

“I thought I’d be safe there”: Pre-empting blame in the talk of women reporting rape - by Nicci Macleod

Abstract

One routine “common sense” means of explaining sexual violence is the ideologically facilitated tendency to blame the victim, and previous research has identified patterns of victim-blaming in the talk of perpetrators of rape, and also in that of the professionals who deal with rape in their day-to-day work. This article focuses on the discursive resources drawn on in police interviews by rape victims themselves as they attempt to account for their own behaviour in relation to the attack. It identifies and describes points within interviewees’ talk where they produce “accounts” (Potter and Wetherell, 1987), and considers what these tell us about the participants’ shared understanding of what is relevant to the on-going talk. Occasions when there is evidence of a mis-match in the understanding of the participants will also be discussed. The analyses illustrate that for the accounts of interviewees to be heard as relevant, a number of prevalent and problematic themes of victim-blaming must be assumed. Interviewees anticipate and pre-empt implications that various aspects of their own behaviour contributed to their attack, and interviewers vary in the level of skill they display at negotiating these shared understandings.

Key Words

Accounts, rape, police interviews, victim-blaming, discourse analysis, forensic linguistics

1. Introduction

The context of the police interview is one in which there are traditionally clearly defined and unequal roles for the participants: broadly speaking, the interviewer asks questions, and the interviewee answers them, and the interviewer also has

the authority to decide what counts as a legitimate answer. Thus, in interviews with both suspects and witnesses, it is generally the interviewer who controls the interaction, possessing as they do the authority, invested in them by the institution they represent, to constrain interviewees' type and length of turn, and to control the topics that are discussed – it is the interviewer who possesses the 'deontic authority' (Stevanovic and Peräkylä, 2012) . Despite efforts since the mid 1980s to reform the investigative interview, allowing interviewees space to provide their accounts uninterrupted and in their own words (see Milne and Bull, 1999), there nevertheless remains a mismatch of agendas between participants – in carrying out familiar day-to-day work, professional interviewers display awareness and orientation to institutional practices and priorities, while interviewees do not generally possess such awareness and bring conflicting sets of expectations to the interaction (see Haworth, 2013; Stokoe & Edwards, 2008).

This paper presents a detailed analysis of data drawn from six archived video recorded 'Significant witness' interviews with women reporting rape to a UK police force in 2007. Significant witness interviews are routinely recorded as part of police investigations, and were provided for the purposes of a wider scale project examining various aspects of police interview interaction (see MacLeod 2009; 2010; 2011). The extracts discussed here were selected on the grounds that they displayed evidence of the interviewee orienting to some perceived requirement to account for her own reported behaviour. One argument that has repeatedly been shown to be a means of explaining sexual violence is the ideologically facilitated tendency to place responsibility firmly at the feet of the victim (Burt and Estep, 1981). Previous research has identified patterns of victim-blaming in the talk of perpetrators of rape (e.g. Lea, 2007), in that of the professionals who deal with rape in their day-to-day work (e.g. Page, 2008), and permeating the legal system more generally (e.g. Wowk, 1984). Furthermore, these attitudes appear to be prevalent among the public at large (Amnesty International UK, 2005; Opinion Matters, 2010). The focus of this paper is the extent to which patterns of self-blame are evident in the talk of women reporting

themselves as victims of rape, and the extent to which these patterns can be seen to be rooted in pervasive victim-blaming ideology. To this end, occasions when the interviewees can be heard to anticipate and mitigate potential blame implications in their contributions to the on-going talk are isolated and discussed.

In more general terms, this paper aims to contribute to the growing number of analyses that have sought to define and describe police interview discourse (e.g. Antaki, Richardson, Stokoe and Willott, 2015; Benneworth, 2006; Edwards, 2006, 2008; Haworth, 2013; Heydon, 2011; Stokoe & Edwards, 2008). I begin with a technical discussion of accounts, before moving on to give an overview of rape myth as a “common sense” resource. I finish this section with some background to interviewing and the investigation of rape in the UK, before moving on to my analyses of accounts in the interview data, which are organised around a number of familiar themes.

1.1 Accounts

The approach taken here is informed by the assumptions of Discursive Psychology (see Edwards and Potter, 2001). Discursive Psychology concerns itself with how psychological phenomena, such as motives and intentions, are handled and managed in talk, without having to be overtly labelled as such (Edwards, 2005: 259). This paper is concerned with points in the talk where speakers appear to account for their own behaviour. First conceptualised in the work of Austin (1961), accounts “involve talk designed to recast the perjorative significance of action, or one’s responsibility for it, and thereby transform others’ negative evaluations” (Buttny, 1993: 1). Austin made a distinction between two types of account: excuses, which acknowledge that an action was inappropriate but that the producer was not fully responsible for it, and justifications, which acknowledge responsibility but claim that an action was appropriate given the circumstances. Excuses and justifications are techniques used by speakers to align their behaviour with what is culturally acceptable, thus legitimising it. Both

types of account have been labelled 'defence components' elsewhere (e.g. Atkinson & Drew, 1979).

Accounts are understood as arising from the "distinctively human capacity to be blamed and to be held responsible for actions" (Buttny, 1993: 2), and indicate a perceived deviation from some shared code of conduct. To focus on accounting is to focus on how language is used to explain events, and the need for an account "typically arises when something problematic or out of the ordinary occurs" (Buttny, 2008: 20). With this in mind, an analysis of accounts can reveal "the nature of the normal" (Potter & Wetherell, 1987:75).

Accounts are a typical component of dispreferred responses, that is, responses that are not oriented to the talk as they were invited to be and are thus structurally marked (see Pomerantz, 1984). Accounts function to avoid negative or critical consequences that might ordinarily be associated with such a response (Potter and Wetherell, 1987: 86), and are "typically constructions of events that imply good reasons for non-compliance" (Edwards & Potter, 1992: 52). Within the context of question-answer sequences, accounts function to explain why the answer set up by the question may not be forthcoming (see Komter, 1994).

Accounts have been discussed elsewhere in the context of sexual refusal (Kitzinger and Frith, 1999) and within courtroom testimony (Atkinson & Drew, 1979; Komter, 1994). In the courtroom context, accounts tend to indicate that the witness anticipates that a question is leading to some blame allocation which they attempt to mitigate when responding to questions which do not appear overtly to accuse the witness. Ehrlich (2007) notes that prosecuting lawyers often anticipate critical assessments of the victims' actions from the defence, and thus often design their questions to elicit pre-emptive explanations for these actions (Ehrlich, 2007: 460).

1.1 Rape Mythology: a "common sense" resource

Rape myths (Burt, 1980), as beliefs that are used to justify and downplay sexual violence, have attracted much scholarly attention in recent times (see Edwards *et al.*, 2011, for an overview). Rape myths comprise a number of components, of which victim-blaming is central (Anderson and Doherty, 2008; Edwards *et al.* 2011), and is so commonplace that recent research has focused not upon whether it occurs, but on what factors are associated with such attributions (Lea, 2007:495). Victim blaming is generally achieved through suggestions that victims are either provocative or reckless in their behaviour prior to an alleged attack, and/or that their resistance was ineffectual (Anderson and Doherty, 2008; Edwards *et al.*, 2011; Ehrlich, 2001). Factors that have been shown to contribute to victim-blaming include victim's dress, physical attractiveness, previous sexual history, level of intoxication, level of resistance and prior relationship with the perpetrator (see, for example, Anderson and Doherty, 2008; Lea, 2007; Lea and Auburn, 2001).

As well as being evident among sizeable portions of the general public, recurrent patterns of victim blaming have been identified in the accounts of perpetrators of sexual violence as a means of defending their actions (e.g. Lea and Auburn, 2003; Scully and Marolla, 1984; Wood and Rennie, 1994). Furthermore, similar attitudes abound among professionals who deal with rape victims and perpetrators (Jordan, 2004; Lea, 2007; Maier, 2008; Page, 2008), and it has been demonstrated that the police in particular may cause the revictimization of women through victim-blaming questions, such as those relating to clothing, use of alcohol or drugs, appropriate resistance, prior relationship with the suspect, and alleged provocation (Jordan, 2004; Maier, 2008). Thus, it has been recognised that rape myths are instrumental in exposing rape victims to what has been termed "rape of the second kind" (Matoesian, 1993), "secondary rape" (Anderson and Doherty, 2008), or "judicial rape" (Lees, 1993), and are one of the central concerns in terms of the widening justice gap. This paper represents a systematic examination of how rape myths operate in the talk of victims themselves (see also Weiss, 2009).

Rape myths provide a “common sense” resource for making sense of rape incidents (see for example Anderson, 1999; Edwards *et al.* 2011; Gavey, 2005; Ryan, 2011), and the notion of “victim-blaming” has thus assumed a key position in the psychological literature (Lea, 2007:495). The role of rape myths as “practical ideologies” (Wetherell *et al.*, 1987) has also been scrutinised, with the observation that they function to explain and account for sexual violence, rendering social actions intelligible (e.g. Lea and Auburn, 2001). Efforts have been made to address the potential negative effects of such assumptions within the UK justice system, and the next section moves on to a brief discussion of these efforts.

1.2 UK Rape Legislation

The public outcry that resulted from the BBC TV Panorama screening of the fly-on-the wall documentary “A Complaint of Rape” in 1982, which showed three officers interrogating and ridiculing a mentally ill rape victim, led to a Home Office circular recommending that rape victims be treated with tact and sensitivity, and that medical examinations take place in a clinical environment soon after the rape, with a female doctor where possible. Initiatives introduced since the early 1990s, such as specially designed training courses for officers who deal with rape claimants and the provision of medical examination suites, have been shown to improve the experiences of individuals who decide to report (Gregory and Lees, 1999). However, more recent reviews (e.g. Stern, 2010) have suggested that there are still a number of areas to be addressed, that procedures for taking a victim’s statement in rape cases should be “revisited as a matter of urgency” (HMCPSP/HMIC, 2007:82), and that there are still serious problems with the progression of reported rapes through the justice system (Hester, 2013).

The models of interviewing in use by UK Police forces over the past twenty-five years arose indirectly as a result of the Police and Criminal Evidence Act (PACE)

of 1984, and the associated rolling out of the PEACE¹ model as a basis for training interviewing officers in 1993. While this led to a significant decrease in the number of miscarriages of justice occurring as a result of poorly conducted suspect interviews, interviews with victims and witnesses remained flawed, on the grounds that many officers assumed that the interviewing of a co-operative and competent adult witness required little specialist skill (Savage & Milne, 2007). A new training package, designed specifically for the interviewing of “significant witnesses” (including rape victims) and using the Enhanced Cognitive Interviewing model (Milne & Bull, 1999), was developed and rolled out following Association of Chief Police Officers (ACPO) recommendations in 2002. The phased interviewing model is intended to give the witness maximum control of the interaction, with them being allowed to provide an uninterrupted free report before any questioning takes place. The interview is video recorded, and as of 2011 an edited version of the recording can stand in for the victim’s direct examination at a subsequent trial.

A number of documents published by the UK government in recent years have recognised the significance of rape myths in determining the outcome of investigations and trials, and make suggestions for the introduction of expert evidence in this regard (e.g. OCJR, 2006). Furthermore, recent police training initiatives have made some attempt to dispel these harmful and ungrounded assumptions. Against this backdrop, where victim-blaming remains a cultural norm but is increasingly flagged as problematic through policy documents and training, I move on now to focus specifically on how such issues are treated in police interview talk.

2. Accounts in significant witness interviews

¹ A mnemonic for the recommended phases of the interviews: Plan & prepare; Engage & explain; Account; Closure; Evaluation.

Analysis of the police interview data uncovered numerous examples of accounts in women's talk, which were identified as belonging to a number of key thematic categories. These can arguably be mapped directly onto existing dominant patterns of victim blaming. Each of these themes is examined in detail below, with reference to specific examples from the data.

2.1 Reckless Behaviour

The idea that women provoke rape through their behaviour is a well-established component of rape mythology, and among the types of behaviour women have tended to be called to account for in this context is a perceived reckless lack of caution, leading to the construction of some failure on the victim's part to prevent the attack (e.g. Burt and Estep, 1981). Constructions of victims as wilfully reckless allow for an interpretation of them as accountable and contributing to their own vulnerability. Far from being objective and evidence-based, beliefs about hazard and risk are highly reliant on culturally normative assumptions about individual responsibility. In the extract below, taken from the early stages of Emily's interview, the interviewer produces a request for a detailed description of events, with the designated starting point of "from the moment you were dropped off" (in all extracts, *IR* refers to the Interviewer while *IE* refers to the Interviewee).

Extract 1: "Emily"

1510 IR: right.
1511 (0.5)
1512 so can you just describe to us (0.4) um from the
1513 moment you were dropped off (.5) from that point on
1514 (0.4) describe what happened.
1515 (1.9)
1516 IE: uh:: well I got to- (.) my sister in law phoned me
1517 (0.7) she was only just getting in to a taxi (1.8)
1518 she- I said I'd wait for her outside Lunar **where the**
1519 **bouncers were and (0.3) there's a lot of (2**
1520 **syllables) police cars up and down there so I thought**
1521 **I'd be safe there you know** (1.8) and he dropped me
1522 off on the other side of the road near Mexico Mick's?

The 1.9 second gap before Emily responds indicates that she may be experiencing some trouble in giving the preferred response. Prefacing her answer with “well-“ is another indicator that the upcoming answer may not quite match the question (Schegloff & Lerner, 2009). Rather than starting at the point designated by the IR’s question, Emily instead begins her description some time earlier in the evening, and as her answer unfolds it becomes clear why she does so, as this allows her to provide an account of *why* she was dropped off at this location – despite this information not having been requested by the IR. Emily anticipates and fulfils a requirement for self-explanation. Space – in the form of a 1.8 second gap - is left for the IR to display shared understanding in this matter after ‘you know’ on line 1521, but the IR does not do so. To interpret Emily’s turn as relevant to the ongoing talk, we must accept that the presence of police and bouncers equates to a safe place; further, we must accept that it was her responsibility to select a safe place to wait. Emily constructs her decision as a “responsible” one, pre-empting any accusations of “reckless” behaviour. Had she chosen to wait for her sister-in-law in an isolated place with no police or bouncers, the implication might be, she could potentially be held accountable for the consequences.

The next extract is taken from the questioning phase of Becky’s interview, after she has provided her free report detailing how a house guest had entered the room where she and her partner were sleeping and raped her. The IR requests a description from Becky about one particular aspect of her narrative – a chair that her partner had wedged against the bedroom door before they went to bed, and that Becky subsequently moved prior to the attack. Parts of Becky’s responses suggest that she anticipates her actions to be interpretable as leading to some responsibility on her part for the events that followed.

Extract 2: “Becky”

842 IR: tell me about this chair (0.2) [what’s]
843
844 IE: [I] don’t know why he’d done

845 **it** (.) um (0.7) I just remember he picked the chair up and
846 put it on the back of the door. (0.3) so that if anybody
847 tried to get through the door (1.3) then obviously the chair
848 would knock over but I •hh **it didn't really dawn on me til**
849 **today (.) why he did it.** (0.9) and then after- this morning
850 when- obviously everything had happened (0.6) he just said
851 to me "why was the chair not there?" (0.6) and I said "**well**
852 **I moved it when I went to the toilet**".
853 (2.6)
854 IR: mmm
855 (2.0)
856 IE: but he'd actually propped it against the door (.) so it was
857 like (0.2) it was covering the door.

*[around 80 lines omitted - discussion of layout of bedroom
etc.]*

939 IR: °mmm° (7.3) you've gone back into the bedroom (1.4) did you
940 do anything with the chair (.) when you'd gone back into the
941 bedroom?
942 IE: **I'd moved it back to where it normally goes before I'd gone**
943 **to the toilet to be able to get out of the door.**
944 (0.2)
945 so I just left it where it was.
946 (0.4)
947 **I didn't (0.3) I c- I didn't know why it had been put in**
948 **front of the door,=**
949 IR: =°mm°=
950 IE: **=in the first place to be fair so I d- I just put it back**
951 **where it belonged.**

The IR's first question elicits a descriptive account of the events surrounding the chair. Becky's response suggests she has heard the question as relating specifically to the chair's movements prior to the rape, but also takes the opportunity to ensure that blame is not attributable to her on the grounds of recklessness, given that she was unaware of the purpose of the barricade. She produces the negative statement "I don't know why he'd done it" on line 844, before describing her partner's action "put it on the back of the door" on lines 846-847, and then postulating a likely motivation for this action "so that if anybody tried to get in...". Such "negative observations" announce that the speaker has perceived a relevant absence (Schegloff, 1988; Sacks, 1992). Despite producing the explanation, she frames her own understanding of his motivation at the time as problematic but as becoming clearer in the intervening period, "didn't really dawn on me til today why he did it", on line 848. She then

formulates a reported conversation between herself and her partner to reiterate the contrast in their respective understanding of the significance of the chair on lines 850-852. In the face of a 2.6 second gap, a minimal response from the IR, and a further 2 second gap, Becky continues with a wholly descriptive summary of what her partner had *actually done* with the chair on lines 856-857, potentially arising from an awareness that her answer is insufficient generated by IR's non self-selection. When asked on lines 939-941 whether she had done anything with the chair on returning to the bedroom – a yes-no interrogative – she does not provide a type conforming response but instead a description and a reiteration of her account “I didn't know why it had been put in front of the door”. Becky's use of “so”, makes a causal connection between her defence and a further repetition of her action “I just put it back where it belonged” – note that the inclusion of the evaluation “where it belonged” reinforces Becky's justification of her action. Her production of these accounts suggests an anticipation of a potential construal of her behaviour as contributing to the events that unfolded. The unspoken implication here seems to be that her partner's motivation for placing the chair against the door can, in hindsight, be easily interpreted as based on his suspicions about the possibility of the suspect attempting to gain entry during the night. Becky's failure to realise his motivation at the time therefore provides her with a basis for her justification for returning to the chair to its usual place – implying that, had she been aware of her partner's motivations, replacing the barricade would have been the “common-sense” course of action.

Both these extracts demonstrate interviewees' awareness that their engagement in particular behaviour could, given the cultural context, potentially be construed as contributing to a subsequent attack, and that particular courses of action are therefore likely to lead to them being viewed as reckless and blameworthy. Both these extracts are examples of justifications rather than excuses, in that they provide support for why the actions were appropriate, given the context. Emily's decision to wait alone in the area outside the nightclub was “appropriate” given that there were “bouncers” and “a lot of police cars there”. Becky's decision to

remove the chair from the back of her bedroom door was “appropriate” given that she “didn’t know why it had been put [there] in the first place”. It is fitting here to mention the significance of contextual knowledge in the formation of accounts. The fact that both Becky and the IR are in possession of the knowledge that the rapist entered Becky’s bedroom through the door is arguably crucial. According to prevailing discourses around rape, women in their own homes in the company of their partner are not at risk; women alone outdoors at night are. However, the shared knowledge about what ultimately transpired has added another contextual layer to Becky’s talk, meaning that she, like Emily, is motivated to provide an account for her actions: she orients to the shared knowledge, interprets an expectation for a justification of her behaviour, and produces her account accordingly.

2.2 Drugs and Alcohol

A more specific aspect of interviewees’ behaviour for which they produced accounts was their consumption of drugs and/or alcohol. As discussed earlier, it has been established that this is a significant factor in attributing behavioural blame to a victim of a rape, with intoxicated women tending to be held more responsible than non-intoxicated women (e.g. Anderson, 1999). Women’s so-called “binge drinking” has been conceptualised as one example of perceived flouting of gendered expectations within the UK context (Skeggs, 2005), with the media positioning it as a threat to the state of the nation as well as to young women (Skeggs, 2005). Furthermore, victim intoxication has been shown to be a factor in decisions made within the criminal justice system (Gibb *et al.*, 2005, in Lovett and Hovarth, 2009). The relationship between voluntary intoxication and capacity to consent is an important legal point - the Sexual Offences Act 2003 defines consent as “if he [sic] agrees by choice, and has the freedom and capacity to make that choice”, and in one high profile 2007 appeal against a rape conviction, the judge ruled that “if, through drink...the complainant has temporarily lost her capacity to choose whether to have intercourse on the

relevant occasion...she is not consenting, and...this would be rape” (R v Bree [2007] EWCA Crim 256).

The next extract shows Angela anticipating a requirement for an explanation of her actions of continuing to drink, in the absence of any explicit request for such. Angela and the IR have spent the previous twenty-five turns discussing the drinks she consumed on the evening she was attacked. “Steve” is the pseudonym of the suspect.

Extract 3: “Angela”

169 IR: and who bought you those?
170 IE: Steve.
171 IR: had you asked for them?
172 IE: no (.) **told him (.) quite a few times I didn't want**
173 **no more to drink cos I know (.) •shih how far to**
174 **push myself (0.5) cos I have to get up with the**
175 **kids in the next day `nd •shih (4.0) hhh**

It appears from the IR’s turns on lines 169 and 171 that she may be pursuing an agenda of establishing some pre-meditation on the part of the suspect, and she succeeds in drawing out and fixing on the record that it was indeed the suspect who had bought the drinks for Angela. However, the question on line 171 is also worthy of further comment. In order for this question to be heard as relevant, we must assume that there is some institutionally salient distinction between actively *requesting* and passively *accepting* more alcohol. In response, “Angela” elects to provide more information than the IR’s turn requires, qualifying her “no” response with an account. Again, rather than improving the descriptive adequacy of her answer, the additional information displays an anticipation that it may not be interpreted as sufficient to have merely not “asked for them”, and that she expressly *refused* drinks puts her perceived credibility in a better position, and mitigates potential blame allocation. The inclusion of information about her children does further work in constructing an identity for herself as a responsible individual.

Further evidence of an orientation to prevailing attitudes about the relationship between alcohol and rape appears in the following extract, which appears some time later in Angela's interview. The participants have been discussing the matter of Angela's prescribed medication and its interaction with alcohol.

Extract 4: "Angela"

656 IR: e:rm what kind of (.) effect does that h- have on you
657 healthwise?
658 (1)
659 IE: I get drunk very easily (0.5) takes me about two or
660 three days to (.5) pick myself up I've been out and
661 had a good drink •shih (4) I tend to drink coke after
662 about eleven o'clock •shih
663 (.)
664 IR: so why didn't you go on the coke this time?
665 IE: cos **he was persistent**: "ave a drink, ave a drink (.)
666 ave a drink". •shih (0.2) **and I thought well what**
667 **harm can it do it's my ((family member)) it's like**
668 **family** •shih

In contrast to the previous extracts, the account here *is* actively pursued by the IR in her turn on line 664. This turn can be interpreted from two quite different perspectives. Firstly, there is a possibility that, having established the effects on Angela of mixing alcohol with prescription medication on lines 656-661, the IR is motivated by a requirement to draw out confirmation about the suspect's involvement in Angela's level of intoxication. An alternative interpretation is that the IR is relying on an aspect of the traditional victim-blaming framework. Negative interrogatives in general are used to "frame negative or critical propositions" (Heritage 2002: 1432), and negative "why" questions in particular have been described as performing an important ideological function, in that they express surprise or conflict with the proposition (Ehrlich, 2001:83), and indicate that the proposition "does not accord with common sense and is, thus, possibly inappropriate or unwarranted" (Bolden and Robinson, 2011: 94). Thus, in the extract, the IR frames the drinking of soft drinks as the *expected* course of action given the circumstances, and thus requests an explanation from Angela as to why she instead continued to drink alcohol. It is of interest to examine Angela's

account for accepting more alcoholic drink. From the inclusion of her reported thought “well what harm can it do it’s my ((family member)) it’s like family”, we can draw the “common sense” inference that one’s family members are to be trusted, and that putting oneself in a vulnerable position (e.g. by drinking large quantities of alcohol) is less “risky” behaviour in their company than in that of strangers. Put another way, we might consider “safety” as being a category-bound predicate associated with the membership category of “family” (Watson, 1978). This maps directly onto the next theme uncovered by the analysis.

2.3 Prior relationship with the suspect

Since a decision to prosecute and convict an individual for rape often relies purely on the issue of consent, any familiarity or affection between the parties is often treated as a potential threat to the credibility of a victim’s claim of rape. Conversely, any pre-existing hostility between the parties can also work to the victim’s disadvantage, leaving her account vulnerable to accusations of fabricating a story out of malice (Jordan, 2004). The gradual acknowledgement from the 1980s onwards that the majority of rapes are perpetrated by men known to their victims represented a serious challenge to normative understandings of heterosexuality. These understandings – based on assumptions of male agency and female passivity – have provided “the perfect cover story for rape” providing the defence that what transpired was “just sex” (Gavey, 2005). Furthermore, prior familiarity with the suspect continues to be a factor in the treatment of rape cases by the judicial system (Maier, 2008). In the following extract, Ellen displays awareness that her existing relationship with the perpetrator ‘Matthew’ – with whom her partner shares a house – might be considered to require an explanation.

Extract 5: “Ellen”

1119 IR: d- do you ever sit an- and chat with Matthew in any
1120 depth?
1121 (0.6)
1122 IE: yeah (.) [a lot-]
1123 IR: [you do]
1124 IE: **all- a- a lot a lot there's a lot of time there's**
1125 **just me and him in the house.**
1126 (2.5)
1127 IR: has he ever said anything to you:
1128 (1)
1129 IE: ((shakes head)) never.
1130 IR: like inappropriate o:r,
1131 IE: never.
1132 (1)
1133 IR: never? ((IE shakes head)) (2.4) right.

It is clear from Ellen's first turn on line 1122 that she intends to produce an account for her affirmative response to the question of whether she ever “chat[s] with Matthew in any depth”. A requirement for such an account is hearably shared by the IR, who produces an overlapping repair on line 1123 specifically geared towards eliciting further explanation. Ellen goes on to produce her account on lines 1124-1125 despite her first attempt on line 1122 being halted by the IR's overlap. The account is clearly an answer to a projected “next” question (Atkinson and Drew, 1979) – in this case, *why* she “sit[s] and chat[s] with Matthew...”. In response to the question “has he ever said anything to you” (line 1127) Ellen produces her response “never” on line 1129 before the interviewer has furnished her with the more specific detail “like inappropriate” on line 1130, suggesting a shared understanding of what *sort* of “anything” would be relevant in this context. Thus, the assumption that one might expect some degree of sexual aggression, albeit verbal, from a man who goes on to commit rape, is part of a socially constituted repertoire on which both parties rely. On a related theme, the data reveal an assumption that women should somehow be able to distinguish rapists from non-rapists, and read such a categorisation from their behavioural or verbal signals. Interviewees often display an awareness that they run the risk of being accused of “leading on” their attacker if they are presumed to have been overly familiar with him prior to the alleged rape, and of being

negligent and irresponsible if they have failed to interpret their attacker's pre-rape behaviour "correctly". One way in which this is accomplished is through the production of accounts that address projected blame-implicative questioning on these bases. We return to Angela's discussion of her interactions with the suspect earlier in the evening for another example of this in action.

Extract 6: "Angela"

186 IR: alright •hh you were saying that you were sat
187 chatting to Steve how long were you talking to him
188 for? (3) [i-]
189 IE: [a] bout an hour and a half it was like a
190 good long (1) chat
191 (.)
192 IR: and how did you feel towards him then.
193 (.)
194 IE: **no worries at a:ll he was like family he was he was**
195 **cuddling me 'nd •shih (.) he'd look after me and I**
196 **felt safe and secure (0.5) I didn't feel as though I**
197 **had any problems at all being left with him. •shih**
198 (7)
199 IR: when you: lived at- it was at his ((family member's))
200 house [your]
201 IE: [mm hmm]
202 IR: ((family member)) (.) e:rm when you lived there how
203 would you say your relationship with w- e:rm was with
204 him then?
205 IE: good (.) it was like brother and sister (.) •shih
206 IR: and how would you descri::be a brother and sister
207 relationship?
208 (1.5)
209 IE: like clo:se (.) get on really well
210 (8)
211 IR: had he eve::r made any (.) sort of (.) moves towa:rds
212 you sexually [ever]
213 IE: [never]
214 IR: in the past?
215 IE: never •shih

In order to hear the question on line 192 as a relevant contribution, we must accept that, given the context of the victim and suspect having "a good long chat", Angela's feelings towards him might be considered relevant to her report of rape. Angela's response is of some interest. Stating what one *did not* think or feel in response to a question about what one *did* think or feel is a marked choice – there is a need to seek an explanation for the presence of a negative statement (Tannen, 1993). Two negative constructions – "no worries" on line 194 and "I

didn't feel as though I had any problems at all" on line 196-197 are produced, as opposed to feasible positive alternatives such as "we were getting on really well" or "it was just like old times". To explain why, we must draw on our knowledge of the context, and the expectation that one might feel frightened, or at least uneasy, in the company of a rapist. That she did *not* harbour these feelings towards her attacker, at least early on in the evening, is therefore pre-emptively cited as justification for her action of remaining in his company. The IR relocates her enquiry to a period in the past when Angela had shared a home with the suspect on lines 199-200, to which, in contrast to the previous response, Angela produces an instant positive evaluation, drawing a comparison with a "brother and sister" on line 205. The IR indicates some trouble with the meaning of this description, requesting a clarification on line 206. After Angela issues her clarification on line 209, there is a substantial gap which could indicate that the IR has yet to receive the kind of information she is seeking. She eventually narrows her focus to "moves towards you sexually?" on lines 211-212, which suggests that this is the information she was pursuing all along. It would seem that while both participants shared an understanding of what would be considered significant on the night in question, the same was not true for the occasion some years previously. In both Extracts 5 and 6, the attackers are constructed as trustworthy and normal – not the type of people of which Ellen or Angela should be suspicious.

The assumption that victims hold some responsibility on the basis of putting themselves into vulnerable positions with potential rapists is also evident in the next extract. Taken from the early stages of the questioning phase of Becky's interview, this stretch of narrative is from her response to questions about an earlier encounter with the suspect Paul.

Extract 7: "Becky"

522 IR: u:m (2.1) you mentioned that you'd met Paul before

523 down the town?
 524 IE: yeah. (0.2) u::m
 525
 526 ((around 8 lines omitted - sets context of previous
 527 meeting))

 IE: [...] and met Jonesy which is the guy I was sat
 531 talking to earlier on,
 532 IR: mmm
 533 IE: e:rm (0.6) and he said that he- Nathan hadn't hadn't
 534 come back from ((town name)) (0.2) so I'd stayed with
 535 them (.3) and he introduced me to Paul that night.
 536 (0.2) along- obviously along with the rest of them
 537 (.2) •hh e:rm (0.8) and it was like well it's Smithy's
 538 girlfriend was how I was introduced (0.8) and Paul
 539 came over and gave me a cuddle at that point (0.4) and
 540 **was a bit flirty but (.) to be fair I (.) just assumed**
 541 **he was drunk** (0.6) u:m (1.7) remember him like- him
 542 laughing and saying am I taking you home and me being
 543 like no I'm Smithy's girlfriend ((smiley voice)) •hh
 544 (0.2) e:rm (.3) **but I just (0.3) assumed it was (1.3)**
 545 **((shrugs)) one of the lads and (gh:) it was harmless**
 546 •h um: (0.6) and (.) so they'd asked if I was gonna
 547 get a taxi with them (0.5) but I only really knew
 548 Jonesy who I got (.) the taxi home with. which is
 549 Nathan's best friend (0.2) erm he made sure I got home
 550 okay but other than that I've never met Paul before.
 551 (1) it was just that (0.2) one night for maybe half an
 552 hour.

Becky carries out accounting work from line 533, giving a justification for why on this occasion she had chosen to stay in the company of a group of men – her partner, Nathan, had not yet returned from the town. There is arguably similar work going on in her inclusion of the information that she was introduced as “Smithy’s girlfriend” – thus pre-empting any suggestion that there could be any confusion about her “availability”. Becky’s use of “but” on line 540 to contrast “Paul...was a bit flirty” with “...I just assumed he was drunk” is significant. Once again, it is only hindsight that has allowed for any other interpretation of his behaviour to suggest itself, and Becky orients to an expectation that in fact his behaviour might now be construed as relevant to the events that unfolded. This is further supported by her inclusion of the phrase “to be fair” here, which can most easily be heard as referring to being fair on herself for having interpreted the situation in the way she did, given the circumstances (note her use of this phrase for similar purposes in Extract 2, above). A similar construction appears on lines

541-542, where Becky contrasts “...him laughing and saying am I taking you home...” with the defence component “I just assumed it was...one of the lads” (the second use of the downgrading *just* in her response). “One of the lads” frames Paul’s behaviour within “acceptable” gender norms. In emphasising this, and the fact that she assumed “it was harmless”, Becky reveals that, in light of her interpretations of his behaviour, her own subsequent actions – allowing him to stay in her home overnight – were justifiable. Becky makes this explicit in the next extract, which occurs after she has described being aware of Paul behind her while she and her partner Nathan were having sexual intercourse in a field on the night in question.

Extract 8: “Becky”

800 IR: (4.2) so are you saying that th- that when that
801 happened you just thought that he was messing about or
802 did you (.) think anything other than [((react))]
803 IE: [I just]
804 thought he was messing about **otherwise I wouldn't have**
805 **let him in the house at all (.) I didn't see him as a**
806 **threat in any (.6) way shape or form I think I just**
807 **assumed that he was like tt “oh them two divvies” and**
808 (0.7) you know.

After stating that she “wouldn’t have let him in the house” (lines 804-805) if she had interpreted his behaviour as anything other than “messing about” (line 804), Becky produces a negative statement “I didn’t see him as a threat...” on lines 805-806, emphasising that these reported details are perhaps contrary to expectations – or at any rate highlighting the contrast between how she perceived his behaviour at this stage, and how she perceives it now. The practice of contrasting the attacker’s behaviour with the interviewee’s (mis)interpretation of that behaviour through the production of negative constructions is recurrent in defence components across the interviews, as further illustrated in *Extract 9*.

Extract 9: “Polly”

265 IR: can you describe to me (.) when you first saw him.
 266 IE: (1) I was: (1) in the ((statue)) (0.5) and he came
 267 up to me (0.5) and said do I need any help (.) °you
 268 know° why am I doing that (1) **and I just thought it**
 269 **w- seemed like quite a sensible thing for someone-**
 270 **passing to ask.**
 271 (1)
 272 IR: mm [hmm]
 273 IE: **[so] I- I didn't mind talking to him.**
 274 (2.5)
 275 IR: so what was the first point that you saw him (0.5)
 276 wh- where did he come from?
 277 (0.5)
 278 IE: he ca:me from: (unclear) (3) up towards the
 279 ((statue)).
 280 (0.5)
 281 IR: okay so he asked you if you wanted any help,
 282 IE: mmm
 283 IR: and- and what did you say.
 284 IE: I came down (.) and stood by him (1.5) and he was
 285 just askin:g what had happened n (1) umm (3) what
 286 was wrong and I just said that I'm drunk (1) and **he**
 287 **kept hugging me (1.5) but I didn't think anything of**
 288 **it I just thought he was being friendly** (2) and then
 289 erm (1) i- it's quite vague but I remember that we
 290 walked off together.

As we have seen in other extracts, there appears here to be a mis-match between the participants' agendas. On line 266 Polly begins to respond to the IR's request for a description of her first meeting with the suspect "I was in the ((statue)) and he came up to me and said...", but then moves into a description of her own thoughts at the time "seemed like quite a sensible thing for someone passing to ask" on lines 269-270. This is evidently not sufficient for the IR as a response to the request to "describe...when you first saw him", and there is a 1 second lapse before the IR encourages Polly to continue on line 272. Polly, however, continues with her account, with her causal use of "so" indicating that the reason she "didn't mind talking to him" (line 273) was that "[it] seemed like quite a sensible thing for someone passing to ask". That she phrases the utterance on line 273 negatively, as with the previous extracts, indicates that given this man went on to rape her, she perceives a requirement to account for engaging in conversation with him. The negative constructions continue on line 287, where we also see another familiar pattern. Reporting that the man "kept hugging me", Polly, like Becky in

Extract 8, uses the contrastive conjunction “but” to set up a relationship between the action and her interpretation of the action at the time – “I just thought he was being friendly” (note, again, the function of *just*, downgrading the subsequent content).

2.4 Appropriate resistance

It has been noted that the “utmost resistance” standard, though no longer an official requirement for the prosecution of rape, often provides the primary ideological frame within which women’s actions are interpreted (e.g. Ehrlich, 2001). In the police interview data, interviewees frequently produced utterances which indicate that they anticipate an assumption that they might have been expected to take some “other” or “more” action in resisting a rape. In the extract below, both participants’ contributions map onto a cultural assumption that victims are expected to “do” something to resist or escape rape.

Extract 10: “Emily”

496 IE: (3) e:r hhh (2.1) he was- (1.5) star- he was trying
497 to kiss me on the mouth (0.4) and then he started
498 kissing me on the neck cos I just kept turning my
499 head away? (1.5) e:rm (1.3) he put (0.3) his fingers
500 inside me (2.4) and w- he was putting his hand up my
501 top,
502 (2.3)
503 IR: °okay°
504 (0.8)
505 IE: er- (1) he was just- ((screws up face)) m- n- well
506 was a- he was like a monster.
507 (2.3)
508 IR: can you just describe what you were doing as he was
509 doing that.
510 (2.1)
511 IE: **I think I was in (0.5) too much shock to do**
512 **anything? (1.3) I knew I had to keep my hands:**
513 **((holds hand up)) (0.8) on him somewhere just to**
514 **(0.6) push him off (2) ~I was just scared to (.) I**
515 think~

After Emily finishes her description of the attacker's actions, the IR shifts the topic to Emily's actions. Responding on line 511, Emily does not simply provide the information that has been requested, but anticipates a projected question, flagging that a "something" response would be preferred in this context, acknowledging that there is an "expected" action ("I knew I had to keep my hands...on him", lines 512-513), and qualifying her response with an account for why she did not take this action – the fact that she was "in too much shock" (line 511) and "just scared to" (line 514). In the next extract, Angela attempts to preempt any criticism that may be levelled at her for her level of resistance, with questionable success. The participants have been discussing the attacker's position in relation to Angela when she woke for the first time.

Extract 11: "Angela"

527 IR: (.) when you say there to me where are you now?
528 IE: hh laid on the bed and he's: at the ((gestures)) (1)
529 at like my: (.) knees (.) type of thing.
530 (.)
531 IR: how were you laid?
532 IE: laid (.) flat I couldn't move (.) I was (0.5) that
533 drunk - I couldn't lift (.) my body up I just felt -
534 (3)
535 IR: could you have sat up at all? (0.5) at that point?
536 IE: no.
537 IR: could you have got out of bed.
538 (0.5)
539 IE: no.

On lines 532-3 Angela provides an account for her reported behaviour of being "laid flat", which alone could be considered an entirely adequate response to the IR's question "how were you laid?" (line 531). Again, the information that she "couldn't move...couldn't lift [her] body" is produced by way of *explanation for* her reported behaviour of being "laid flat" having just been raped. By making reference to the effects that alcohol had on her mobility, Angela mitigates any potential implication that her resistance was ineffectual. The success of this account is called in to question by the IR's subsequent turns on lines 535 and 537, which seemingly request information that has already been provided. One possible explanation for this is that the IR perceives some institutional

significance in Angela’s reported state of immobility (and therefore, presumably, lacking the capacity to consent), and is therefore motivated to foreground it. It could be argued, however, that without knowledge of such institutional priorities, the IE is likely to interpret this as repetitive, even blame implicative questioning. Continuing the theme of resistance and consent, in the following extract Emily is asked about what action she took to communicate to her attacker that she did not want sexual intercourse.

Extract 12: “Emily”

904 IR: °°right°° (1.8) and (0.8) whilst all this (0.5) was
 905 happening (1.3) you said you had your hands on his
 906 chest (0.8) was there anything else that you did
 907 (1) that you felt (.8) woul- °dunno what I’m trying
 908 to say here° (3.8) y- you’re saying that- you
 909 obviously reported this to the police that you
 910 didn’t want this to happen.
 911 (1)
 912 IE: ((shaking head)) ((°°unclear°°))
 913 IR: okay (1) how do you think that h- th- that you
 914 portrayed that to him?
 915 (2.8)
 916 IE: e:rm (3.9) °don’t know° (1.6) [a l-]
 917 IR: [when um]
 918 IE: **a lot of people (1) take advantage that I wear a**
 919 **short skirt when I go out that I’m- (0.5) I’m (.)**
 920 **easy? (1.7) but I’ve never (1.7) I’ve never given**
 921 **anybody the come-on.**

The first turn proves problematic for the IR to construct, as flagged by the numerous pauses and false starts, and the noticeably quieter aside on lines 907-8. It is possible that he is struggling to formulate the question in way that avoids betraying an expectation of more resistance – an expectation he nevertheless does eventually betray. He abandons the question, and instead re-states the present context “you obviously reported this to the police...” on line 909, which is used to set up the subsequent turn on lines 913-14, “how do you think that...you portrayed that to him?” The question firstly implies that it would be expected for a woman in Emily’s position to give some indication that she did not want intercourse, and secondly that there are set ways of portraying a lack of desire to have intercourse (including having ones hands on his chest, as is evident from

the first attempt at formulating the question on line 906, “was there anything *else*”). Of further interest is the comparative stress on “him”, suggesting that, while Emily has told *the police* that she did not want sex, the attacker could not necessarily be expected to have interpreted the pushing as an adequate indication of refusal. The two substantial pauses divided by a filler before Emily’s quiet and non-committal reply on line 916 could be an indication that these assumptions do not correspond with her own, or that she is having trouble understanding exactly what kind of answer the IR expects. When she finally formulates a response she displays a familiarity with the dominant assumptions surrounding the relevance of clothing “...I wear a short skirt when I go out that I’m...easy?” and contrasts this with “I’ve never given anybody the come-on”. This is interpretable as a resistance to the implications of the interviewer’s questions – acknowledging that many people assume certain behaviour of her based on her dress, and contrasting this with the “reality”. Interestingly, as a response to the question of what she did to let the attacker know she did not want sex, her answer can be seen to represent an opposing viewpoint – that in fact, she should be expected to give some indication if she *did* want sex. Her utterance on lines 918-921 is therefore a site where a mis-match of “common sense” knowledge is clearly observable.

3. Concluding Remarks

This article has demonstrated that women reporting rape to the police often anticipate a requirement to account for their reported actions, and that the themes that emerge from their accounts can be directly mapped onto culturally constructed themes of victim-blaming. In producing (often unsolicited) accounts for their behaviour which function to explain *why* it was appropriate at the time, the women demonstrate an awareness of the cultural norms and expectations surrounding sexual violence, and pre-empt and mitigate potential blame implications as a routine part of their contributions to the on-going talk.

There are myriad implications of these findings. That the same patterns of victim responsibility are manifested in the accounts of these women supports the contention that rape myths are deeply ingrained and hold “common sense” status, forming part of the pool of linguistic resources available for interpreting social phenomena (Potter and Wetherell, 1987), and are thus all the more difficult to overturn. If, as my analyses have shown, women continue to display patterns of self-blame in their own talk, what chance do they stand of challenging such implications at various stages of the investigative and legal process? Rarely were IE’s accounts challenged by IRs, or treated as inappropriate. Rather, they were treated as legitimate and relevant contributions to the on-going talk. This is perhaps to be expected. Investigators have a professional duty to collect high quality evidence with the potential to build a case strong enough to stand a chance of prosecution if appropriate, to withstand the testing of defence counsel, and to convince a jury to convict, all against a cultural backdrop in which victim-blaming remains the norm. While we must continue to challenge and dispel rape myths, it is an unfortunate truth that they remain so pervasive as to render it virtually impossible to pursue a case without defending against them.

References

- Amnesty International UK (2005) Sexual Assault Research Summary Report
http://www.amnesty.org.uk/uploads/documents/doc_16619.doc,
- Anderson, Irina, 1999. Characterological and behaviour blame in conversation about male and female rape. *Journal of Language and Social Psychology* 18 (4), 377–394.
- Anderson, Irina and Doherty, Kathy, 2008. *Accounting for Rape: Psychology, Feminism and Discourse Analysis in the Study of Sexual Violence*. Routledge, London.
- Antaki, Charles, Richardson, Emma, Stokoe, Elizabeth and Willott, Sarah, 2015. “Police interviews with vulnerable people alleging sexual assault: Probing inconsistency and questioning conduct.” *Journal of Sociolinguistics* 19 (3): 328 – 350.
- Atkinson, J. Maxwell and Drew, Paul, 1979. *Order in Court*. Palgrave MacMillan, Basingstoke.
- Austin, John L., 1961. *Philosophical Papers*. Oxford University Press, Oxford.
- Benneworth. Kelly, 2009. Police interviews with suspected paedophiles: a discourse analysis. *Discourse & Society* 20 (5), 555-569.
- Bolden, Galina B. and Robinson, Jeffrey D., 2011. Soliciting accounts with why-interrogatives in conversation. *Journal of Communication* 61, 94-119.
- Burt, Martha R., 1980. Cultural myths and supports for rape. *Journal of Personality and Social Psychology* 38, 217-230.
- Burt, Martha R. and Estep, R., 1981. Who is victim? Definitional problems in sexual victimisation. *Victimology* 6, 15-28.
- Buttny, Richard, 1993. *Social Accountability in Communication*. Sage, London
- Buttny, Richard, 2008. Accounting research. In Donsbach, W. (ed.) *The International Encyclopedia of Communication*. Wiley-Blackwell, Malden, 20-21.
- Edwards, Derek, 2005. Discursive psychology. In: Fitch, K.L. and Sanders, R.E. (Eds) *Handbook of Language and Social Interaction*. Psychology Press,

- Erlbaum, pp. 257-273.
- Edwards, Derek, 2006. Facts, norms and dispositions: practical uses of the modal would in police interrogations. *Discourse Studies* 8 (4), 475-501.
- Edwards, Derek , 2008. Intentionality and mens rea in police interrogations: the production of actions as crimes. *Intercultural Pragmatics* 5 (2), 177-199.
- Edwards, D., & Potter, J., 1992. *Discursive Psychology*. Sage, London.
- Edwards, Derek and Potter, Jonathan, 2001. Discursive psychology. In McHoul, A. and Rapley, M. (Eds) *How to Analyse Talk in Institutional Situations: a Casebook of Methods*. Continuum, London, pp. 12–24.
- Edwards, Katie M., Turchik, Jessica A., Dardis, Christina M., Reynolds, Nicole and Gidycz, Christine A., 2011. Rape myths: history, individual and institutional-level presence, and implications for change. *Sex Roles* 65 (11-12), 761-773.
- Ehrlich, Susan, 2001. *Representing Rape: Language and Sexual Consent*. Routledge, London.
- Ehrlich, Susan, 2007. Legal discourse and the cultural intelligibility of gendered meanings. *Journal of Sociolinguistics* 11 (4), 452–477.
- Gavey, Nicola, 2005. *Just Sex?: The Cultural Scaffolding of Rape*. Routledge, London.
- Gregory, Jeanne, and Lees, Sue, 1999. *Policing Sexual Assault*, Routledge, London.
- Haworth, Kate, 2013. Audience design in the police interview: the interactional and judicial consequences of audience orientation. *Language in Society* 42(1).
- Heritage, John, 2002. The limits of questioning: negative interrogatives and hostile question content. *Journal of Pragmatics* 34: 1427-1446.
- Hester, Marianne, 2013. *From Report to Court: Rape cases and the Criminal Justice System in the North East*. Bristol: University of Bristol in association with the Northern Rock Foundation
- Heydon, Georgina, 2011. *Silence: civil right or social privilege? A discourse*

- analytic response to a social problem. *Journal of Pragmatics* 43, 2308–2316.
- HMCPSP /HMIC, 2007. Without consent: thematic report
inspectors.homeoffice.gov.uk/hmic/inspections/thematic/wc-thematic/them07-wc.pdf , last accessed 8th June 2012.
- Jordan, Jan, 2004. *The Word of a Woman? Police, Rape and Belief*.
Palgrave, Basingstoke.
- Kitzinger, Celia & Frith, Hannah, 1999. Just say no? The use of conversation analysis in developing a feminist perspective on sexual refusal. *Discourse and Society* 10(3), 293–316.
- Komter, Martha, 1994. Accusations and defences in courtroom interaction. *Discourse and Society* 5 (2), 165–187.
- Lea, Susan J., 2007. A discursive investigation into victim responsibility in rape. *Feminism and Psychology* 17 (4), 495-514.
- Lea, Susan and Auburn, Timothy, 2001. The social construction of rape in the talk of a convicted rapist. *Feminism and Psychology* 11(1), 11-33.
- Lees, Sue, 1993. Judicial rape. *Women's Studies International Forum* 16 (1), 11-36.
- Lovett, Jo and Horvath, Miranda A.H., 2009. Alcohol and drugs in rape. In: Horvath M.A.H. and Brown J (Eds) *Rape: Challenging Contemporary Thinking*. Willan Publishing, Cullompton, pp. 125–160.
- MacLeod, Nicci, 2009. "Well did you feel jealous?" Control and ideology in police interviews with rape complainants. *Critical approaches to discourse analysis across disciplines* 3 (1), 46-57.
- MacLeod, Nicci, 2010. Police interviews with women reporting rape: a critical discourse analysis. Unpublished PhD Thesis, Aston University.
- MacLeod, Nicci, 2011. Risks and benefits of selective (re)presentation of interviewees' talk: some insights from discourse analysis. *British Journal of Forensic Practice* 13 (2), 95-102.
- Maier, Shana L., 2008. "I have heard horrible stories": rape victim advocates' perceptions of the revictimization of rape victims by the police and medical

- System. *Violence Against Women* 14 (7), 786–808.
- Matoesian, Gregory M., 1993. *Reproducing Rape: Domination through Talk in the Courtroom*. University of Chicago Press, Chicago.
- Milne, Rebecca, and Bull, Ray, 1999. *Investigative Interviewing: Psychology and Practice*. Wiley, Chichester.
- OCJR: Office for Criminal Justice Reform, 2006. *Convicting rapists and protecting victims – justice for victims of rape*.
<http://www.justice.org.uk/resources.php/226/convicting-rapists-and-protecting-victims-justice-for-victims-of-rape>, last accessed 8th June 2012.
- Opinion Matters, 2010. *Wake Up To Rape Research Summary Report*, prepared for The Havens (Sexual Assault Referral Centres)
http://www.thehavens.co.uk/docs/Havens_Wake_Up_To_Rape_Report_Summary.pdf
- Page, Amy D., 2008. Judging women and defining crime: police officers' attitudes toward women and rape. *Sociological Spectrum* 28 (4), 389–411.
- Pomerantz, Anita, 1984. Agreeing and disagreeing with assessments: some features of preferred/ dispreferred turn shapes. In J. Maxwell Atkinson and J. Heritage (eds), *Structures of Social Action: Studies in Conversation Analysis*. Cambridge: Cambridge University Press, pp. 57-101.
- Potter, Jonathan and Wetherell, Margaret, 1987. *Discourse and Social Psychology: Beyond Attitudes and Behaviour*. Sage, London.
- Ryan, Kathryn M. (2011) The relationship between rape myths and sexual scripts: the social construction of rape. *Sex Roles* 65 (11-12), 774–782.
- Sacks, Harvey, 1992. *Lectures on Conversation, Volumes I and II*. Edited by G. Jefferson. Blackwell, Oxford.
- Savage, Stephen P. and Milne, Becky, 2007. Miscarriages of justice in T. Newburn, T. Williamson and A. Wright (Eds). *Handbook of Criminal Investigation*, Willan, Cullompton, pp. 610–627.
- Schegloff, Emanuel A., 1988. Presequences and indirection: applying speech act theory to ordinary conversation. *Journal of Pragmatics* 12, 55–62.
- Schegloff, Emmanuel, and Lerner, Gene H., 2009. Beginning to respond: well-

- prefaced questions to WH- questions. *Research on Language and Social Interaction* 42 (2), 91-115.
- Scully, Diana and Marolla, Joseph, 1984. Convicted rapists' vocabulary of motive: excuses and justifications. *Social Problems* 31 (5), 530–544.
- Skeggs, Bev, 2005. The making of class and gender through visualizing moral subject formation. *Sociology* 39 (5), 965–982.
- Stokoe, Elizabeth, & Edwards, Derek, 2008. “Did you have permission to smash your neighbour’s door?”: silly questions and their answers in police suspect interrogations *Discourse Studies* 10 (1), 89–111.
- Stevanovic, Melissa, and Peräkylä, Anssi, 2012. Deontic authority in interaction: The right to announce, propose, and decide. *Research on Language & Social Interaction*, 45(3), 297-321
- Stern, Baroness V., 2010. *The Stern Review*
http://www.equalities.gov.uk/PDF/Stern_Review_acc_FINAL.pdf , last accessed 8th June 2012.
- Tannen, Deborah, 1993. *Framing in Discourse*. Oxford University Press, Oxford.
- Watson, Rod, 1978. Categorization, Authorization and Blame-Negotiation in Conversation. *Sociology* 12: 105–113
- Weiss, Karen G., 2009. "Boys will be boys" and other gendered accounts: An exploration of victims' excuses and justifications for unwanted sexual contact and coercion. *Violence Against Women*, 15(7), 810-834
- Wetherell, Margaret, Stiven, Hilda and Potter, Jonathan, 1987. Unequal egalitarianism: a preliminary study of discourses concerning gender and employment opportunities. *British Journal of Social Psychology* 26, 59–71.
- Wood, Linda A. and Rennie, Heather, 1994. Formulating rape: the discursive constructions of victims and villains. *Discourse and Society* 5 (1), 125–148.
- Wowk, Maria, 1984. Blame allocation, sex and gender in a murder interrogation. *Women’s Studies International Forum*, 7(1), 75-82.

Cases

R v Bree [2007] EWCA Crim 256