11 Sexual transgressing

Situational and narrative perspectives

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Introduction

In this chapter, we investigate accounts of sexual transgressions provided by the individuals who committed them. Following the proposition of Bernasco (2011), this chapter posits that talking to individuals involved in transgressive behaviours ‘is vital to knowing and understanding’ the transgressions in question (p. 3). In this chapter, we use qualitative interviews with individuals who, in their own words, committed a sexual transgression but were not reported to the police. We use the term ‘sexual transgression’ rather than ‘rape’ or ‘sexual offence’ in this chapter because the participants in our study were not reported nor convicted for their actions.

In sociology and related disciplines, sexual transgressions have long been the subject of inquiry (Cahill, 2001). In a Danish context, research has investigated the situational characteristics of sexual transgressions and the personal characteristics of the individuals reported to the police for committing them (Balvig et al., 2009; Heinskou, 2010, 2015; Laursen et al., 2009). Additionally, large-scale victimisation surveys have provided information on the prevalence and characteristics of sexual transgressions not reported to the police (Deen et al., 2018; Heinskou et al., 2017; Helweg-Larsen, 2012; Pedersen et al., 2017). Whilst there is nothing new in interviewing individuals involved in transgressive behaviours, the field of research on sexual transgressions is characterised by a lack of knowledge on the situational characteristics of these transgressions and the explanations provided for them by the individuals committing them. Specifically, this is the case amongst the understudied population of individuals who have committed sexual transgressions but who were not reported to the police.

Historically and contemporarily, qualitative interviews with individuals committing transgressions of varying kinds have been used commonly within both sociological and criminological research (Bernasco, 2011; Copes & Hochstetler, 2011; Katz, 1988; Presser, 2004, 2008, 2009; Presser & Sandberg, 2015; Tonry, 2011). Consequently, the epistemological status of accounts of transgressions amongst the people committing them has been the subject of considerable scientific debate (Bernasco, 2011; Copes & Hochstetler, 2011;

Elffers, 2011; Maruna & Copes, 2005; Presser & Sandberg, 2015). In these research contributions, it has been argued that although we cannot render the accounts of transgressions amongst the people committing them ‘truths’, they arguably represent ‘unmistakable sources of evidence’ (Presser & Sandberg, 2015, p. ix).

In the literature, the descriptions of the circumstances in accounts of sexual transgressions have been argued to serve as *stigma management tools* (Farmer et al., 2016) and it has been argued that engaging with the individuals whose actions we consider *transgressive* risk mitigating the possibilities for condemning such actions (Baumeister, 2012). In this chapter, we acknowledge that the accounts and explanations for sexual transgressions provided by the individuals committing them constitute specific self-conceptions. In this respect, we render such accounts *biased* and consequently emphasise that our analysis concerns the situational characteristics of sexual transgressions *from the perspectives of the individuals committing them*. We also contend, however, that the accounts of the situations in which the sexual transgressions were committed hold unique possibilities for contributing with knowledge on the experiential properties of sexual transgressions from an overlooked perspective.

We investigate the accounts of sexual transgressions provided by three young men who, in their own words, committed sexual transgressions but who were not reported to the police. Because of the risk of disclosure and fear of stigmatisation, the participants can be understood as a *hard-to-reach population* (Bonevski et al., 2014; Ireland & Craig, 2015). The participants were recruited in the wake of a national sexual victimisation survey carried out in 2017 (Heinskou et al., 2017). Through extensive news media and social media coverage of the findings from the victimisation survey, we asked for stories of committing sexual transgressions (Heinskou, 2017). Only three individuals responded, underlining the difficulties in recruiting participants for research projects that inquire into the topic of sexual transgressions. We conducted semi-structured qualitative research interviews ranging from one and a half to two hours’ duration in Danish university campus settings. All interviews were conducted, transcribed and anonymised in Danish. The excerpts presented in this chapter were translated into English. We began all interviews with a careful explanation of the aim of the research and that the intention of the inquiry was not to deem the participants or their actions *right* or *wrong*, *good* or *bad*, but to nuance the prevailing understanding of sexual transgressions. Given the sensitive nature of the topic, as well as the therapeutic resemblances of the qualitative interview, we asked questions and followed up on themes brought forward by the participants in order to not leave the participants more exposed or vulnerable than they were before the interviews. The interviews covered the following topics: general information of the participants (such as their age and nationality), the situation in which the transgression was committed, the aftermath of the sexual transgression, perspectives on the present and future, reflections on potential formal and informal punishment and reflections on Danish

sexual culture. The interviews were conducted as semi-structured qualitative research interviews, and the participants were not interrupted if they did not reflect upon the topics in the intended sequential order. We ended all interviews by asking the participants for potential additional topics or reflections they wished to discuss.

In this chapter, we view the participants' accounts of their transgressions in a situational perspective and identify and discuss the situational characteristics of the three transgressions described. In this investigation, we identify two core characteristics upon which the participants placed emphasis: alcohol intoxication and misunderstanding signals of consent and the absence of consent. Hereafter, drawing on the narrative tradition within qualitative research, we view the accounts of the situations as epistemological resources of social significance because they combine perspectives the past, present and future (Bengtsson & Andersen, 2017; Riessman, 2008, 2017). We combine this view with the widely used concepts for analysing explanations for transgressive behaviours from Sykes and Matza's (1957) *Techniques of neutralization*, Scott and Lyman's (1968) *Accounts* and Scully and Marolla's (1984) *Vocabulary of motive*. In doing so, we aim to understand the relationship between the situational characteristics, the explanations these characteristics make possible and the possibilities in these explanations for constituting specific self-conceptions amongst the participants. In the following, we begin by looking at the three accounts of sexual transgressions.

Three accounts of sexual transgressions

David's transgression

David is a man in his mid-20s who, a couple of years before the interview, had, in his own words, attempted to rape his female friend during a sleepover after a private party whilst he was under the influence of alcohol. In the interview, David described the situation as follows:

DAVID: 'Well, (...) I just had a lot of alcohol, and I had trouble distinguishing black from white, I mean – and I sensed that the other guest, she was – she was interested in me from the moment she arrived. She asked a lot about me. We talked and we talked – I don't remember what we talked about to be honest. But at some point, we all fell asleep, and I'm on the futon with her and we have sex and I just think – I mean – we were so drunk – the thing about contraception – we didn't think about that and ... – I think she was a bit like, 'Are you sure you can manage?' And I was just like, 'Yeah, yeah, let's just do it'. But I couldn't keep an erection. It wasn't – it wasn't possible, I think. But I think we had sex. And then she left to smoke a cigarette at four in the morning, and I woke up and she was just sort of gone, and then she had apparently locked herself out of the apartment and didn't want to wake up the rest of us by ringing the door bell, so. Luckily

for her, she was dressed and could just go home. But I guess I felt a bit anxious about the fact that suddenly she was gone because I just wanted to – to have more sex or something erotic, so – then, I just see my friend who is lying naked on the floor and (...) It was quite weird because I didn't feel drunk. It was like I had a clear vision in that exact moment when I stood there in the morning and – – but it was a phase of transition, I guess. When it burns – and when the alcohol begins to set in because I couldn't remember it when I woke up again after I had slept the second time. It is like – I don't know whether you can call it an alcohol psychosis or something like delirium, which I have read about. It just felt unreal ... You feel clear headed, but you're not at all. Your blood alcohol level is 3 point something'

(...)

INTERVIEWER: 'Yes'.

DAVID: 'When it went wrong. But then I just saw her lying there naked on a mattress on the floor next to her boyfriend and just thought, "Okay, if the other one has left, I'll have sex with this one. We've had sex before". Not that it justifies anything'.

INTERVIEWER: 'No, but it was that logic?'

DAVID: 'It was that vulgar logic one has'.

INTERVIEWER: 'Okay'.

DAVID: 'And then I lay down beside her and sort of tried to put my penis inside her, but it didn't really work because I was so drunk – so [I] sort of gave up, I think'.

David committed his transgression in his own apartment after a private party. Considering the locality of the incident, David's transgression resembles that of the most frequently occurring type of sexual transgression involving successful or attempted forced intercourse (Heinskou et al., 2017). In Denmark, most sexual transgressions are committed at private residences and happen during night time after a private party. Moreover, the majority of sexual transgressions occur between people who know each other prior to the transgression (Heinskou et al., 2017). Considering this, we can understand David's account of the transgression as a typical example of situations of sexual transgressions according to its spatial, circumstantial and relational characteristics. However, most sexual transgressions involve verbal interaction prior to the transgression between the individual committing the transgression and the individual against whom the transgression is committed (Balvig et al., 2009; Heinskou et al., 2017). David's account, however, involves no verbal contact with the woman against whom he committed his transgression, and, consequently, his account is devoid of descriptions of potential signals of consent. Besides the spatial and circumstantial characteristics, we also see how notions of emotional factors are present in David's account of the situation, as well as how alcohol intoxication is

emphasised in his account. After presenting the accounts of the two other participants, we discuss how alcohol as a situational factor simultaneously shapes the possibilities for mitigating concepts of *responsibility* and *identity* in David's explanation of his transgression. Next, we turn to the accounts of the situations in which the two other participants, Jasper and William, committed their transgressions.

Jasper's transgression

The second participant, Jasper, is a man in his mid-20s who, in his own words, sexually transgressed against a man he had met on an online dating platform. Jasper and the man had agreed to meet in a meeting room at a public library and had exchanged messages prior to the physical encounter. The two men had discussed Jasper performing oral sex on the man, but when they entered the room in which they had agreed to meet, the man voiced concerns about the circumstances of the encounter. Jasper and the man began kissing, but then the man again hesitated. In the interview, Jasper described that the man was 'uneasy':

INTERVIEWER: 'And he verbalises concerns about the place and being discovered?'

JASPER: 'Yes, at this point. That's what he says. "What if –", and then I say like, "Nothing will happen. For sure nothing will happen. There is time enough to –" – and then ... then I begin opening his pants – I mean – and begin to – I mean – begin giving him a blowjob where – I mean – it goes ... it goes very fast from that – I mean – I mean, he comes very fast ... so the duration of the blowjob might be a minute or something like that. It goes very fast'.

INTERVIEWER: 'Okay'.

JASPER: 'But to begin with, he sort of ... he moans – and again – that doesn't mean he thinks – but he – then that's what he says – still quite uneasy – er –, and then ... and then at some point, [he] begins saying like, "No, stop"'.

INTERVIEWER: 'Before he comes?'

JASPER: 'Before he comes. During that minute. Then, there's like 30 seconds or twenty seconds where he like – I mean – where he's in my mouth and where he moans and is uneasy but the last 30 seconds, he says, "No, stop" – and tries to push me away'.

INTERVIEWER: 'Pushes you away? Physically?'

JASPER: 'Yes, he pushes my shoulders – er – I mean –'

INTERVIEWER: 'Do you look at him?'

JASPER: 'Yes, I look at him, but I continue'.

INTERVIEWER: 'Do you remember what you see? Is he looking at you too?'

JASPER: 'I think he looks away actually. Err – and – and says that thing – definitely says "stop" – multiple times and also says "no" and like – pushes my shoulders – but then he comes – the way I remember it – very fast after that – and then – then I get up fast and – I mean – and yes – I think ... at

that time, I was super horny so I might have seen things differently. So, I don't think, I think so much about it – don't think a lot about it. Not until afterwards. And probably not until he's gone. So yes, he said no. I think I closed his pants'.

INTERVIEWER: 'Yes'.

JASPER: 'And then ... he says ... that thing. I mean, I think – I don't remember it so clearly. I think it was like – yes what does he say? I think maybe – I thought a lot about that thing ... that he says "stop" and "no", so I remember that clearly'.

INTERVIEWER: 'Do you remember what it feels like when he said that?'

JASPER: 'At that time, I've been ... horny and very "at it"'.
 INTERVIEWER: 'Yes'.

JASPER: 'So, to be honest, I'm quite sure that I didn't think – I'm pretty sure that I didn't think so much about ... about it. Because then I wouldn't have ... fought against it, when he fought against it'.

INTERVIEWER: 'Yes'.

JASPER: 'But then I stand up, and he avoids my gaze and sort of looks ... in other directions and says "okay" and that he needs to leave; I think that's what he says'.

Jasper's account of the situation involves a semi-public locality in the form of a meeting room at a public library during daytime. It involves two men. In this sense, Jasper's account contrasts the common perception of sexual transgressions as a phenomenon occurring between men and women (Heinskou et al., 2017; Laursen et al., 2009). Moreover, Jasper had contacted the man on an online platform, which means that the two were neither strangers nor well acquainted in a traditional sense. On the one hand, the two men had not met prior to the transgression, considering which we can understand the man as a stranger to Jasper prior to their encounter. On the other hand, the two men had exchanged messages prior to the encounter through an online dating platform. In this sense, the relational distance between Jasper and the man is best characterised using the definition of relational distance found in the term *contact rape*, which is commonly used to denote scenarios in which interaction takes place prior to the rape or, as in the present case, prior to the sexual transgression (Heinskou et al., 2017). Later in this chapter, we investigate how the interactions precluding the transgression shape the possibilities for explaining what happened and for constituting specific self-conceptions. Below, we turn to the account provided by William, who similarly described both verbal and physical interactions prior to his transgression.

William's transgression

The third participant, William, is a man in his early 30s who, in his own words, transgressed against a woman he met at a private party six years before the interview. In the interview, William described the situation as follows:

WILLIAM: 'I mean, we had – you know – we hung out all night, and then at some point, I think we're in the kitchen and we kiss – err – it's a bit difficult to remember my exact moves – it's a bit difficult to recall. But I recall that suddenly, it's 2 AM, and at some point, the party dies out. Err – and my friend lived in a relatively large house, so there was space for us to sleep in a guest room. And we do that – her and I, and I – err – there was a single bed, and – you know, like – totally polite I say, "Hey, wouldn't you like to sleep in the bed, then I'll sleep on the floor?" And it stays like that for – like – five or ten minutes, right? – while we're talking – and then, "Ah, okay, I could also get up on the bed, right?". And then we're there making out'.

INTERVIEWER: 'And that's okay with her?'

WILLIAM: 'And, that's totally okay – and err – you know – then we begin touching each other a bit, and I remember that as being quite mutual, as well. And then at some point, I think, "Yes, then we're good to go. Let's take each other's clothes off". Err, and at that point, I believe I can feel that she begins pulling out and says, "Ah, okay. Maybe we should slow – slow down" – I don't remember which words she used'.

INTERVIEWER: 'But she says something?'

WILLIAM: 'Yes, or she's like (William makes a sound indicating hesitation). Maybe not with those – with those exact'

INTERVIEWER: 'Can you see each other?'

WILLIAM: 'It's pretty dark ... And I can't recall the words or gesticulations she uses, but it's not that I think that "Ah, she's not into this". I actually think that she's in on it, and that's my impression the whole way through it – err – and we have sex, and afterwards, I think "Okay, she was" – "it was sex", but it wasn't that I thought "Wow, that was great", or that it was nice. There was something wrong, and I think I had trouble understanding it in the situation – what it was – and then when we woke up the day after, the atmosphere was "sort of gloomy". And I think at that point, I'm probably still – unable to understand why the atmosphere is gloomy. Because I thought, "Hey, that was just a fun night" – err – and it actually – doesn't take many days before I talk to my friend who threw the party – where he – err – confronts me and says, "What have you done? Because I hear that that girl – that she wasn't that happy about what happened"'.

William's account of his transgression resembles the accounts provided by both David and Jasper. As in David's account of his transgression, the spatial and circumstantial characteristics in William's account resemble the most frequently identified form of sexual transgression: one that takes place at a private residence after a private party and the person committing the transgression and the person against whom the transgression was committed being acquainted prior to the transgression (Heinskou et al., 2017). William also described that his transgression took place in a post-party context and noted that he was under

the influence of alcohol. Contrary to David's account and similar to Jasper's, William's account involved descriptions of interactions between him and the woman against whom he committed his transgression. Subsequently, we further investigate these characteristics.

Sexual transgressions and alcohol intoxication

While criminological research has traditionally used rational choice-based models of decision-making in understanding sexually transgressive behaviour (Abbey et al., 1996; Balemba & Beauregard, 2012; Beauregard et al., 2005; Wilson et al., 2002), the accounts of both David and William pose challenges to models founded on such assumptions. Newer criminological perspectives have argued that these challenges implicitly downplay the seductive nature of transgressions (Ferrell, 1997, 2004; Hayward, 2007, 2012; Katz, 1988), but the challenge to this assumption appears different in the present case. Both the accounts of David and William involved descriptions of alcohol intoxication, a characteristic which research has linked to sexually coercive behaviour (Demant & Heinskou, 2011). Looking at David's account, we see that he said, 'Okay, if the other one has left, I'll have sex with this one. We've had sex before', to describe how he makes the decision to commit his transgression, which he describes as his 'vulgar logic'. In this sense, David described a decision-making process, but the persistent references to the influence of alcohol intoxication in his description introduced alcohol as the *back-drop* of this decision. This inference resembles the finding that an individual's propensity to use sexually coercive tactics and both verbal and physical means of force increases with the consumption of alcohol (Abbey & Harnish, 1995). From William's account, however, such an inference resting on the assumption of conscious decision-making appears troublesome. William committed his transgression in the aftermath of a private party, but contrary to David, William described thinking that 'she's in on it, and that's my impression the whole way through it' and that it was not until the next day that he realised 'the atmosphere' was 'sort of gloomy'. This reasoning poses challenges to an understanding of alcohol intoxication facilitating *decisions* to use coercive tactics. Instead, it allows for an understanding of alcohol intoxication as the reason for difficulties in *perceiving* and *responding* to signals of consent and the absence of consent. As such, David's and William's transgressions thematise the role of alcohol as a situational characteristic of sexual transgressions in two distinct manners. In the following interviews with both David and William, drawing on perspectives from narrative criminology (Presser & Sandberg, 2015) and vocabularies for analysing explanations for transgressive behaviours (Scott & Lyman, 1968; Scully & Marolla, 1984; Sykes & Matza, 1957), we investigate alcohol as an explanation for the sexual transgressions as they occurred. In the interview, William described:

WILLIAM: "I think that ... firstly, I don't think it would have happened if I hadn't been drunk. But that's also – you know ... I was pretty shy at that time – err – so for me, at that time, I think that maybe – also the thing about

when alcohol was introduced, it was easier to talk to – er – the girls in the group, right? Err – but then, at the same time, more difficult to understand ‘Hey, if I like you, then why don’t you like me?’”

William’s descriptions resemble the finding that alcohol intoxication has been found to hamper an individual’s ability to perceive and respond to signals of consent and non-consent (Steele & Josephs, 1990). William’s statement contains the underlying assumption that *sober-me would not have committed the transgression*. Through this, William described a change of self in which his *intoxicated self* was contrasted to his *normal self*. However, in the interview, William mitigated his initial absolute statement:

WILLIAM: ‘I won’t use alcohol as an excuse, but – it might be an enabler in some ways, and for me, it was a lot about that thing that ... the conversation just flows easier when you’re drunk, right? But – but it wasn’t – I mean – in that way, I don’t think it would’ve happened, if we hadn’t been drunk that day, but – but that doesn’t mean it’s the alcohol’s fault’.

Thus, we see how William appeared conflicted over the degree of explanatory power that could be attributed to his alcohol intoxication. In this way, the explanation resembles the *chaotic* explanations found within the narrative analytical perspective (Bengtsson & Andersen, 2017) in which the events and factors are linked in a non-consistent manner. In sum, we see how alcohol as an explanation in the case of William enabled social interaction: ‘the conversation just flows easier when you’re drunk, right?’ and that, to William, it ‘doesn’t mean it’s the alcohol’s fault’. William’s description can be understood as a reference to what research has termed the *social grey zone*,¹ which arises when young people engage in alcohol consumption and sexual interactions (Demant & Heinskou, 2011). As evident from above, the influence of alcohol was persistently noted by David in his account of the situation in which he committed his transgression. However, as we shall see, David also appeared conflicted over the influence of alcohol. Describing the situation as ‘unreal’, David placed heavy emphasis on the distorting qualities of his intoxication. He emphasised this by using vocabulary derived from established conceptions of intense alcohol intoxication. Through the description of a ‘phase of transition’ and ‘when it burns – and when the alcohol begins to set in’, David established the impact of alcohol, referring to its physiological qualities. In doing so, he drew on medicalised language, such as having an ‘alcohol psychosis’ and the description ‘delirium’. David’s explanation resembles findings from research amongst criminal sex offenders using medicalised language as a means to understand their own actions and, consequently, themselves (Rickard, 2015). In the interview, David described the following:

DAVID: ‘That was sort of the first time I realised that I had rape-like behaviour when I was very drunk. Because – because it sort of took away my – my

guard and my filter. I mean, then it became something like – almost like almost survival. Then you just act instinctively’.

While David previously described alcohol as changing his perception of the situation, David here described a change of ‘self’. David’s description of acting ‘instinctively’ and in: of ‘survival’ alluded to an understanding of alcohol as causing the surfacing of his *degenerated* self. Though David formulated this change as a negative change, it simultaneously allowed for a sharp distinction between David’s *normal self* and his *intoxicated self*.

In sum, David and William both placed emphasis on the influence of alcohol in explaining their sexual transgressions. In the case of David, alcohol was introduced as a material, yet intra-individual driver causing both distortions of the situation and himself, the backdrop of his decision to transgress. William similarly placed emphasis on his intoxication and conceptualised the influence of alcohol as causing difficulties in understanding potential signals of absence of consent. From a situational outlook, the participants’ persistence in describing changes in the self or in the ability to perceive and respond to signals of consent and the absence of consent emphasises alcohol as a situational factor that can viably illuminate the complexities in sexual transgressing and the difficulties in viewing them as results of cool-headed, rational decision-making.

According to Sykes and Matza (1957), individuals who transgress the moral boundaries of society feel guilt and shame for their actions (Sykes & Matza, 1957). As such, this theory posits that moral transgressors are conscious of the *wrongfulness* of their actions and defend these in accordance with the norms of the majority, as has been extensively argued in the criminological literature (Copes & Hochstetler, 2011; Farmer et al., 2016; Maruna & Copes, 2005; Maruna & Mann, 2006). Here, the main assertion is that by explaining transgressive behaviours through *Techniques of neutralisation*, the individual does not challenge the conventional values of society. Instead, the excuse functions as a simultaneous affirmation of such values and a protection of the individual’s self-conception (Sykes & Matza, 1957). Following this, we view the explanations provided by the participants not only as descriptions of their perspectives on what happened but also as meaning-making tools of both their transgressions and themselves.

In the vocabulary of Scott and Lyman (1968), justifications are distinguished from excuses: ‘Justifications are accounts in which one accepts responsibility for the act in question, but denies the pejorative quality associated with it’ (Scott & Lyman, 1968, p. 47) and ‘Excuses are accounts in which one admits that the act in question is bad, wrong, or inappropriate but denies full responsibility’ (Scott & Lyman, 1968, p. 47). In this perspective, we can understand the accounts of alcohol intoxication as explanations for the sexual transgressions through which the participants do not challenge the wrongfulness of the transgressions, yet, at least partly, omit themselves from responsibility. Consequently, the explanations function as *excuses* rather than *justifications* (Scott & Lyman, 1968; Scully & Marolla, 1984; Sykes & Matza, 1957). In this sense, they

function as tools for separating the act from the individual. The participants therefore implicitly morally condemn their actions, yet maintain a sense of self that is within the moral boundaries of society.

Considering alcohol intoxication as an explanation for the sexual transgressions, the ideal typical excuse identified by Scott and Lyman (1968) within their vocabulary of *Accounts*, *appeal to defeasibility* can assist our understanding; in this concept, an individual describes not being fully informed or that his/her 'will' was not completely 'free' (Scott & Lyman, 1968, p. 48). William described the influence of alcohol as making it 'difficult to understand', and David referred to 'instincts' and 'survival'. The explanation can therefore be argued to implicitly challenge the question of *free will*, as posited by Scott and Lyman (1968). As such, responsibility is, if not denied, then mitigated (Sykes & Matza, 1957).

The descriptions of alcohol intoxication also resemble that by Scully and Marolla (1984), who developed ideal typical excuses for criminal sex offending. According to these authors, *the use of alcohol and drugs* is defined as an explanation for sexual transgressions caused by intoxication, which 'brought out what was already there' and that things 'rose to the surface' (Scully & Marolla, 1984, p. 538). Recognising the cultural context of the explanation (Phoenix, 2016) and its formulation in accordance with *implicit maxims* (Scott & Lyman, 1968, p. 53), we can understand the explanation as one in which alcohol is introduced as a culturally recognised explanation for changes in behaviour (Scott & Lyman, 1968). The emphasis on alcohol intoxication therefore offers possibilities for the participants to provide accounts that partly contest their responsibility for the transgressions. Through this, we see how the accounts of circumstantial factors function as means through which specific self-conceptions can be constituted amongst individuals who have committed sexual transgressions.

Through a close reading of the experiential properties of the situations in which the sexual transgressions were committed, we see how the descriptions of the influence of alcohol intoxication pose challenges to rational choice-based models of sexually transgressive decision-making. In this sense, the accounts illuminate the complexities in scientific investigations of sexual transgressions and the need to develop new theoretical and analytical models that can account for the ambiguities, complexities and latencies associated with the phenomenon. Simultaneously, we see how such explanations can assist our understanding of how individuals who have committed sexual transgressions view the relationship between *what they did* and *who they are*. Subsequently, we look at how the participants described misunderstandings and introduced them as explanations for their transgressions.

Sexual transgressions as *misunderstandings*

Both Jasper and William described the situations in which they committed their transgressions as characterised by difficulties in understanding the signals sent by the individuals against whom they committed their transgressions. They both

described that they did not realise until afterwards that what had happened had not been consensual. As we see below, the participants explained these misunderstandings through references to previous sexual experiences and commonplace depictions of what constitutes stereotypic male sexuality, as well as what constitutes a sexual transgression. In the interview, William described:

WILLIAM: 'I actually think that it wasn't until the next day that I realised that there was – there had been something where she had said or done something where I probably had – yes – basically ignored it'.

William described noticing hesitations from the woman against whom he committed a transgression, but he also stated that he thought she was 'in on it'. William described experiencing the intimate interaction as 'quite mutual', yet the next day, he sensed that 'the atmosphere was sort of gloomy'. In the literature, verbal and physical interactions are argued to cause *grey zones* because they blur the demarcation of consensual and non-consensual interactions and the transition between them (Hanser, 2016; Heinskou et al., 2017; Stefansen & Smette, 2006). In a Danish context, research has demonstrated how young people hold strict definitions of what constitutes a *proper* rejection (Johansen, 2016). Considering this, we can view the convergence of William's description of the sound indicating potential hesitation from the woman against whom he committed his transgression and the existence of cultural standards for proper rejections as cultivating the possibility for his misunderstanding. However, it should be noted that such difficulties and *grey zones* have also been argued to be amongst the *rape myths* that make up the commonplace depictions of both non-reported sexual transgressions and criminal sex offending (Ryan, 2011). Similarly, Jasper explained his misunderstanding through descriptions of the difficulty in perceiving and responding to potential signals of the absence of consent. Jasper explained the occurrence of his misunderstanding through references to the resemblances between the situation and his previous (consensual) sexual experiences:

JASPER: 'So, I probably project my – I mean when I am in this kind of situation, I also think about what might happen ... but that's the part of it that creates a bit of excitement which ... I think is super titillating in all sorts of ways. Er – and then I think that I can recognise what situation he finds himself in. But I never know – I cannot know. So, I think that's how I interpret his – I mean – uneasiness'.

In explaining his transgression, Jasper described thinking that he could recognise consent because he was accustomed to similar experiences with casual sexual encounters in semi-public settings. In this manner, Jasper explained the misunderstanding as caused by projections of his own experiences, distorting his ability to perceive the man's hesitation as a signal of the absence of consent. In the interview, Jasper elaborated:

JASPER: 'I think that the image I have, and most people have, of rape is that it is – you know – the sort of – that it sort of is the extrovert masculine sexuality that is related to rape. I mean – and that it's easier to relate that to a sexual transgression which is like – which is ... related to violence. Because you sort of think that the extrovert masculine – you know – masculine sexuality is typically stronger. In all the porn movies of male homosexuals, the male has the lead role and is generally taller and broader and so on – so in that way, it mirrors the male–female relationship where you're also used to think that is ... the male role that's the one that can primarily rape'.

In the above, Jasper described how he perceives the 'male role that's the one that can primarily rape'. In the literature, such culturally derived perceptions of masculine sexuality have been argued to contribute to the persistent rape myths that surround commonplace depictions of sexual transgressions (Edwards et al., 2014; Hanser, 2016; Ryan, 2011; Stefansen & Smette, 2006). Considering this, we can view Jasper's explanation of his misunderstanding leading to his transgression as a thematisation of the close relationship between cultural images and the possibilities for making sense of oneself and one's actions. The literature has established how cultural images of rape scenarios bear implications for the ability to define sexual transgressions amongst victims (Edwards et al., 2014; Stefansen & Smette, 2006). Jasper's description suggests that this might also be the case in understanding one's own behaviours as transgressive. Moreover, we can understand Jasper's explanation as one that thematises the widely disputed relationship between the cultural images offered in the porn industry and sexually transgressive behaviour. However, while research has conceptualised this relationship as one in which exposure to pornographic images increases *rape proclivity* (Cahill, 2001; Wright et al., 2016), the influence of pornographic images is given a different status in Jasper's explanation. Rather than explaining his transgression as resulting from perceptions of the legitimacy of using coercive tactics in the pursuit of obtaining sexual interactions, Jasper described how these images hampered his ability to *perceive* both himself as the transgressor and the signals of the absence of consent. Consequently, Jasper's explanation illustrates not only how cultural images and the possibilities for making sense of transgressive behaviours are interwoven but also how these cultural images permeate the very situations in which determining signals of consent and signals of the absence of consent is vital.

As in the case of alcohol intoxication as an explanation for sexual transgressions, the combination of the perspectives of Sykes and Matza (1957), Scott and Lyman (1968) and Scully and Marolla (1984) allows for an understanding of the explanation as simultaneously constituting specific self-conceptions amongst the participants. Explaining the sexual transgressions as resulting from misunderstandings caused by inability to distinguish signals of consent from signals of absence of consent does not challenge the wrongfulness of the transgression. Yet, it at least partly omits both William and Jasper from responsibility (Scott & Lyman, 1968; Scully & Marolla, 1984; Sykes & Matza, 1957). In

the terminology of Scott and Lyman (1968), we can view this explanation as an *appeal to accident*, through which the transgression is explained as non-intentional (p. 47f). Through this explanation, the participants explain their actions, yet retain what Scully and Marolla (1984) refer to as *nice guy images* (p. 537ff). In this respect, especially Jasper's statement that his perspective on the stereotypical images of sexual transgressions causing his misunderstanding is what 'most people have' illustrates the relationship between the explanation and the cultural context in which it is embedded. Through this, the transgression is not just explained as an 'accident' (Scott & Lyman, 1968, p. 48) but as an accident that could have happened to anyone. It can be asserted that the recent enhanced attentiveness to *grey zone* characterisations of sexual transgressions, which are brought about by, for example, the #MeToo movement, has simultaneously constituted a vocabulary of recognisable excuses for transgressive behaviours. The same enhanced attentiveness, however, can be argued to have constituted such misunderstandings as less culturally recognised legitimate explanations for sexual transgressions.

As in the case of alcohol intoxication, explaining sexual transgressions as resulting from misunderstandings allows for a contestation of responsibility amongst the participants and thus thematises how accounts of circumstantial factors allow for the constitution of specific self-conceptions. Explaining sexual transgressions as resulting from misunderstandings draws attention to the difficulties in strictly demarcating consent from non-consent and thematises how the perception of consent may vary across individuals, time and context.

Concluding remarks

None of the participants in our study were reported to the police, but all three participants described their actions as sexual transgressions. First, this can be argued to strengthen the participants' possibilities for defining what happened in the situations in which they committed their transgressions. Second, it means that the veracity of their accounts cannot be investigated through comparisons with, for instance, police reports through data triangulation (Lindegaard, 2011). Considering the situational characteristics described by the participants, an analysis based on interviews with the individuals against whom the transgressions were committed would likely produce other, and potentially, conflicting findings than the ones presented. Such findings obtained through 'actor triangulation' (Lindegaard, 2011, p. 117f) could be relevant to the understanding of the interactional dynamics of sexual transgressions in a situational perspective.

It can be argued that analysing alcohol intoxication and misunderstandings of signals of consent and the absence of consent as situational characteristics of sexual transgressions, as well as giving voice to the individuals *committing* sexual transgressions rather than the individuals against whom these actions are committed, is an unethical venture (see Baumeister, 2012). In this sense, this chapter can be accused of contributing to the substantiation 'rape myths' or

‘rape-supportive beliefs’ (Ryan, 2011, p. 777). However, it is not the aim of this chapter to discuss the *pathology* or *normality* of the explanations provided by the participants (Maruna & Mann, 2006). Rather, our findings suggest that research on sexual transgressions could possibly generate information on both the situational and experiential characteristics of sexual transgressing and of the self-constitutive functions of providing these accounts.

Note

- 1 Our use of the term ‘grey zone’ does not signify a downplaying of the severity of the act inflicted. Rather, our usage emphasises the described difficulties in perceiving and responding to signals of consent and the absence of consent.

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