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# 1

## Rape as Social Activity: an Application of Investigative Linguistics

*Tim Grant and Jessica Woodhams*

### Introduction

Investigative linguistics, that branch of forensic linguistics which assists investigation, has tended to concentrate on authorship analysis of written texts (see Grant and Baker, 2001; McMenemy, 2002), speaker identification (Rose, 2002; Yarney, 2001) and disputes of meaning and use (Shuy, 1993, 1998). The first two of these presume that there are features of linguistic output which are sufficiently invariable across time and situation to allow a degree of person identification. In the case of phonetic analysis this presumption can be supported by the constant physiology of the speaker over time, for authorship attribution work the presumption may be supported by the notion of an idiolect which could in turn rest on psycholinguistic or socio-linguistic theory (Coulthard, 2004). The wider notion of behavioural consistency is similarly explored and exploited in forensic psychology, in particular in the work of crime analysts who attempt to determine whether a collection of apparently unrelated offences can be linked behaviourally, so indicating a common offender (see Bennell and Canter, 2002; Grubin, Kelly and Brunson, 2001; Hazelwood and Warren, 2003). This practice of linking offences into series can be a useful tool in the wider investigative process, providing information to enhance police decision-making and allowing the concentration of police resources into the detection of serious serial offenders. This chapter describes a project which is attempting to improve the use of linguistic information in case linkage work in rape cases.

The aim of this chapter is to set out some of the theoretical assumptions in the current project, namely that rape can be considered as a social activity type which can be usefully analysed into phases with different pragmatic-linguistic patterns. This analysis allows informative contrasts to be made to other related activity types and these are illustrated with reference to one-night stranger sexual encounters. This background discussion leads to a categorisation of the rape utterances in terms of their pragmatic force with subscales measuring more detailed interpersonal variables. Finally

applications of the categorisation system are considered and early results from a number of projects indicated.

## **Data considerations**

A significant constraint in linguistic analysis in this work is the nature of the data. The language of the crime scene is available to the analyst only as a report by the victim (or another witness) and may be significantly degraded both through the normal processes of verbatim memory, which effectively involve the reconstruction and the recall of gist (Reyna and Kiernan, 1994), through the additional factors of stress (Christianson, 1992) and the potential interference effects of less than ideal, or non-expert, interviewing (Sternberg, Lamb, Davies and Westcott, 2001). The reconstruction of rape (and other) conversations from memory must be treated cautiously and detailed lexical and grammatical analysis in particular might be considered suspect. Accepting the reported direct and indirect speech as remembered gist, and analysing this gist as the recognition of the pragmatic force of an utterance is one way forward suggested by the literature (Dale, Davies and Wei, 1997; Kendall, McElroy and Dale, 1999) and is adopted and extended in the present study.

With regard to the data a further point is necessary. The current research was carried out on a database of rape cases held by the Serious Crime Analysis Section (SCAS) of the UK, National Crime and Operations Faculty. The initial categorisation system was based on 188 utterances collected from 16 accounts over a two month period. Since then more than 200 further accounts have been analysed containing many hundreds of utterances. The SCAS database contains information on solved and unsolved rapes all of which is highly sensitive. Because of the ethical issues involved, direct quotation from the witness statements is not always possible. In the course of this chapter where example references to rapists' speech are given, only the most generic examples are used so avoiding possible identification of either victim or offender.

## **The nature of rape**

Rape as legally defined might be seen to include a variety of quite different social interactions. Prior to 2003 in the UK, rape was restricted to non-consensual penetration by the penis of the vagina, with other types of penetrative offence falling into the category of sexual assault. In the UK Sexual Offences Act (2003), rape is defined as non-consensual penetration of the vagina, mouth or anus by the penis. Under this act there is also an offence of 'assault by penetration' which criminalises sexual, non-penile penetration.

Within the literature on rape there are recognised distinctions across a variety of parameters. Considered as a social activity, perhaps the primary distinction to be made concerns any prior relationship with the victim. Typically contrasts are made between stranger attacks and those where there

is some form of prior relationship, and within this latter category further distinctions can be drawn between acquaintance, date and familial attacks (see Dale, Davies and Wei, 1997; Groth, 1979). Whilst often left under-defined and applied intuitively these distinctions prove to be fairly robust in providing a useful taxonomy in research and operational work (Hazelwood and Warren, 2003). Linguistically of course we might expect considerable variation according to the degree and nature of the prior relationship between offender and victim. With rapes involving acquaintances and family the policing challenge is clearly not the identification of the offender and whilst stranger rapes are relatively rarer, comprising 17% of rapes reported in the 2001 British Crime Survey [BCS] (Walby and Allen, 2004), the identification issue is likely to be central and crime analysts are more likely to be involved in assisting the investigation. Full analysis is yet to be produced for the 2005/2006 BCS but figures show an 3% increase in rape of females (Walker, Kershaw and Nicholas, 2006). The current project therefore concentrates on this class of rape as a starting point.

The rape activity itself has been commonly broken down into phases and each of these might in turn be considered a different type of social activity. Holmström and Burgess (1979) make a distinction between the phases as 'opening', 'raping' and 'escape'. Other terms used for the first phase include 'initiation', 'approach' or 'acquisition'; for the second phase, 'offence' or 'maintenance'; and for the third phase, 'closure' (Dale et al., 1997; Davies, 1992). Kendall et al. (1999) notes that there can occur a cyclical pattern in longer offences where after the initial acquisition and offence an 'interval phase' may occur with further offence and interval phases following before final closure. As with the distinctions between stranger and acquaintance rapes, the distinction between phases often remains unclear but the essential structure is useful in capturing different aspects of a rape attack.

Finally within the approach stage there is a further common distinction which can be made. This is the distinction between blitz attacks, con and surprise attacks developed by Burgess and Holmström, 1974; Hazelwood and Warren, 1990; Silverman, Kalich, Bowie and Edbiel, 1988, and is related by Dale et al. (1997) to the foot-in-the-door versus door-in-the-face strategies for achieving compliance (Stahelski and Patch, 1993). Paradigmatically the distinction is that a blitz attack will be sudden and involve violence early in an attack, a surprise attack might be similarly sudden but involve less violence, whereas a con attack might have a more prolonged (and thus linguistic) opening through which the offender lures the victim into a situation in which they are powerless.

### **Analysis of rape as a social activity**

Each of the stages of rape might be considered distinct social activities and thus give rise to distinct patterns of social interaction. For the question of identification, the analysis of these patterns is crucial in determining

whether some specific aspect of a rape conversation is constrained more by the situational factors on the one hand, or, on the other hand, by the individual or idiolectal differences between offenders. Further to this there is interest in how the different stages of rape are realised by the rapists and reported by the victim. It might be hypothesised, for example, that rape stereotypes have little to say about the closure stages of the rape activity and so this might be a revealing stage to study in terms of the rapists' individual variation and in terms of victim variation in recall and description.

In considering analysis of rape as a social or linguistic interaction one objection which could be raised is that rape should not be considered a social activity in the normal sense. It might be argued that it is such a transgressive act, so literally anti-social, that it is not amenable to analysis using social activity models. Answers to such an objection could appeal to both the true prevalence of rape and sexual assault reported in for example BCS and to the power of media representations (see Ehrlich, 2001). The issue of prevalence might be supported by evidence from victimisation surveys such as the BCS which reports that nearly 25% of women had suffered sexual victimisation since the age of 16 whilst nearly 5% had been raped (Walby and Allen, 2004). These figures suggest that non-consenting sexual activity is a social norm of which rape is an extreme extension. In addition to this both the rapists and the victim will have been exposed to fictional and news media representations of sexual assault and this may lead them to interactional expectations. The rapist certainly may bring to the interaction desires and expectations and can be seen as acting to have these expectations fulfilled. One interesting issue in this regard which applies primarily to the victim perspective is that until the victim recognises that the interaction constitutes a rape such expectations may not be elicited. In some cases, particularly of familial or date rape, the power imbalance is reinforced through the fact that the rapist prevents the victim arriving at the realisation until late in the interaction, or sometimes, until long after it has finished.

The practical application of the current project in police intelligence work has driven the initial focus onto the language of the rapist. This obviously cannot be examined in isolation to victim responses in a rape discourse but the intent is to analyse the rapists' language in such a way as to lead to their identification. As will become apparent this applied focus leads to a concentration on the rapists' speech acts but these have to be considered in the wider context of the interaction. Hymes' (1962) theory of speech events and theories of genre (Askehave and Swales, 2001; Swales, 1990) were rejected as useful models of this interaction. Essentially these theories have been found to apply usefully to more formal and social sanctioned situations, such as, classroom or patient–doctor discourse, but less well to more fluid informal situations of purely interpersonal interaction (Thomas, 1995). Instead Dale et al.'s (1997) suggestion that rape might be considered an activity type (Levinson, 1979) was taken and developed. The weakness of more systemic or

genre approaches in this applied context might be considered their strength in other work. However, even if one considers just the specific example of the approach phase of a con rape attack, where there is no prior relationship between the offender and victim, the room for genre variation is enormous. This class of rapes for example might range from bogus callers to bar-room chat-ups. Prostitute rapes, where post-intercourse a client refuses to pay, were excluded from the current study but might also be included in such a classification. Although the psychological expectation is for a degree of behavioural consistency (Shoda, 1999), the aim is to identify a common offender across potentially different situations and so a degree of abstraction to a higher level than genre is necessary. Levinson (1979) provides a framework which has proved to provide a practically useful level of abstraction. Arguing that our language is systematically constrained by the context of the activity type in which we are engaged, Levinson allows for individual variation in the observance and breaking of these constraints and one further advantage of Levinson's approach is it allows for the comparison of related activity types. Within the context of the approach phase in con rape attacks an interesting contrast can be made with stranger, consensual sexual encounters. To provide parallel data to the rape reports, a series of interview studies is currently being undertaken in this area. In these studies women participants have been interviewed about recent, single-night, sexual encounters with men who were previously strangers (one-night stands). Using cognitive interview techniques the conversations are reconstructed and analysed to provide contrasts with the speech data from rape reports. This research is ongoing but we have a small amount of data drawn based around an initial set of interviews (Maddox, 2004) to which more data is currently being added and this allows engagement in some early comparisons.

### **Activity type analysis**

In terms of activity type theory Levinson suggests six headings which drive the analysis. These are the goals of the participants, allowable contributions, Gricean maxims, interpersonal maxims, turn-taking and topic control and the manipulation of pragmatic parameters.

The first of Levinson's categories is the goals of the participants. Thomas (1995) notes that different participants may have diametrically opposed goals and this might be expected to be more the case in the approach to a rape interaction than in a consensual encounter. This is supported to some degree in the rape data where an analyst with the luxury of an external viewpoint on a conversation can discern the goal directed nature of a rapists' speech contrasting with the initially more interpersonal motivation of the prospective victim. Similar patterns can however be discerned in some of the data for consensual encounters. Within this data the man can frequently be observed to adopt an assertive goal directed posture and

with the woman fulfilling a more responsive role and often offering what has been called a ritualised 'token resistance' (Edgar and Fitzpatrick, 1990; Muehlenhard and Hollabaugh, 1988). Thus one woman reported '*I wasn't that interested at first, but he was kind of persistent and grew on me. . . . Eventually I kind of gave in. . . . [Laughs] Enjoyed it though!*' One, potentially surprising finding, was how little difference there was between the 1980s/1990s studies of American college students and the interview data collected from twenty-first century UK students fifteen years later. Muehlenhard and Hollabaugh (1988) warn of potentially negative consequences of this social convention and one analysis of the rapists' behaviour might suggest that the con rapist is deliberately using ritualised, patriarchal social patterns, to disguise their anti-social intent. The commonplace structure of the social activity enables the rapists' con.

One turning point in both interactions is where the female respondent to an approach recognises (or is forced to recognise) the goal of the man. In an offence this is the point which can mark the transition from the acquisition to the offence phase. In those non-sinister encounters where the man was the instigator of the encounter the recognition of his sexual intent by the woman led variously to resistance to the intent, consensual compliance with the intent and the enthusiastic acceptance of the intent. Examples of resistance included direct '*No*' responses and less direct examples such as '*I'm staying with a friend tonight*'. Consensual compliance was indicated sometimes by silence, '*I didn't say anything but I wasn't that keen*', but also by verbal acquiescence, '*I'll not get a taxi*'.

The second of Levinson's categories for describing an activity type is that of allowable contributions. In a rape conversation the allowable contributions of the victim can be seen to be increasingly restricted in the approach phase, resulting in a strong constraint being placed upon the victim as the move is made to the maintenance phase. This can ultimately be seen in the process of scripting where an offender tells the victim what to say; for example, that she is enjoying the experience. Scripting marks the linguistic end point of the assertion of power. In the consensual encounters it might be expected, as with other interpersonal activities, that allowable contributions are not closely constrained. One interesting observation was that an apparently unconstrained, abrupt topic shift was interpreted as a typical move in this activity type and was intended to indicate resistance. This occurred in several of the interviews, for example, one interviewee commented '*I wasn't keen so when he suggested we return to his room I started talking about the football*'.

The third of Levinson's categories refers to how far Gricean maxims are observed or suspended (Grice, 1975). The rapist in initially hiding their goals is clearly not adhering to the maxims of quality (truth) or relation, in general however a successful approach requires that the maxims are generally observed. The breaking of Gricean maxims is likely to lead to

a socially uncomfortable conversation and so less likely to engender trust in the victim. A similar observation can be seen with the interpersonal maxims which form Levinson's fourth category. These maxims refer to qualities such as modesty and politeness. Politeness is particularly well studied in the literature (Brown and Levinson 1978/1987) and perhaps surprisingly can be seen to apply in a large number of rape interactions. As with the Gricean maxims the purpose of the rapist may be to assert a feeling of normality and this requires the maxim's observance. Thus one rape victim recalled '*He was telling me he liked me . . . he kept saying it.*' Where impoliteness does occur through the expression of insults for example, this can mark a necessary explicit assertion of power, and one explanation of this is that where the rapist is secure in his power over his victim, he can afford to be polite. Politeness in rape communication can therefore be seen as having both expressive and instrumental function. In the consensual encounters these maxims appear to be more flexible. Some of the interviews reveal impolite approaches to consensual sexual encounters. Startling examples include the woman who recalled that, '*He said I was a crap kisser. He said he expected me to be better as I clearly put it about.*' Theorists have noted that politeness is related to both power and formality, as well as gender (Mills, 2000), and this seems to be recognised and used, at least in some cultures, in conversations where there is a growing but uncertain intimacy. In these cases a certain degree of occasionally rude and crude 'play insults' and teasing appear to be used to both recognise and achieve greater intimacy.

The fifth of Levinson's categories is turn-taking and topic control and can be seen in relation to the rapist's escalation in his assertion of power, for example in telling the victim to '*shut up*'. The occurrence of scripting has already been noted and this marks complete control of topic and turn-taking. In the consensual encounters topic control moved more freely between the conversationalists and as has been noted abrupt topic change was occasionally used to indicate a degree of resistance.

The last of Levinson's categories is the manipulation of pragmatic parameters. What is meant here is the formality of the situation and the control of social distance between partners in a conversational activity. In rape, as the approach phase moves into the offence phase there is conflict between the sexual intimacy of the rapists' actions and the distance created by the power imbalance and possible violence. This conflict may explain some of the individual variation observed with some rapists attempting normalisation (Holmström and Burgess, 1979) by adopting more intimate forms of address whilst others maintain powerful distance through abuse and insult. Examples of normalisation are represented in the data where offenders use terms of endearment or ask their victims to do the same. In contrast, distancing is used to avoid intimacy recognising that the offender is acting upon the victim without pretence of mutuality. In the

consensual situation the trajectory is towards informality and intimacy and this as has been noted can similarly be facilitated through the use of insults. This paradoxical use of insults contrasting in the rape and consensual situation requires more study but the different experiential meaning of the insult must relate to the security of the interpersonal relationship.

This brief analysis suggests the usefulness in comparing and contrasting activity types using Levinson's schema. More work is being undertaken using consensual encounters which result in sexual activity and contrasting these with encounters where a sexual invitation is successfully turned down and further work to this is being planned on exchanges in Internet chat which may constitute sexual grooming. Within the rape activity, the activity type model is being used to compare and contrast the three rape phases and also types of attack. However, the initial motivation in considering rape as a communicative activity was to provide a theoretical context for categorising the utterances of rapists in case-linkage work. In this aspect the analysis suggests that the language used by the rapist must be constrained by changing linguistic expectations as the attack develops. These constraints will limit the possible linguistic variation in some aspects of the activity and perhaps promote individual variation in other aspects. For example it can be seen that variations in politeness may be more constrained early in the approach phase and more optional in the maintenance phase of an attack. Similarly exhibitions of linguistic power may be unnecessary in a maintenance phase and so be more indicative of the choices of the individual rapist.

### **Categorising rapists' utterances**

For the activity type hypotheses to be tested the categorisation scheme itself requires development and as has been suggested this classification was undertaken at the level of pragmatic force. This decision was based largely on the fragility of the data. Full systemic analysis requires a greater examination of lexis and grammar than is possible with these remembered conversations, whereas the gist which is better remembered, is reasonably interpreted as the pragmatic force. Choosing to code the pragmatic force of the utterances also follows the previous work in the area; Davies (1992), Dale, Davies and Wei (1997) and later Kendall et al. (1999) base their system on a database of the victim statements of about 250 stranger rape offences, situate their coding within this theoretical context and using a data driven approach create up to 23 categories based loosely around the pragmatics driven approach (Table 1.1).

A literature search revealed a number of typologies of speech acts. Allan (1998) usefully discusses the difference in perspective taken by four of the leading attempts to provide a universal taxonomy for speech acts. He notes

Table 1.1: Linguistic strategies

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Directive/Regulatory speech
Threats
Limitation Reassurance/Diminution of Threat
Lying*
Bargaining*
Implied Threats*
Negotiation
Contract
Concessions
Sexual Questions
Non-sexual Questions
Reply to Content of Questions
Reply to Act of Questioning
Replies Which Form Questions
Self-disclosure
Scripting
Announcement
Compliments
Apologies
Excuses
Justifications

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*Source:* taken from Dale, Davies and Wei (1997) and Kendall, McElroy and Dale (1999).

*Note:* Strategies marked by an \* are not present in the Kendall et al. (1999) system.

for example that Austin (1962) and Vendler's (1972) taxonomies are created from lexical distinctions whereas the competing taxonomies of Searle (1969) and Bach and Harnish (1979) both have a greater interest in the speaker's act or attitude. Allan himself prefers to concentrate on the hearer's evaluation or understanding of what was said. As the data in this case is the report of the rapist's speech by the victim, this hearer's perspective seems most appropriate to provide a categorisation system in the current study. Allan's taxonomy was however adapted by borrowing from the alternative taxonomies. This adaptation was largely driven by the intended application rather than theoretical considerations.

Each of the alternative taxonomies Allan (1998) considers suggests five or six related top level speech acts. Allan suggests just four, *statements*, *expressives*, *invitationals* and *authoritatives*.

Allan argues that from a hearer's perspective the distinction made in the other taxonomies between *assertives* and *commissives* is inappropriate. The hearer perceives statements which may differ in content between matters of fact and matters of intention but the pragmatic effect is the same. In the rape

conversation it was felt important to reinstate this distinction. Considering three possible rapist's statements:

- (i) *I'm called John.*
- (ii) *I've got a knife.*
- (iii) *I'm going to kill you.*

The degree of difference in heard commissive force can be seen to be important; *Statement (i)* contains no commissive force, *Statement (ii)* contains a degree of threat and thus has implicit, or indirect, commissive force and in *Statement (iii)* this threat is made explicit. Under the current system *Statement (i)* is coded as containing assertive force, *Statement (ii)* as containing assertive and commissive force and *Statement (iii)* as containing commissive force alone. This approach captures important aspects of this data set for the purpose for which the coding is being used.

The coding of *Statement (ii)* as containing more than one element of pragmatic force is a departure from Dale et al.'s (1997) stipulation that each utterance be coded only once. It seems a reasonable position that when doing things with words we are able to do more than one thing at a time and this is in part supported theoretically by discussions of indirect speech acts (Thomas, 1995). One effect of this approach, however, is that it emphasises the subjective decisions of the coder and raises the necessity that such coding be demonstrated to be reliable.

Allan's (1998) identification of *expressives* is adopted but a further departure from his system is made in consideration of his categories of *invitationals* and *authoritatives*. This distinction is essentially suggested by the power differential evident in an utterance. The traditional distinction Austin (1962) makes between *verdictives* and *exercertives* (interpreted by Searle's (1969) intention based taxonomy as a distinction between *authoritatives* and *directives*) rests on the difference between culturally supported commands and requests and those which, in contrast, rely on lower level interpersonal factors for their force. The classic example of the former is the jury whose verdict directs a defendant to be guilty. Allan suggests that from the hearer's perspective the source of the authority is irrelevant, there are simply authoritative directives and those which are perceived to give more power of choice to the hearer. As rape however is not socially sanctioned to the extent that makes verdictives possible this distinction loses its force. The rapist is unable to utter verdictives and so does not appear in the categorisation system.

Within the remaining directives Vendler (1972) suggests a useful distinction which is carried forward into the current system. This is the distinction between directives which request or demand action and those which request or demand information. This distinction between *directives* and *interrogatives* is again considered to be important to the current context and so is taken forward into the current system.

The final list of speech acts adopted for categorising the rapist's utterances is therefore *assertives*, *commissives*, *expressives*, *directives* and *interrogatives* as shown in Table 1.2.

The second part of the categorisation system involves qualitative measurement of the interaction by the use of a number of subscales. These subscales are drawn from three main theoretical sources; the pragmatics literature (measuring degrees of politeness (Brown and Levinson, 1978, 1987)), the literature on rape typologies (measuring degrees of threat and control (Davies, 1992)) and the clinical literature on offenders (measuring degrees of perceived empathy to the victim (Marshall, Barbaree, and Fernandez, 1995)).

Table 1.2: Classification of the rapist's utterances

- 
1. **Commissives**
    - a. How polite was the offender?
    - b. How much implied control did the victim have?
    - c. How much commitment did the offender make to carry out the action?
    - d. Does the utterance imply a positive or negative outcome for the victim?
  2. **Constatives/assertives**
    - a. How identifying was the information disclosed?
    - b. How threatening was the utterance?
    - c. How intimate was the information stated?
    - d. How much was the utterance intended to build rapport?
    - e. How much was the utterance in response to the victim's speech or behaviour?
  3. **Directives**
    - a. How polite was the offender?
    - b. How threatening was the utterance?
    - c. Does the utterance imply the offender or the victim has more control? (6 point scale)
  4. **Expressives**
    - a. How much does the offender recognise the victim's feelings?
    - b. How much reference was made to the victim?
    - c. How much responsibility did the offender appear to take?
    - d. How far was the attitude expressed positive or negative?
    - e. How specific was the utterance?
  5. **Interrogatives**
    - a. How polite was the offender?
    - b. How much practical relevance did the query have for the offender?
    - c. How much emotional relevance did the query have for the offender?
    - d. How much was the utterance intended to build rapport?
    - e. How specific was the utterance?
    - f. How much was the utterance in response to the victim?
    - g. How intimate was the information sought?
- 

Note: All subscales were measured on a 7 point scale unless otherwise indicated.

The reliability of the system was tested in two linked studies (reported in Woodhams and Grant, 2006). First the coding of speech acts was tested through the coding of 188 separate utterances collected, with a little context, from 16 statements. These utterances were coded and reliability scores were calculated. Speech acts were coded with a 78% agreement and these scores compared favourably with a similar exercise carried out on Dale et al.'s (1997) coding system which was used with 73% agreement. Qualitatively the top level coding was reported as being relatively straightforward with the most difficult decisions surrounding issues of whether a secondary or even tertiary coding was appropriate.

Subsequent to this testing a pool of potential subscales was devised and tested for reliability and discrimination. For this testing a pool of ten examples of each of assertives, commissives, directives, expressives and interrogatives were created. The subscales were then tested, rejected and amended until reliability levels of at least 70% could be reported for all subscales. The final result is as reported in Table 1.2. This testing has proved an important step in the preparation of the coding system and has led to considerable confidence in its further extension and use.

## **Applications of the method**

The application of the categorisation system and the analysis on which it is based is ongoing but has already given up some interesting results. The first truly applied project has been a comparison of rape statements which have been withdrawn-as-false with a set of statements which continue to be maintained-as-true (Woodhams and Grant, 2004). This study shows differences between the types of reports at the level of the activity type, the speech act and the subscale. For example, analysis of the overall activity show that the withdrawn-as-false allegations contained significantly less closure stage conversation and where such conversations did occur they showed proportionally fewer assertives and directives than expected when compared with maintained-as-true accounts. Amongst other findings of difference the qualitative subscales revealed that utterances in the maintained-as-true statements were less polite, more specific and more threatening. There are numerous possible interpretations of these findings but they do provide some empirical evidence which it is hoped might be used in court to counter defence assertions that an allegation was fabricated.

The main purpose of the categorisation system is to improve case linkage and a further study is underway to explore whether there is sufficient linguistic consistency to support this. This study requires the development of the coding of the victims' side of the conversation. This coding may not need to be to the same level of detail as for the coding of the rapist's utterance as the issue is not the identification of the victim but rather the effect the victims' utterances have on the offenders. One possibility drawn

from the psychological consideration of victims is to use a small number of codes such as 'compliant' and 'resistant' for victim utterances which may then allow conditional statements to be made about the rapist. In personality psychology recent work has concentrated on developing conditional statements such as *in situation X this person is likely to respond by doing Y* (Shoda, 1999). Applying this to the rape conversation one might say that a particular rapist is consistent when confronted by a particular type of victim response.

Finally there are a set of possible avenues of exploration which might contribute to the investigative process but which are less related to case-linkage work. For example Kendall et al. (1999) looks for demographic correlates with different linguistic strategies and this could be done with the current system. Also the analysis of rape as a communicative activity gives rise to hypotheses, the testing of which may have investigative uses. For example, analysis of a very small data set suggests that rapists vary more in their degree of politeness in the maintenance phase of an attack than in the approach phase ( $t_{(7)} = 2.49$ ;  $p = 0.041$ ). If this were to be confirmed by further study it might suggest that this would be an area of greater individual variation between rapists.

## Conclusions

In conclusion, what has been achieved by this project so far is a reliable system for categorising rapists' utterances. The situation of the categorisation system in speech act theory has contributed to its success in being able to classify data which at first sight might be considered so poor as to resist linguistic analysis. The application of this system to a variety of research projects is underway. Findings so far strongly suggest that the categorisation system can be a useful forensic tool for the crime analyst; the most important test of its usefulness in this context will be in the forthcoming consistency and case-linkage study. Investigative linguistics has rarely been promoted as a useful tool to the police and other investigators and where this has occurred it has been limited to a small number of fields mostly associated with authorship analysis. The development of the current system has shown that practical results derived from rigorous research can be a persuasive argument in interesting investigators in what linguists may have to offer. Irrespective, however, of whether the system can be demonstrated to be practically useful, advances in understanding have been made through consideration of rape as a communicative interaction. The theoretical analyses presented in this chapter have not only helped derive a reliable and complete system for the classification of rapists' utterances, but have also shed light on the nature of rape and its context within the wider society and this analysis suggests that certain types of rape can be enabled by stereotypical roles adopted in consensual sexual social activity.

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