies relations of power (Parker, 1999). At the same time, such a theoretical framework needs to be able to argue for something. To achieve this, we would argue for a return to values (along with authors such as Gill, 1995; Lather, 1992; Soper, 1991; and Squires, 1993). Quite simply, values are inescapable. As with classic experimental research, no discourse analysis is value free, and hiding behind the 'moral high-ground' (Edwards et al., 1995) of relativism may obscure the analyst's values, but they are still there.

The position we find most fruitful is one akin to what Gill (1995) has termed 'politically informed relativism'. Hence, we embrace the central tenets of a discourse approach, but, as analysts, we acknowledge that we are always producing an argument (Billig, 1987, 1991). In our case, it is an argument that revolves around the notion that gendered power relations are basic to the study of violence (Hearn, 1996) and that sexual violence is used by men to oppress women (Radford and Stanko, 1996). Our commitment, as psychologists, is to seek ways of addressing sexual violence and this study forms a small part of that objective.

This article reports on a piece of research that examined the way in which a man, convicted of and imprisoned for rape, talked about his crime in the context of a prison therapy group. As the perpetrators of rape have not been a major focus of previous studies (Hearn, 1996), we argue that we need to explore the ways in which someone who had been found guilty of rape may account for their crime. Rather than investigating the inner workings of the rapist's mind, this analysis concentrates on the practical ideologies on which the offender draws in order to describe and explain his actions. By examining this offender's talk, we hope to shed light on the way in which relevant practical ideologies support and maintain gendered relations of power in our society.

THE STUDY

The material presented in this study represents part of a much larger corpus of material collected for a research project examining the moral career of imprisoned sex offenders. The aim of this particular study was to examine the way in which an offender described and accounted for his sexual offence(s) from a discursive perspective.[1]

The data presented here derive from the transcripts of group therapy sessions held in a large state prison in Britain between October 1995 and February 1996. The Sex Offender Treatment Programme (SOTP) has been progressively implemented in the prison service in England and Wales since 1991 against a background in which convicted sex offenders form an increasingly significant part of the sentenced population (Thornton and Hogue, 1993). This structured group work programme, designed to be delivered by para-professional staff, is informed by a cognitive-behavioural approach and comprises three distinct parts that are used in an integrated manner: a core programme, an extended programme and a booster programme. Typically, groups comprise a broad spectrum of offenders – for example, paedophiles, rapists and incestuous fathers. Our focus was the core programme, which consists of 35–40 sessions of three hours each. In these sessions offenders confront their offences and engage in exercises that aim to increase motivation not to reoffend and to enhance strategies to prevent relapse. The prison videotapes all sessions of the SOTP for training and monitoring purposes.

Procedure

This article focuses on 'Nathan',[2] a convicted rapist. We selected him for two reasons. First, members of the psychology team at the prison, who are familiar with all of the sex offenders serving time at the institution, recommended Nathan as the focus of this analysis. The grounds for this recommendation were that Nathan was regarded as typical of highly dangerous rapists. He was described as having very good social skills, a keen sense of what the criminal justice system required of him in order to secure an early release from prison, and a lack of empathy for his victims. Nathan was also recommended for pragmatic reasons. He was one of the more vocal members of the group and his voice was clearly audible on all of the videotapes.

Nathan was approached by one of the prison psychologists and invited to participate in the study. He was made aware that participation could neither prejudice nor promote an early release from prison and that details of his crimes would be portrayed in such a way as to protect his identity from anyone outside the immediate research group. Nathan signed a consent form, which also enabled him to withdraw from the study at any time.

With the assistance of prison personnel, sessions were identified in which Nathan was the focus of group activity. These sessions occurred predominantly

during block 5 of the treatment programme, the 'active account' or 'hotseat'. During this block the focus of the group is on each offender in turn. The offender's task is to narrate his crime(s) with a view to identifying and confronting the 'cognitive distortions' he uses to minimize the seriousness of the offence or his responsibility for it and to obtain information pertinent to relapse prevention. The number of sessions devoted to this block per offender is considerably more than the number devoted to most of the other blocks.

During the sessions devoted to developing 'the active account', each offender is required to produce two main accounts: one at the beginning of the sessions and one at the end. As the accounts are narrated, other members of the group, both group facilitators and sex offenders, vigorously challenge any elements that seem to distort the events, deny the occurrence of aspects of the offence or minimize responsibility. To this end, the group facilitators have access to the offender's official files that usually contain statements from victims and other people significantly involved in the original offence.

Audiotapes were made from the approximately 12 hours of videotaped material that these sessions generated. Detailed summaries were made from the audiotapes, and all sections in which the talk was oriented to Nathan's offence were transcribed verbatim following discourse analytic conventions (see Potter and Wetherell, 1987). Decisions about which sections of tape to transcribe were made by both of the researchers independently and then agreed on in a series of meetings. Sampling of talk was inclusive and, generally, anything that could be construed as directly relevant to the offence was included. This process yielded many pages of transcribed discourse.

A qualitative analysis of the text was conducted using Potter and Wetherell's (1987) method of discourse analysis combined with aspects of conversation analysis and informed by a rhetorical approach to social psychology. This particular combination of methods has been found to be fruitful by a number of authors in recent years (for example, Edwards and Potter, 1992; Roff and Potter, 1993; Wetherell and Potter, 1992). Each author separately identified categories or themes in the transcribed extracts. Our independent interpretations of the organization of discourse, its function in the local context of the treatment group itself and in terms of the way in which this reflected broader social and ideological structures were discussed. Each point was debated until the authors were in agreement. Potter and Wetherell's (1987) techniques for validating the findings of this research were borne in mind during this process. These are coherence, participants' orientation, new problems and fruitfulness. To validate the findings of the study further, the first author presented the extracts published here to a local feminist research group for discussion. The views of the members of this group regarding the organizational features of the text and its functionality confirmed much of our analysis.

ANALYSIS

During the treatment group sessions the offender is aware that the facilitators have available authoritative sources of information that may provide accounts of the offence from different perspectives and that are likely to provide for clear inferences about the offender's role in, and responsibility for, the offence. These features of the treatment programme create an interactional context that deviates from the circumstances of storytelling in most everyday situations, where it might be assumed that the audience is interested and sympathetic to the goals of the teller and is not sceptical of the story at the beginning. Moreover, the offender clearly has a significant stake in the telling of the offence because his version will provide for a range of inferences that will construct a corresponding range of identities for both himself and other narrative characters. The narratives will therefore have consequences for his progression through the penal system.

The analysis presented here is based on the two accounts that Nathan gave when it was his turn to take the 'hotseat'. The first 'telling' (see Appendix 1) has been reproduced extensively, including interventions by various members of the treatment group. The second telling (see Appendix 2), about a week later, has been reproduced only in so far as it differed in key respects from the first. The difference between the two accounts occurs in respect to the events of the rape itself. Nathan's first version of the rape is focused around the events leading up to his friend's indecent assault and his own attempted rape of the victim, Ann. Although Nathan admits that he raped Ann, his description of the events preceding and following the attack cast doubt on Ann's version of events (that this was an unsolicited and brutal attack). He accomplishes this through recourse to rape myth knowledge in describing the events of the rape and through creating an image of intimacy immediately after the rape. Nathan's second version of the rape affirmed a version of events suggesting an act of opportunistic consensual intercourse, rather than rape, between Nathan and Ann. However it differed from the first version in its upgrading of the actions of Nathan's accomplice, Michael.

The focus of the analysis is on the way in which Nathan constructs his crime in the two main accounts produced while in the hotseat. Specifically, it focuses on the ways in which Nathan describes and accounts for his behaviour by drawing on dominant understandings of sex and rape. Three intertwined themes were identified that draw on these dominant practical ideologies. These are:

- the ambiguity of the victim's role and motive;
- the storyteller as passive and empathic; and
- the co-perpetrator as a brutal rapist.

It is worth pointing out that the demands of the treatment group – namely, that Nathan 'tells a story' of the offence – provide him with a powerful discursive resource. Embedding a report in a particular narrative sequence may serve to increase the plausibility of an account by producing reality effects (Edwards and Potter, 1992) as well as setting up a context of deniability.

THE AMBIGUITY OF THE VICTIM'S ROLE AND MOTIVES

In Nathan's first telling of the offence he begins the narrative by describing a sequence of events concerning the moment when he and his accomplice parked their van in a deserted car park (1: 1–7).[3] The ambiguity over Ann's role and motives arises from the way the narrative continues from this point. Nathan recounts that having parked in a quiet and isolated spot, there arrives coincidentally a young woman who is alone (1: 8). On hearing a whistle from one of the two men, the woman quickens her walk, but she does not avoid them (1: 9–l7). On the contrary, she walks directly towards Nathan, so much so that he has to step out of her way in order to finish urinating (1: l7).

These elements of Nathan's detailed narrative provide for a range of inferences, in particular about Ann. For example, they can be heard to suggest that it would be inappropriate or at least surprising to encounter a woman alone in such a place. The narrative serves to direct the listener's interpretation towards the conclusion that Ann was foolish to have placed herself in such a vulnerable position, both with regard to her general location and immediate proximity to her attackers. Nathan's description thus draws on the 'rape myth' knowledge that women who walk alone at night in deserted places are engaging in risky behaviour (see Doherty and Anderson, 1998). In this way, blame is transferred from the perpetrator to the victim for having placed herself in a position of vulnerability. Walby et al. (1983) have coined the term 'spatial provocation' to refer to the idea that the victim provoked her own attack because of where she was.

Another way in which the ambiguity over Ann's role and motive in the events is made salient is through the description of Ann's interaction with Nathan. At several points Nathan describes or reports their conversation in terms reminiscent of adults engaging in consensual sex rather than the sort of exchange that might be expected between a rapist and his victim. Nathan constructs the question Ann purportedly put to him (1: 33: well, what do you want?; 1: 89: what do you want now?) in a way that could be read as an invitation. Indeed, he gives it precisely that gloss by asserting that until that moment he had not thought about having sex with anybody (1: 36–7; 59–60). Furthermore, after he indirectly suggests that they have sex, she is reported in direct speech as consenting to this suggestion (1: 92; well yeah: OK).

In both tellings of the offence, Nathan reports Ann's speech such that in offering or consenting to have sex with him her main concern was that he did not hurt her (1: 81; 2: 13). Indeed, by insisting that he was not going to hurt her, there is the inference that Ann would have found the experience pleasurable. Again this construction of events draws on rape myth knowledge that women exaggerate claims of rape after the event. Moreover, the use of reported speech serves to render Nathan's claims about what Ann may or may not have said unavailable for scrutiny (see Wooffitt, 1992). His use of direct quotation or 'footing' (Goffman, 1981) ostensibly signals verbatim recall and hence the accuracy and 'objectivity' of his own description of events.

As well as the reported conversation, Nathan also describes the way Ann reacted to his presence and depicts several moments when she seemed to be progressing the events, rather than simply being a victim who was subject to the violent advances of the two men. For example, in the first account, Nathan describes how he took his jacket off and how she lay down on it (1: 94–8; 2: 17) and (in the second telling) how she removed her own underwear (2: 19).

In short, Nathan's depiction of the role of Ann in the events constructs her as actively progressing the action at certain key points. This feature of the narrative serves to minimize his own agency in the attack and to place some responsibility for the events of that evening on Ann. Overall, the function of this crafted ambiguity is that it serves to call into question whether Nathan raped Ann, or whether Nathan and Ann opportunistically decided to have sex.

THE STORYTELLER AS PASSIVE AND EMPATHIC

Nathan's description of the opening sequence of events (1: 1–7) ascribes a generally passive role to Nathan himself, and a generally active role to Ann. First, Nathan and Michael are described as having selected a quiet and isolated place to park up for the night (1: 6–7: 'it's nice and quiet, really quite secluded there'). A number of inferences are available from this evaluation of the place where they stopped. First, it is consistent with Nathan's account of the men's motive, given just before this part of the narrative, that they were intent on finding somewhere to sleep over for the night in their van having just come out of a club late at night. Second, it can be heard as a place appropriate for urinating in the absence of normal facilities. Third, it can be heard as a place that would be suitable for perpetrating a rape – that is, as a place where an attack could be carried out with little chance of being disturbed.

The first two inferences can be heard as *defensible inferences* – that is, they are ones that the narrator can reasonably claim as *his* reasons for selecting that parking place. The third inference, in contrast, is a plausibly deniable inference. The ability to defend and deny these different inferences is sustained by the offender's description of the sequence of events. The description of the intentional activities (parking and urinating) immediately precedes the evaluation. The appearance of the victim is described after the evaluation has been given. This sequencing seems to make the evaluation contingent on the intentional activities described, whereas the inference of the place as suitable for perpetrating a rape seems to arise as a coincidence of these intentional activities, not as *the reason* for selecting that parking place. The prison officers who interject the narrative and Nathan himself in his answer (1: 40–60) explicitly orient to this range of inferences and the selection of one motive over another. The prison officers suggest that the men's main motive for parking at that spot was to facilitate having sex with some (unidentified) young women, but Nathan makes explicit *his* motive as one of finding somewhere to sleep over.

In addition to constructing the events of the rape as unpremeditated and contingent on the arrival of a young woman walking alone, Nathan goes on to construct an ambiguous position for himself in the narrative. On the one hand, he uses a vocabulary consistent with a relationship between consenting adults, which we have termed the practical ideology of mutuality. This form of talk serves to portray Nathan as sympathetic and considerate towards the young woman at key moments during the events. On the other hand, he uses terminology consistent with a rape, which we identify as the practical ideology of coercion.

Although Nathan describes himself as initiating the physical contact between himself and Ann, he does so in an ambiguous way. He describes having 'just picked her up and grabbed her' (1: 22), how he 'just cuddled, kissed, cuddled' her (1: 23) and how 'I've sort of got my hands around her' (1: 31). In each of these phrases, a modifier has been used (just, sort of). These modifiers are conventionally used to limit the inferences available from the information presented (see Drew, 1992). The modifiers used here suggest that Nathan did no more than pick Ann up and that he did no more than 'kiss and cuddle' her. They are oriented, therefore, to his motivation at the time that the assault on Ann began and implicitly counter a version of events that constructs him as intending to rape her at that moment. They connote that the initial physical contact between Nathan and Ann had a certain innocence about it. Furthermore, no mention is made of any resistance on Ann's part.

In contrast to the use of these devices designed to mitigate his responsibility, Nathan punctuates his description with phrases that might be anticipated in a rape scenario. He admits to having 'grabbed' Ann (1: 22), to having 'marched her into an alleyway' (1: 26) and to having told her not to shout (1: 32). These contrasting elements are woven seamlessly together in his narration and thereby create an essentially ambiguous version of events. The vocabulary used in these last instances for describing the progress of events is informed by the practical ideology of coercion. This practical ideology co-exists in Nathan's narrative with the practical ideology of mutuality and consent as described.

This co-existence is particularly evident when contrasting Nathan's 'admission' to rape with his description of his interaction with Ann just before and after he attempted to have sex with her. Nathan begins his admission by saying 'we started', but pauses and then reformulates what he had begun to say to take the form: 'I started raping her' (1: 99). This rhetorical device, known as self-repair (Jefferson, 1974), is usually directed at correcting what the speaker perceives as 'errors' in terms of speaking appropriately to particular people in particular circumstances. In this context, Nathan's repair serves to stave off criticism and further challenging from the group that he is denying that he raped Ann. Moreover, by seeming to admit to rape, he creates the impression of honestly engaging with the therapeutic process.

The rest of the narrative contains several elements that depict Nathan as essentially sympathetic and caring towards Ann, or at least not overtly hostile and

threatening. The practical ideology on which he draws to accomplish this is that of 'mutuality'. There are a number of instances in which Nathan's description encompasses the language and metaphors of consensual sexual relations, rather than sexual violence. For example, Nathan describes himself as taking his jacket off and laying it down for Ann to lie on (1: 94–8). He describes the way in which he attempted to engage in penetrative intercourse but failed through his inability to achieve an erection (1: 101–6). He narrates how he protected Ann from the predatory attentions of his accomplice (1: 114–17). He uses the victim's first name when describing how they were lying together after the failed sex (1: 118); and finally he describes a scene of mutual intimacy in which he apologized to her and she reveals her own distress at ending her relationship with her boyfriend (1: 123–37). Throughout the narrative, then, the practical ideology of coercion (associated with talk synonymous with rape) is countered by the practical ideology of mutuality and consent (associated with talk synonymous with sex).

THE CO-PERPETRATOR AS A BRUTAL RAPIST

The themes we have identified in Nathan's narrative serve to minimize his own agency in the assault and to place some responsibility for the events of that evening on Ann. Nathan's responsibility is minimized still further by his ascribing the role of key protagonist to his accomplice, Michael. Michael is identified as the one who began the encounter with the woman by whistling at her (1: 10) and the one who initiated the sexual assault. He is described as pulling down Ann's blouse to expose her breasts (1: 74–6), and as fondling her breasts and masturbating (1: 77). Nathan accounts for his own actions by way of 'starting to do the same' (1: 78). Nathan claims not to have thought about sex at the time but just to have gone along with what Michael was doing. Thus, the text functions to indicate that although what happened may be construed as rape, it was not something that Nathan had planned. It occurred only because of provocation from the victim (as discussed above) and provocation from another's actions. It is these factors together that aroused in Nathan the 'need' to have sex with Ann. Rather than trying to directly blame Ann or Michael for what happened, Nathan has constructed a narrative that describes a logical sequence of events, which culminates in Nathan desiring to have sex with Ann.

   The construction of the accomplice as a stereotypical rapist is repeated and upgraded in the second telling of the offence. This telling contains features that were present in the first telling: Nathan's passivity in the event, Ann's agency in the event and Michael's behaviour towards Ann. Briefly, Nathan achieves the impression that his encounter with Ann was relatively benign by again telling a tale saturated with ambiguity. As in the first telling, Nathan draws on the practical ideology of mutuality to construct the encounter between him and Ann as an act of casual, consensual sex. However, a benign interpretation of Nathan's interaction with Ann is accomplished not only through Nathan's account of his

own interaction with her, but also through the way in which it is rendered distinct from Michael's interaction with Ann. The rhetorical effectiveness of contrasts has been recognized in many areas of discursive work, most notably perhaps in the realm of political oratory (Edwards and Potter, 1992). In this case, Nathan's own actions with Ann are presented in stark contrast to those of Michael. Thus, the audience is led to see Michael as the one who sexually abused Ann and Nathan as the one who opposed such action, seeking instead a mutually satisfying experience.

The description of Michael's interaction with Ann embodies many of the features associated with a 'rape script' (see Krahe, 1991). Although Nathan describes himself as being overcome with confusion after he had abducted Ann and after she had verbally challenged him (2: 3), Michael is depicted as being subject to no such confusion. Nathan describes his accomplice as having a singularity of purpose in forcefully removing her clothing, sexually assaulting her and masturbating (2: 4–6). Whereas Nathan's own verbal interactions with Ann are described in terms of detailed reported speech, Michael is depicted as having no verbal interaction with Ann. He is simply portrayed as a silent, physically violent and sexually motivated perpetrator. Indeed, the way in which the story is told suggests that Nathan assumed the role of Ann's protector. He 'rescued' Ann from Michael: 'I was screaming at Michael. I said 'What the f___ are you doing? What the f___ are you doing?' I said 'No, don't do that' (2: 7–8). The narrative leads the listener to ask the question: why would Nathan be morally opposed to Michael's actions if he intended to engage in a more violent sexual assault himself, just seconds later? The narrative draws the hearer to the conclusion that Michael was the real assailant. Nathan's role was to prevent Michael from continuing to assault Ann. This construction of the role of Michael draws on rape myth knowledge by depicting rape as being perpetrated by violent, pathologically motivated men.

Overall, by weaving together these three themes, Nathan has constructed a narrative that is persistently ambiguous. Although told in the context of a sex offender treatment group and although 'admitting' to rape at one point in the narrative, the actions he has reported with respect to himself and Ann seem more consistent with consenting sexual intercourse than they do with rape. In both tellings of the event, Nathan has provided an account that allows the inference of opportunistic sex, mutually undertaken by himself and Ann. Nathan's construction of his own actions is contrasted sharply with his construction of the actions of his accomplice. In using a range of rhetorical devices and by drawing on the practical ideologies of mutuality on the one hand and coercion on the other, Nathan has attempted to minimize his own responsibility for the events and undermine counter-versions (notably the victim's) that this was a violent sexual assault.

RAPE OR SEX? THE PRACTICAL IDEOLOGIES OF COERCION AND
MUTUALITY

The detailed analysis of the talk of this convicted rapist has led to the identification of two main 'practical ideologies' that he uses to account for his interaction with the victim. These ideologies serve to construct a version of events that makes the role and motive of the victim ambiguous, that casts doubt on the role of the perpetrator, and that identifies Nathan's accomplice as the 'real' rapist. As noted, the practical ideology (or discourse) of coercion constitutes what we have termed 'the language of rape' and embraces terms, metaphors and tropes that might commonly be associated with rape. The practical ideology (or discourse) of mutuality constitutes what we have termed 'the language of sex' and embraces terms, metaphors and tropes that might commonly be associated with consensual sex.

From a discursive perspective, members of the same language community share a pool of linguistic resources from which they flexibly construct accounts to render their social action intelligible (Potter and Wetherell, 1987). Hence, we anticipate that the practical ideologies identified here are not exclusive to this rapist or even rapists in general, but represent dominant linguistic resources in the wider social domain. Indeed, our own work on sexual violence has confirmed the broader existence of the practical ideologies of coercion and mutuality. In other group therapy sessions we have analysed, the notions of sex and rape are often conflated. Imprisoned sex offenders, as well as trained group facilitators, regularly refer to instances of rape and incest as 'sex' and to the motivation behind the sex offenders' actions as being exclusively sexual in nature ('looking for sex' as one group facilitator put it).

Feminist writers and researchers have argued for some time that there is no clear distinction between rape and sex and that much heterosex involves coercion (for example, MacKinnon, 1988, Kelly, 1987, Gavey, 1992). The research presented here lends support to this notion. Interestingly, it could be argued that a prison treatment programme aimed specifically at rehabilitating serious sex offenders might be a context in which one would anticipate precisely such a distinction being drawn. After all, the aim of the programme is to facilitate the safe release of sex offenders into the community. This safe release is premised on offenders understanding that the sexual offences they had previously committed were morally wrong and not to be repeated. However, the research presented here suggests that talk in these therapy groups is not characterized by clarity but is marked by its ambiguity in relation to rape and sex, coercion and mutuality.

This ambiguity is fuelled by the fact that, biologically, rape and sexual intercourse are the same (the difference between them lies in their motivation, consent and consequence). The decision as to whether a given incident constituted rape or sex is usually dependent on the testimonies of the two people involved. Unfortunately, the victim's testimony is usually heard in the light of 'rape myth knowledge', even if it is believed (Whatley, 1996). Consequently, the victim's

responsibility for the event is *up*graded, along the lines that she led the perpetrator on by wearing 'provocative' clothing or inviting him in for coffee, for example. On the other hand, the perpetrator's testimony is often characterized by denial and minimization (Kennedy and Grubin, 1992; Rogers and Dickey, 1991). Consequently, the perpetrator's responsibility for the event is *down*graded because he 'misunderstood' the victim's signals or had indulged in a few too many drinks, for example. It is in this way that ambiguity is established and the line distinguishing rape from sex becomes blurred, precisely as many feminist authors would argue.

  Much of the mainstream literature on victim responsibility and perpetrator denial and minimization is underpinned by a realist epistemology. In victim responsibility research, language is seen to reflect the real characteristics and behaviour of the victim, thereby establishing 'what really happened'. Similarly, with respect to research on denial and minimization, language reveals the extent to which sex offenders possess these 'personality characteristics'. We do not share this perspective. A discursive approach, as noted, does not regard language as reflecting the 'real' contents of the mind. Rather, language is seen as both constitutive and performative. Language constructs social action and, in so doing, it does things.

ORIENTING TO TREATMENT

One of the problems associated with all treatment programmes is that, ultimately, one can never know whether a person has reformed or not. Language does not provide a clear and untrammelled pathway to the contents of the mind (Burman and Parker, 1992). Sex offenders, like everyone else, use language both consciously and unconsciously to fulfil certain objectives and to achieve particular effects. A speaker, therefore, may assume one of a range of possible subject positions (for example, reformed character, victim of circumstance, innocent victim) depending on the context in which he finds himself.

  For prisoners in general, and sex offenders in particular, the demands of the prison context are fairly transparent. 'Good' behaviour is rewarded by early parole. In the case of sex offenders, successful completion of the SOTP increases this probability. Successful completion of this cognitive-behavioural programme requires, among other things, that the offender acknowledges his 'cognitive distortions', recognizes his high-risk behaviours, increases his motivation not to reoffend and shows empathy for his victims. One of the consequences of focusing on private 'cognitive distortions' is that it upholds notions of *difference*. Those who have committed sexual offences are perceived to be different from other offenders, or non-offenders, in terms of their cognitive make-up. This has the effect of pathologizing the individual as the possessor of abnormal mental characteristics.

  The exclusive attention of the cognitive-behavioural approach to the mind of

the individual renders it incapable of conceptualizing acts of sexual violence as part of gendered relations of power. By focusing on the detail of private distortions, it fails to recognize the way in which language constructs social action. Thus, ironically, although the assumption underpinning the treatment programme is that rape is not sex (and that sex offenders are different from 'other' men), both sex offenders and group facilitators fail to distinguish between rape and sex in the therapeutic context. Hence, the languages of rape and sex co-exist and interlink as both offenders and facilitators draw on the dominant practical ideologies available to them to account for the behaviour discussed in the group. As a result, dominant notions of rape and sex are unwittingly reinforced and maintained.

This conclusion has a number of therapeutic implications. On the one hand, it could be argued that the current treatment programme needs to be transformed, that it needs to be informed by an entirely different theoretical base that accounts for gender power relations and does not pathologize sex offenders. This would radically alter the approach to treatment operating in prisons in England and Wales. On the other hand, it could be argued that tinkering with the current programme would be adequate. This would mean training facilitators to be reflexive in their delivery of the treatment programme. Language and the way that sex offenders (and facilitators) talk about sexual offences would be specifically oriented to as part of the therapeutic process. This type of approach has been used in anti-racist training programmes (for example, Legum, 1995, pers. comm.).

It is highly unlikely that the 'transformation' route would find widespread acceptance in mainstream circles. However, the changes involved in the 'tinkering' route may do. Although some people may argue that 'tinkering' does not go nearly far enough, we would disagree. One has to start somewhere. Unfortunately, social change is often a slow process. Training facilitators to be aware of language constitutes a beginning. Attending to language is vital if social change is to be brought about. After all, it is by understanding how practical ideologies construct human subjectivity that we may begin to challenge those conceptions that serve to produce and reproduce behaviours that facilitate the continued subjugation of women through sexual violence.

APPENDIX 1: THE FIRST TELLING (SOTP/B1/T4S1/088–156)[a]

1	Off:	We pulled into the uh car park
2		we we were ready to get out um
3		to get things from the back

[a] In this and following extracts all names and locations where explicitly mentioned have been changed. The convention followed for speakers is: Off. designates the offender in the hotseat, PO (x) designates one of the group facilitators and F refers to a female officer, whereas M refers to a male officer; GM designates one of the other group members. For the transcript itself, the usual discourse analytic conventions have been followed (see Potter and Wetherell, 1987).

4		and Michael went off for a pee
5		and I went off for a pee
6		and y'know it's nice and quiet really quite
7		secluded there
8		and there was this girl that walked past
9		and (.) she walked past Michael
10		and Michael whistled whistled to her
11		*[makes 2 different whistling noises]* whatever
12		and I heard that
13		and I saw her look
14		and I saw her sort of step up a bit
15		and I was in I was,
16		she was now walking towards me
17		and I stood out of the way to finish my pee
18		and as she walked past me (.) uh she walked
19		started walking past a sort of alleyway
20		towards where the van is
21		and I walked up behind her
22		um and just picked her up and grabbed her
23		just (.) cuddled, kissed, cuddled
24		and she was totally shocked didn't even
25		obviously I'm a total stranger (.)
26		uh I marched her into a a an alleyway
27		an alleyway right next to the van (.)
28		and Michael walked up to me then walked up,
29		she said [*unclear*]
30		she's stood in front of me at the moment
31		and I've sort of got my hands around her
32		and I said 'don't shout'
33		she said 'well what do you want'
34		and I said 'well I don't know'
35		and I- I wasn't really sure what I wanted
36		'cos I hadn't thought about having sex with anybody
37		I hadn't thought about it at the time,
38		and Michael walked past
39		and the first thing he did (1) was=
40	PO(F)	=Hang on a minute
41		When you just said
42		'I hadn't thought about having sex with anyone (1.3)
43		at the time'
44		I mean I think you were looking for these girls
45		because you'd got a
46		[mattress and you wanted (take them) to bed
46	Off:	[Yeah, yeah yeah, OK
		yeah, point taken=

47	PO(F)	Yeah, that was (0.5) you know

48	PO(M)	(It's case of) point taken
49		but (do you) believe what we're saying

51	Off	Yeah I do
52		alright the (insti-)
53		what I'm saying is that
54		we accepted that we didn't find girls
55		that we left the club
56		gone and got a kebab
57		parked up in a dark and lonely spot
58		ready to sleep the night (1)
59		so at that moment in time sex was not on my mind
60		(0.7) at that moment in time

61	PO(M)	(unclear) sex wasn't on your mind then
62		why did you grab the girl

63		(2.3)

64	Off	I don't know <Harry >

65	GM(H)	Nah I can see that wh-
		nah I can to be honest with yah

66	Off	And (.) well you've read this (.) <nameJ>
67		so (I'll not say, nobody else knows about it)
68		[and

69	PO(1):	[Read what?

		(1.2)

70	Off:	What I'm about to tell you (.)
71		And Michael walked up and
72		and I'm stoo- she's stood in front of me now
73		and I'm stood behind her
74		and Michael walked up and got her top, her blouse
75		and just pulled her blouse down to express
76		expose her breasts. (1)
77		and then he started feeling them up and masturbating
78		and I started doing the same (.)
79		and then Michael disappeared, out the way (.)
80		and she's sort of stuck there
81		and she said 'look don't hurt me'
82		[I said

83   GM (?):   [How old is this girl?

84   Off: (twenty one)
85   21, 22, no she wasn't she was 19
86   yes she was 19 'cos I was 21 (1)
87   and I had this jacket on
88   and I said to her I said
89   she said 'what do you want now?'
90   and I said 'well I don't know'
91   I said uh 'let's do it shall we?'
92   and she said 'well yeah: OK'
93   and I, she was petrified I know that now
94   and I took my jacket off
95   and laid it down for her (.) to lie on (3)
96   its important to say that because the jacket comes
97   into it in a moment
98   and she got on the jacket
99   and we started (0.8) I started raping her (2)
100   and after about 10 minutes I got off
101   I didn't have an erection at all
102   I couldn't, I couldn't get it in hardly
103   I started masturbating
104   and she y'know
105   I just wasn't getting an erection at all (1.2)
106   then after about 10 minutes I stopped

107   PO(F):   Where was Michael?

108   Off: Michael had disappeared but had come back
109   Michael had gone away and come back
110   and he saw me, with her
111   and then while she's lying like
112   so she looked over and saw Michael there
113   and she said 'oh he's not getting on as well'
114   and I sa-, I looked around
115   it was the first I'd saw him
116   and I just told him to eff-off
117   and he (.) disappeared again
118   so it was just me and Ann, me and Ann laying there
119   (2) I won't say her last name but that's her name

120   GM: (How have you heard?)

121   Off: Well, I was charged with rape wasn't I
122   I know the name
123   um and that was, that was it
124   I mean after about 10 minutes
125   then we got up, she looked at me

126   we, I actually (.) grabbed her, kissed her and
127   cuddled her
128   and said 'I am sorry I shouldn't have done that'
129   and then she, we started talking for about
130   fifteen minutes
131   we were just chatting about different things
132   she said 'oh you shouldn't have done that'
133   I said 'I know I'm sorry'
134   she said 'I've got a boyfriend
135   finished with him tonight'
136   and I said 'I'm really sorry I dunno what what
137   I I shouldn't have done that'
138   and she was sort of coaxing information
139   out of me (.) bit by bit
140   and then I just (ran) off
141   I ran into the factory (2)
142   and she uh (.) she left as well (.)

APPENDIX 2: THE SECOND TELLING

1   Michael joined us when, when I grabbed her an' put her right in the
2   [unclear] right? She said 'oh what do you want?' and I,
3   I was all confused I didn't know what I wanted.
4   Michael walks up behind me, comes from this direction,
5   he just gets her front, you know this, gets her front and just does that
6   rips her front down and starts masturbating and feeling her breasts.
7   I'd still got her, I was screaming at Michael. I said 'what the f___ are you
      doing?
8   What the f___ are you doing?', I said 'No, don't do that'.
9   And I didn't know, it was all well out of control.
      (lines omitted)
10   Well, Michael finished masturbating, he didn't ejaculate,
11   that's about two minutes after that (.) er, she started re-putting,
12   putting her bra back on, it was all hanging down, started doing that,
13   did up he her top and she said 'oh you can if you like, but don't hurt me'
14   and I said 'I'm not going to hurt you' and
15   I was quite adamant I wasn't going to hurt, I mean I
16   And then we walked down here, there's a bank here, this is a big bank.
17   Took my jacket off, laid my jacket on the bank and then she laid down.
18   I didn't push her. I didn't force her down.
19   She lay down, took her knickers off and I almost entered her
20   but I couldn't get an erection

NOTES

1. The success of discursive research is not dependent on sample size, and larger samples do not necessarily indicate better research (Potter and Wetherell, 1987). As Hollway (1982: 183 in Hollway, 1989) has noted, a 'social theory of the subject implies that the information derived from any participant is valid because the account is a product . . . of the social domain. If this domain is analysed in its specificity, the resultant interpretation will be valid without the support of statistical samples; that is, without evidence that whole groups do the same thing.'
2. All names have been changed to protect the identity of the perpetrators and the victims.
3. The notation used indicates extract 1, lines 1–7, and so on.

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Susan LEA is a Teaching Fellow in the Department of Psychology at the University of Plymouth. She previously held a lectureship at the University of Cape Town in South Africa. Her research interests include racism, disability and most recently sexual violence. Susan also researches aspects of the learning and teaching context.
ADDRESS: Department of Psychology, University of Plymouth, Drake Circus, Plymouth, PL4 8AA, UK.
[email: slea@plymouth.ac.uk]

Timothy AUBURN is Senior Lecturer in the Department of Psychology at the University of Plymouth. He teaches social and environmental psychology. His research interests are in developments in discursive psychology and how this approach can be applied to issues such as sexual offending and related treatment programmes. Another main research interest is discourses of citizenship and how these can paradoxically contribute to social exclusion.
ADDRESS: Department of Psychology, University of Plymouth, Drake Circus, Plymouth PL4 8AA, UK.
[email: tauburn@plymouth.ac.uk]